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# *Pillars of Justice: A Comparative Study of the Basic Organs of Hammurabi's Code and Roman Law*

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## Abstract

*This article offers a systematic comparative analysis of two foundational legal systems of antiquity: the Code of Hammurabi (c. 1754 BCE) from ancient Mesopotamia and the Roman legal tradition spanning the Twelve Tables (c. 450 BCE) to the Corpus Juris Civilis (534 CE). Despite separation by over a millennium and distinct cultural contexts, both systems addressed universal questions of justice, governance, social order, and punishment. The article examines how each civilization conceptualized law's origins—divine revelation in Hammurabi versus human enactment and juristic reason in Rome—and how these foundational philosophies shaped legal institutions, social hierarchy, family relations, criminal justice, and judicial administration. While Hammurabi's Code emphasized retributive justice (lex talionis), rigid social stratification, and the king as divine steward, Roman law evolved toward equity (aequitas), professional jurisprudence, and a civic conception of legal authority. The article critically evaluates both systems' treatment of women, slaves, and subordinate classes, engages modern scholarly debates on legal formalism, authoritarianism, and patriarchal structures, and assesses their enduring influence on Western legal thought and contemporary jurisprudence.*

***Keywords:*** *Code of Hammurabi, Roman Law, Ancient Legal Systems, Comparative Jurisprudence, Lex Talionis, Twelve Tables, Corpus Juris Civilis, Legal History, Civil Law Tradition.*

## 1. Introduction

Every enduring civilization must answer a fundamental question: What is law, and from whence does its authority spring? Ancient Mesopotamia and Rome provided two of history's most influential answers. The Code of Hammurabi, inscribed on a towering diorite stele around 1754 BCE, presented law as divine command—the will of the gods channeled through a righteous king. Roman law, evolving over more than a millennium from the Twelve Tables to Justinian's monumental codification, developed a conception of law as a human institution: enacted by assemblies, interpreted by professional jurists, and enforced by magistrates under a framework of reason and equity.

This article offers a comparative analysis of these two legal systems across multiple dimensions: historical emergence, sources of authority, political sovereignty, judicial institutions, social hierarchy, family and property law, criminal justice, and the relationship between religion and law. The comparison illuminates not only how different civilizations solved similar problems—theft, violence, debt, inheritance, dispute resolution—but also how their deepest assumptions about divinity, human nature, and social order shaped their legal frameworks.

Methodology: This study employs comparative legal history's functional equivalence approach, examining how each system addressed analogous legal domains. Primary sources include the Code of Hammurabi (in the standard translation by Martha Roth, Law Collections from Mesopotamia) and key Roman legal texts (Twelve Tables, Digest, Institutes, Codex). Secondary sources range from classic works (Jolowicz, Nicholas, Driver & Miles) to contemporary scholarship (Van De Mieroop, Frier, Watson).

## 2. Historical Background

### 2.1 Mesopotamia Under Hammurabi (c. 1792–1750 BCE)

Hammurabi was the sixth king of the First Babylonian Dynasty, inheriting a relatively small kingdom centered on the city of Babylon. Through a series of military campaigns, he unified most of Mesopotamia under Babylonian rule, creating an empire that stretched from the Persian Gulf to the upper Euphrates. This political unification demanded a corresponding legal unification: a single, authoritative code that would supersede local customs and demonstrate the king's role as the shepherd of justice.

The Code of Hammurabi was not the first Mesopotamian legal collection—earlier codes included those of Ur-Nammu (c. 2100 BCE) and Lipit-Ishtar (c. 1930 BCE)—but it was by far the most comprehensive and influential. Inscribed on a black diorite stele nearly eight feet tall, the code contains 282 laws (though some numbers are missing) covering criminal law, family law, property, contracts, professional standards, and judicial

procedure. The stele was publicly displayed, likely in the temple of Marduk in Babylon, making the law visible to all.

Mesopotamian society was hierarchically structured. The Code distinguishes three classes: the awilum (free, elite citizen), the mushkenum (semi free dependent, possibly a palace employee), and the wardum (slave). Punishments varied dramatically by class—a theme that will recur throughout this comparison.

**2.2 Rome: From Republic to Empire and Codification**

Roman legal history spans more than a millennium. Its foundational text is the Law of the Twelve Tables (Lex Duodecim Tabularum), traditionally dated to 451–450 BCE. The Twelve Tables emerged from the Conflict of the Orders, a struggle between the patrician aristocracy and the plebeian commoners. The plebeians demanded written laws that would be publicly known and applied equally—at least among citizens. The result was a set of ten (later twelve) bronze tablets displayed in the Roman Forum. Though the originals were destroyed when the Gauls sacked Rome (c. 390 BCE), their provisions were preserved through quotations in later Roman literature.

The Twelve Tables covered procedure, debt, paternal authority, marriage, inheritance, property, delicts (torts), and public law. They were harsh by modern standards: debtors could be killed or sold across the Tiber; the paterfamilias had the power of life and death over his children; and the lex talionis was explicitly authorized for certain injuries.

Over the subsequent centuries, Roman law developed through three major innovations:

Praetorian law (ius honorarium) – The urban praetor, a magistrate elected annually, issued an edict stating the circumstances under which he would grant legal remedies. Over time, the praetor could create new claims (e.g., for fraud or duress) and defenses, supplementing and sometimes overriding the strict ius civile.

Jurisprudence (iurisprudentia) – A class of professional legal experts—the iurisprudentes, including figures like Gaius, Ulpian, Papinian, Paulus, and Modestinus—developed a sophisticated legal science. They wrote commentaries, defined concepts, resolved contradictions, and (from the time of Augustus) could be granted the ius respondendi (the right to give binding opinions).

The Corpus Juris Civilis (534 CE) – Emperor Justinian I commissioned the compilation of all Roman law into a single, authoritative body. The work, executed under the supervision of Tribonian, consisted of the Institutes (a textbook for students), the Digest (or Pandects—fifty books of excerpts from jurists), and the Codex (imperial enactments). Later, the Novellae (new laws) were added. This compilation became the foundation of civil law in continental Europe.

3. Sources and Foundations of Law

### 3.1 Hammurabi's Code: Divine Authority and Royal Stewardship

The Code of Hammurabi opens with a prologue that explicitly grounds its authority in divine mandate. Hammurabi declares that the gods Anu (sky god) and Enlil (lord of heaven and earth) appointed him to "cause justice to prevail in the land, to destroy the wicked and the evil, that the strong might not oppress the weak." The stele's upper relief depicts Hammurabi standing before Shamash, the sun god and god of justice, who is handing him the rod and ring—symbols of judicial authority. The code itself does not claim divine composition; rather, the king claims to have been divinely authorized to promulgate the laws.

This theocratic foundation has profound implications. To violate a law is not merely to disobey the king but to transgress divine order. Punishments are calibrated not only to deter but also to restore cosmic balance. The king's role is as a steward: he does not create law ex nihilo but rather reveals and enforces a pre existing divine standard.

### 3.2 Roman Law: Human Enactment and Juristic Reason

Roman law, while acknowledging religious origins (the fas), developed a fundamentally secular account of legal authority. The Twelve Tables were enacted by a special commission of decemvirs and ratified by the popular assemblies. Throughout the Republic, statutes (leges) were passed by the comitia. Under the Empire, the emperor's constitutiones (edicts, decrees, rescripts) gained force of law—but this power was itself justified by a supposed lex regia by which the people had delegated their authority to the princeps.

Roman jurists did not appeal to divine revelation. Instead, they argued from reason, analogy, precedent, and the inherent demands of justice (iustitia). As Ulpian famously defined it (quoted in the Digest): "Justice is the constant and perpetual will to give each his right." The sources of Roman law were multiple and often conflicting—statutes, senatorial decrees, imperial constitutions, praetorian edicts, juristic writings—but all were ultimately human creations. This pluralism enabled flexibility and growth.

### 3.3 Comparative Observation

Hammurabi's code presents law as given from above, fixed, and comprehensive. Roman law presents law as made by human institutions, evolving, and open to interpretation. This difference—static revelation versus dynamic jurisprudence—is the central axis of the entire comparison.

## 4. Political Authority and Sovereignty

### 4.1 Hammurabi's Kingship: Guardian of Justice

In the Code, the king is not a sovereign lawgiver in the modern sense. His authority derives from the gods; his duty is to administer justice according to divine will. The prologue states that Hammurabi was called "to make justice appear in the land, to destroy evil, that the strong might not

oppress the weak." The epilogue threatens any future king who alters the code's provisions with divine curses: "May Anu, the father of the gods… strike him down; may he break his scepter and curse his destiny."

This is a theocratic monarchy with limited lawmaking authority. The king could, in theory, issue decrees, but the code is presented as a complete, final, and unalterable system. The king's legitimacy rests on his fidelity to the revealed law.

### 4.2 Roman Sovereignty: From Populus to Princeps

Roman political authority underwent radical transformation. Under the Republic, sovereignty resided in the people (populus Romanus)—they elected magistrates, passed laws, declared war, and decided capital appeals. Magistrates held imperium, a legally defined power to command, but it was delegated, temporary, and subject to checks (collegiality, term limits, tribunician veto).

Under the Empire, sovereignty concentrated in the emperor. As the jurist Ulpian wrote (quoting the lex regia): "What pleases the prince has the force of law." Yet even this absolutist formula was qualified: emperors generally respected juristic tradition, and the Digest preserved a vast body of republican jurisprudence. The emperor was, in theory, bound by the law (princeps legibus solutus est meant he was released from the law's letter, not necessarily from justice).

Rome thus moved from popular sovereignty to imperial sovereignty, but retained throughout a distinctly legal conception of authority: even the emperor's power was defined and limited by law (however capaciously interpreted).

## 5. Judicial Institutions and Legal Administration

### 5.1 Mesopotamian Courts

The Code of Hammurabi implies a multi tiered judicial system. Local courts were likely composed of elders and community members. Serious cases could be heard before royal judges appointed by the king. The king himself served as the highest court of appeal; several clauses refer to cases being remanded to the king for final decision (e.g., §129 on adultery).

Judges were required to render written judgments and seal them. Corruption was severely punished: §5 states that any judge who alters a judgment after having it sealed must pay twelve times the amount of the dispute and be permanently removed from the bench.

Evidence included documents, witnesses, and—critically—ordeal. When evidence was insufficient, parties could be sent to the river ordeal: the accused was thrown into a river; if he sank, he was guilty; if he survived, he was innocent (the river god having saved him). This reflects the theocratic premise that divine intervention would reveal truth.

### 5.2 Roman Judicial Administration

Roman civil procedure evolved through three historical phases:

Legis actiones (c. 450–150 BCE): Archaic, highly formalistic. The plaintiff recited specific invariable words before the praetor (in iure); a single slip of the tongue could lose the case. The issue was then sent to a iudex (private citizen) for fact finding (apud iudicem).

Formula procedure (c. 150 BCE–250 CE): The praetor issued a written formula framing the legal issues. More flexible; allowed new remedies for fraud (dolus) and duress (metus).

Cognitio extra ordinem (c. 250 CE onward): Inquisitorial procedure before an imperial magistrate, who decided both law and facts. Appeals went up the administrative chain.

Criminal justice followed a similar path. Under the Republic, quaestiones perpetuae (standing criminal courts) tried offenses with juries. Under the Empire, the cognitio procedure gave the state direct control over prosecution.

Roman judges were not professional jurists (the iudex was a layperson) but were advised by legal experts. Professional advocates (oratores, later advocati) argued cases—a feature entirely absent from Mesopotamian procedure.

## 6. Social Hierarchy and Legal Status

### 6.1 Hammurabi's Three Classes

The Code distinguishes three classes of persons:

Awilum (literally "man"): A free, elite citizen with full legal rights. His life and property were valued most highly in compensation and penalties.

Mushkenum (probably "dependent" or "palace servant"): A semi free person with reduced legal status. For example, if an awilum injured a mushkenum, the penalty was only a monetary fine (not retaliation), and the fine was lower.

Wardum (slave): Chattel property with no independent legal personality. A slave could be bought, sold, branded, or killed by the master (though killing another's slave was punished). Slaves could marry free persons (with complex status consequences) and could earn money to buy freedom (manumission).

The Code explicitly lists the prices for slaves and the penalties for injuring them. A fine for breaking a free man's bone was one mina of silver; breaking a mushkenum's bone cost half that; breaking a slave's bone cost one third.

### 6.2 Roman Social Hierarchy: Status as a Legal Construct

Roman law classified persons according to three status:

Status libertatis: Free or slave.

Status civitatis: Roman citizen, Latin, or foreigner (peregrinus).

Status familiae: Head of household (paterfamilias) or dependent

(alieni iuris).

Citizenship was the fundamental privilege. Only citizens could contract a legal marriage (ius conubii), own property in full (ius commercii), or appeal certain judgments. Non citizens were governed by ius gentium (the law of nations), which gradually absorbed many ius civile protections.

Slaves (servi) were, as in Mesopotamia, property (res)—though Roman law recognized certain limited protections (e.g., a slave could not be arbitrarily killed without cause under the Empire). Manumission was frequent and could lead to citizenship for the freedman (though with restricted political rights).

Roman patria potestas gave the paterfamilias near absolute power over his descendants: he could expose a newborn, sell his children, and (in early law) kill them. Under the classical period, this power was restrained but remained legally intact. Adult sons with their own families owned no separate property; all acquisitions belonged to the paterfamilias.

### 6.3 Women's Legal Position

In both systems, women were legal minors under male guardianship. Under Hammurabi, a woman could own property, engage in business (e.g., as a tavern keeper), and, in some cases, initiate divorce. However, adultery was punishable by death for both parties (or, at the husband's choice, by drowning). A woman could inherit if she had no brothers, but the property was administered by her male relatives.

Roman women, while under tutela (guardianship) in early law, gained increasing independence. By the late Republic, a woman could own and manage her own property separately from her husband if she was not in manu (under her husband's hand). However, she could not vote, hold office, or appear as a formal party in court.

## 7. Family, Property, and Economic Regulations

### 7.1 Family Law

Both systems are profoundly patriarchal. Hammurabi's Code regulates marriage as a contract between families, with a bride price (terhatu) paid by the groom to the father. Divorce was permitted for both sexes but with asymmetrical consequences: a man could divorce his wife without cause by returning her dowry and paying a fine; a woman who "hated" her husband could be drowned if she was a bad wife, or simply sent away if she was blameless.

Roman marriage could be cum manu (wife passes into husband's power) or sine manu (wife remains in her father's power or becomes independent). Divorce was relatively easy under the late Republic—a husband could repudiate his wife, and a wife could request divorce, though property consequences were regulated.

### 7.2 Property and Commerce

Hammurabi's Code contains extensive provisions on agricultural land, irrigation, theft of livestock, and commercial transactions. Debt was a major concern: debt slavery was permitted, but limited to three years. Interest rates were capped at 33% for grain loans and 20% for silver loans. Contracts were to be witnessed and sealed.

Roman law developed the most sophisticated property regime of antiquity. Dominium (full ownership) was distinguished from possessio (mere possession). The law of obligations—contract (stipulatio, emptio venditio), delict (theft, robbery, property damage, insult), and quasi contract—provided a comprehensive framework for commerce. Roman law recognized corporations (universitates) and agency (through slaves and sons as peculium managers).

## 8. Criminal Law and Punishment

### 8.1 Hammurabi's Lex Talionis and Retribution

The Code is famous for its talionic punishments: "If a man has destroyed the eye of a free man, they shall destroy his eye" (§196); "If he has broken the bone of a free man, they shall break his bone" (§197); "If he has knocked out the tooth of a free man of his own rank, they shall knock out his tooth" (§200). This is the principle of proportionate retaliation—not unlimited vengeance.

However, talion applied only to injuries between awilum of equal status. If the victim was a mushkenum, the penalty was a fine; if a slave, the penalty was a payment to the slave's master. And if the perpetrator was of higher status than the victim, the penalty was also reduced. The system is explicitly hierarchical.

Capital punishment was prescribed for many offenses: theft from a temple or palace, false accusation of capital crime, adultery, incest, harboring fugitive slaves, and professional negligence resulting in death (e.g., a builder whose house collapsed and killed the owner's son would have his own son killed—a striking example of vicarious punishment, §230).

### 8.2 Roman Criminal Law: From Talion to State Sanctions

The Twelve Tables also included talion for certain injuries: "If a person has broken a limb, unless he makes composition with him, let there be retaliation." But by the classical period, talion had been replaced by monetary compensation (actio iniuriarum) for personal injury and by state imposed penalties for serious crimes.

Under the Empire, the cognitio extra ordinem procedure allowed imperial officials to impose penalties including:

Summum supplicium (death): by beheading (for citizens), crucifixion (for slaves), burning (for arsonists), or being thrown to beasts (for certain crimes).

Aquae et ignis interdictio (exile): loss of citizenship and property.

Damnatio in metallum (forced labor in mines).

Fines and confiscation of property.

Roman criminal law also recognized excuse defenses (e.g., insanity) and gradations of intent (dolus vs. culpa). The jurists developed principles of causation and attempt—far more nuanced than the Code's flat prohibitions.

## 9. Religion, Morality, and Justice

### 9.1 Hammurabi: Theocratic Unity

In the Code, there is no distinction between religious sin, moral wrong, and legal crime. Offenses such as perjury, theft of temple property, or improper sexual relations are simultaneously violations of divine will and state law. The ordeal procedure directly invokes divine judgment. The curses in the epilogue list specific gods who will punish the king who disregards the laws—disease, infertility, defeat in battle, famine.

Thus, law is a subset of religion. The king is a religious figure as well as a political one. Justice (misharum) is not an abstract philosophical concept but a concrete divine demand.

### 9.2 Rome: Separation and Legal Science

Roman law, by contrast, distinguished between fas (divine law) and ius (human law). The pontifices (priests) once held a monopoly over legal knowledge, but the publication of the Leges Actiones and later the praetor's edict secularized the law. By the classical period, jurists discussed justice in terms of aequitas (equity) and ratio (reason), not divine command. The famous definition of justice (iustitia est constans et perpetua voluntas ius suum cuique tribuendi) is entirely philosophical.

This separation allowed Roman law to be applied across diverse religions (including Christians, Jews, pagans) without theological conflict. It also enabled the law to develop through human reason rather than awaiting divine revelation.

## 10. Comparative Legal Analysis

| Feature | Code of Hammurabi | Roman Law |
|---|---|---|
| **Source of authority** | Divine revelation (Shamash) | Human enactment (*leges*, *plebiscita*, imperial constitutions) |
| **Legal actors** | King, judges (royal appointees), priests (for ordeals) | Magistrates, praetors, professional jurists (*iurisprudentes*), advocates |
| **Legal procedure** | Single-stage, inquisitorial; ordeal as evidence | Bipartite (*in iure/apud iudicem*); adversarial; later cognitio |
| **Social hierarchy** | Three fixed classes (*awilum*, *mushkenum*, *wardum*) | Status determined by citizenship, freedom, family position |
| **Penal philosophy** | Retributive (*lex talionis*), class-differentiated | From talion to compensation; under Empire, state punishment |
| **Women's status** | Legal minor, but could own business; adultery death | Under *tutela* early; later some property independence |
| **Role of religion** | Integral to law (oaths, ordeals, curses) | Separate; *fas* distinct from *ius* |
| **Capacity for change** | Static; no amendment mechanism | Dynamic: praetor's edict, juristic interpretation, imperial legislation |
| **Codification** | Single monumental stele | Multiple compilations (Twelve Tables, Edict, Corpus Juris) |
| **Legacy** | Symbolic of ancient justice; influenced biblical law | Foundation of civil law systems worldwide |

## 11. Modern Critiques and Scholarly Debates

### 11.1 Critiques of Hammurabi's Code

Modern scholars have debated the Code's actual function. Some argue that it was not a working legal code but a royal propaganda monument—a demonstration of Hammurabi's righteousness rather than a document used by judges daily. Others counter that references to written laws in letters from the Old Babylonian period show that codes were consulted.

The Code's harshness—capital punishment for dozens of offenses, vicarious punishment (the builder's son dying for the builder's negligence), and blatant class discrimination—has been condemned by contemporary legal ethics. However, historian Marc Van De Mieroop cautions against anachronism: "Hammurabi's code was not intended to be humane by our standards; it was intended to be just within its own cosmological framework."

The treatment of women and slaves has drawn sharp criticism. Feminist legal scholars note that while women had some rights (property, business), their subordination to male authority and the death penalty for adultery (for the woman, not necessarily for the man) institutionalized patriarchy.

### 11.2 Critiques of Roman Law

Roman law has been criticized for its acceptance of slavery, its harsh patria potestas, and its use as an instrument of imperial domination. The Digest explicitly classifies slaves as res (things). The paterfamilias's power to kill his children, though rarely exercised, remained on the books. And the Corpus Juris Civilis was deployed by later empires to justify conquest—the same legal principles that grounded human rights were also used to dispossess indigenous peoples.

However, Roman law also contains resources for critique. The jurists' insistence on iustitia and aequitas, and the natural law tradition stemming from the ius naturale, provided the seedbed for later concepts of universal human rights. As Alan Watson has argued, Roman law's greatest legacy is not any particular rule but its method—the commitment to reason, definition, and systematic coherence.

### 11.3 Comparative Historiography

Early comparative legal historians often presented Roman law as the unique precursor to modern jurisprudence, dismissing Mesopotamian law as primitive. This Eurocentrism has been challenged by scholars like Raymond Westbrook, who showed that many features of Roman contract law had parallels in ancient Near Eastern codes. The "influence" question remains debated, but most now agree that while there was no direct transmission of the Code of Hammurabi to Rome, both systems represent independent solutions to universal legal problems.

## 12. Influence on Modern Legal Thought

### 12.1 Hammurabi's Enduring Legacy

The Code of Hammurabi's direct legal influence is minimal. No modern legal system derives its authority from a Babylonian stele. However, its symbolic legacy is immense. The image of law inscribed on a public monument, accessible to all, became a powerful trope in Enlightenment thought. The lex talionis remains a touchstone in debates about proportionality in punishment. And the Code is routinely cited in legal history textbooks as the first comprehensive written code.

More concretely, the Code's provisions on evidence, witness credibility, and judicial corruption—and its protection of the weak from exploitation (e.g., limits on debt interest, protections for widows and orphans)—influenced later legal ethics. The biblical law of Moses (Exodus 21–23) shows clear structural parallels to Hammurabi, suggesting a shared ancient legal tradition.

### 12.2 Roman Law's Global Reach

Roman law's influence is incomparably greater. The Corpus Juris Civilis, rediscovered in 11th century Bologna, became the foundation of legal education in Europe. Civil law systems in France (Code Napoléon), Germany (Bürgerliches Gesetzbuch), Spain, Portugal, Italy, the Netherlands, and all of Latin America are direct descendants of the Roman tradition. Even common law jurisdictions (England, United States) borrowed Roman derived concepts: contract, tort, property, trust, corporation, and legal procedure.

Roman law's conceptual apparatus—dominium, obligatio, delictum, possessio, servitus—remains the working vocabulary of modern private law. The distinction between public and private law, the division of law into persons, things, and actions (from Gaius's Institutes), and the methodology of legal reasoning through distinctions and definitions are Rome's enduring gifts.

## 13. Conclusion

The Code of Hammurabi and Roman law represent two great experiments in ordering society through law. Hammurabi's Code grounded law in the divine, presented it as a complete and unalterable revelation, and enforced it through a rigid hierarchy of class and retribution. Roman law, while acknowledging religious origins, secularized legal authority, developed a professional jurisprudence of extraordinary sophistication, and built a system capable of adapting over more than a millennium to govern an empire of extraordinary diversity.

Yet both systems shared common features: patriarchy, slavery, social hierarchy, and a state monopoly on legitimate coercion. Neither was "just" by modern liberal standards. But both made contributions that outlasted their civilizations. Hammurabi gave us the ideal of written, public, and comprehensive law—the notion that justice should be knowable and not

hidden in the caprice of rulers. Rome gave us the tools of legal science—the categories, distinctions, and reasoning methods that allow law to be both stable and responsive to change.

In the end, the deepest difference may be this: Hammurabi's law looked upward, to the gods for validation; Roman law looked outward, to the citizen, the magistrate, and the jurist. One fixed law in stone; the other set law in motion. Both remain, in their broken and contested legacies, foundational to the legal imagination of the West.



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18. Hammurabi's dates are approximate; the Middle Chronology places his reign 1792–1750 BCE. See Van De Mieroop, *King Hammurabi*, 1–5.
19. The prologue to the Code. Translation from Roth, *Law Collections*, 76.
20. The epilogue lists curses from Anu, Enlil, and other deities. Roth, *Law Collections*, 133–41.
21. Driver & Miles, *The Babylonian Laws*, Vol. 1, 41–45.
22. §5: "If a judge has given a judgment, rendered a decision… and later it is claimed that his judgment is defective… he shall give twelvefold the amount of the claim… and he shall never again sit in the assembly of judges." Roth, *Law Collections*, 81.
23. Ordeal provisions appear in §§2, 108, 132. See Driver & Miles, Vol. 1, 56–57.
24. §196–200. Roth, *Law Collections*, 121–22.
25. §230: "If it killed the owner's son, they shall kill the builder's son." Roth, *Law Collections*, 125.
26. Twelve Tables, Table VIII, 2. Crawford, *Roman Statutes*, 589.