

Russ VerSteeg

## LAW AND JUSTICE IN CAESAR'S *GALLIC WARS*

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### CONCLUSION (p. 599-601)

Caesar's sense of justice contributed to his military successes, both in making him a more effective leader of his own men and in subduing the Gallic tribes, but at the same time led to his political downfall. With respect to the Gallic tribes, his ability to adapt and to relate concepts of justice seem to have helped him gain the respect of those tribes and ally them with the Roman cause. With respect to Roman affairs, his manipulation of the law, as well as his sometime disrespect for it, along with his appeals to justice, seem to have made him popular with the people, while at the same time infuriating his political enemies and forcing them ultimately to assassinate him. Indeed, Caesar's personal view of law and justice was integral both to his rise and his fall.

He rose as a military and political leader in large part because of his sense of justice and his ability to manipulate law. But his disregard for the law in the end caused his downfall. Perhaps he was simply too good at using the law for his own purposes. Caesar's legal manipulation and lawlessness forced others first to attempt to manipulate the law against him and then, when that failed, to take (at least arguably) lawless measures (assassination being the most dramatic example).

Few individuals have had as great an impact upon world events as Julius Caesar. Caesar shaped the last quarter century of the Roman Republic, and in so doing, profoundly influenced the creation of the Roman Empire and Western Civilization. This Article has trained our attention on one significant thread of his complex life and legacy: law. Because of his legal education, training, and practical experience, it is certain that he was intimately familiar with the substantive, procedural, and jurisprudential aspects of Roman law. Because of his political life, legal issues and legal questions affected the course of his life and many of his most important decisions. Hence, it comes as no surprise that his own writing reveals a rich and broad understanding of law and legal principles. His commentaries on the Gallic War, *De Bello Gallico*, contain hundreds of direct and indirect references to law and legal institutions.<sup>119</sup> This

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<sup>119</sup> In researching this Article, I identified hundreds of legal references in *De Bello Gallico*. After creating a database of those references, I then tried to categorize them. In so doing, I arrived at the following legal and quasi-legal categories: Gallic Laws; German Laws; Religious Law; War/Alliance;

Article has confined its focus to only two types of those references: 1) remarks concerning foreign laws; and, 2) remarks that reflect Caesar's viewpoint of justice as an abstract principle.

In discussing and describing the laws and legal institutions of foreigners such as the Gauls and Germans, Caesar indirectly reveals something about his own thinking about law. Arguably, he only chose to discuss those aspects of foreign laws that he considered interesting or significant. Thus, he noted the following: 1) it is important for a legal system to have judges and legal procedure; 2) it is important for a legal system to have an organized process for selecting judges and leaders; 3) it is important for a legal system to establish mechanisms for governing marital property and marital relations; and, 4) it is important for a legal system to provide safety and security for the community.

His isolated discussions of justice in the abstract show an appreciation of at least seven distinct tenets: 1) it is just to repay kindness; 2) it is just to punish wrongs simply for the sake of vengeance and/or teaching the wrongdoer a lesson; 3) it is just to use punishment as a normative device in order to deter others from committing wrongs; 4) it is just for the needs of many to supersede those of the few; 5) it is just that one who occupies property first should have rights superior to a second-comer; 6) it is just to provide compensation for victims who have incurred damage; and, 7) it is just to be forgiving.

By gaining a better understanding of the role that law played in Caesar's life and his perceptions of law, perhaps we can better understand who he was, why he did the things that he did, and how those things, in turn, combined to affect the world that evolved after his death. To some degree, because Caesar's actions affected the shape of Rome's Empire and the whole of the Western World, those actions also affected the shape of the world in which we live today. The role that law and legal issues played in his life, then, continues to influence our modern world.

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War-Property; Rules of War; Hostages; Liberty/Individual Freedom; Contract, Combination, Conspiracy; Governance; Property; Tort; Contract, Promise; Oath; Precedent; Justice; Tax/Tolls; Crime; Marriage; Procedure/Due Process; Wills/Succession; Hospitality; Security; Senatorial Decree. In order to limit the scope of the present work to an article rather than something approaching a book, I decided to narrow the focus of my writing by focusing only on Caesar's discussion of foreign laws and his references to justice in the abstract. Clearly, there is ample material for more articles on other aspects of law in Caesar's *De Bello Gallico*. In addition, my preliminary research of his *Bellum Civile* suggests that it too could easily serve as the basis for further projects.