

## CHAPTER 1

### What is War? What is Law?

#### **I. *Scope of the treatise***

Controversies among those who are not held together by a common bond of municipal law are related either to times of war or to times of peace. Such controversies may arise among those who have not yet united to form a nation, and those who belong to different nations, both private persons and kings; also those who have the same body of rights that kings have, whether members of a ruling aristocracy, or free peoples.

War, however, is undertaken in order to secure peace, and there is no controversy which may not give rise to war. In undertaking to treat the law of war, therefore, it will be in order to treat such controversies, of any and every kind, as are likely to arise. War itself will finally conduct us to peace as its ultimate goal.

#### **II. *Definition of war, and origin of the word***

1. As we set out to treat the law of war, then, we ought to see what is war, which we are treating, and what is the law which forms the subject of our investigation.

Cicero defined war as a contending by force. A usage has gained currency, however, which designates by the word not a contest but a condition; thus war is the condition of those contending by force, viewed simply as such. This general definition includes all the classes of wars which it will hereafter be necessary to discuss. For I do not exclude private war, since in fact it is more ancient than public war and has, incontestably, the same nature as public war; wherefore both should be designated by one and the same term.

2. The origin of the word, moreover, is not inconsistent with this use. For bellum, 'war,' comes from the old word duellum, as bonus, 'good,' from an earlier duonus, and bis, 'twice,' from dui. The word duellum, again, bears to duo, 'two,' a relation in sense similar to that which we have in mind when we call peace 'union.' In like manner the Greeks derived their word for 'war' from a word meaning 'multitude'; the ancients also took a word for 'faction' from the idea of dissolution in it, just as the dissolution of the body suggested, 'anguish.'

3. And usage does not reject this broader meaning of the word. If, to be sure, the term 'war' is at times limited to public war, that implies no objection to our view, since it is perfectly certain that the name of a genus is often applied in a particular way to a species, especially a species that is more prominent.

I do not include justice in my definition because this very question forms a part of our investigation, whether there can be a just war, and what kind of a war is just; and a subject which is under investigation ought to be distinguished from the object towards which the investigation is directed.

#### **III. *Law is considered as a rule of action, and divided into rectorial law and equatorial law***

1. In giving to our treatise the title 'The Law of War,' we mean first of all, as already stated, to inquire whether any war can be just, and then, what is just in war. For law in our use of the term here

means nothing else than what is just, and that, too, rather in a negative than in an affirmative sense, that being lawful which is not unjust.

Now that is unjust which is in conflict with the nature of society of beings endowed with reason. Thus Cicero declares that to take away from another in order to gain an advantage for oneself is contrary to nature; and in proof he adduces the argument that, if this should happen, human society and the common good would of necessity be destroyed. Florentinus shows that it is wrong for a man to set a snare for a fellow man, because nature has established a kind of blood-relationship among us. 'Just as all the members of the body agree with one another,' says Seneca, 'because the preservation of each conduces to the welfare of the whole, so men refrain from injuring one another because we are born for community of life. For society can exist in safety only through the mutual love and protection of the parts of which it is composed.'

2. Moreover, just as there is one form of social relationship without inequality, as that between brothers, or citizens, or friends, or allies; another with inequality - the 'paramount' type, in the view of Aristotle - as that between father and children, master and slave, king and subjects, God and men; so there is one type of that which is lawful applying to those who live on an equality, and another type applying to him who rules and him who is ruled, in their relative positions. The latter type, if I mistake not, we shall properly call rectorial law; the former, equatorial law.

#### ***IV. A body of rights in respect to quality is divided into faculties and aptitudes***

There is another meaning of law viewed as a body of rights, different from the one just defined but growing out of it, which has reference to the person. In this sense a right becomes a moral quality of a person, making it possible to have or to do something lawfully.

Such a right attaches to a person, even if sometimes it may follow a thing, as in the case of servitudes over lands, which are called real rights, in contrast with other rights purely personal; not because such rights do not also attach to a person, but because they do not attach to any other person than the one who is entitled to a certain thing.

When the moral quality is perfect we call it *facultas*, 'faculty' when it is not perfect, *aptitudo*, 'aptitude.' To the former, in the range of natural things, 'act' corresponds; to the latter, 'potency.'

#### ***V. Faculties, or legal rights strictly so called, are divided into powers, property rights, and contractual rights***

A legal right (*facultas*) is called by the jurists the right to one's own (*suum*); after this we shall call it a legal right properly or strictly so called.

Under it are included power, now over oneself, which is called freedom, now over others, as that of the father (*patria potestas*) and that of the master over slaves; ownership, either absolute, or less than absolute, as usufruct and the right of pledge; and contractual rights, to which on the opposite side contractual obligations correspond.

#### ***VI. Another division of legal rights, into private and public***

Legal rights, again, are of two kinds: private, which are concerned with the interest of individuals,

and public which are superior to private rights, since they are exercised by the community over its members, and the property of its members, for the sake of the common good.

Thus the power of the king has under it both the power of the father and that of the master; thus, again, for the common good the king has a right of property over the possessions of individuals greater than that of the individual owners; thus each citizen is under a greater pecuniary obligation to the state, for the meeting of public needs, than to a private creditor.

## **VII. *What is an aptitude?***

Aptitude is called by Aristotle . . . ‘worthiness.’

Michael of Ephesus renders the idea of fairness, which according to him should come next to worthiness, as ‘that which fits to’ something and ‘that which is fitting,’ that is ‘that which is suitable.’

## **VIII. *On expletive justice and attributive justice; that these are not properly distinguished by geometrical and arithmetical proportion, and that the latter is not concerned with public property, the former with private property***

1. Legal rights are the concern of expletive justice (*iustitia expletrix*), which is entitled to the name of justice properly or strictly so called. This is called ‘contractual’ justice by Aristotle, with too narrow a use of the term; for though the possessor of something belonging to me may give it back to me, that does not result ‘from a contract,’ and nevertheless the act falls within the purview of this type of justice; and so the same philosopher has more aptly termed it ‘restorative’ justice.

Aptitudes are the concern of attributive justice (*iustitia attributrix*). This Aristotle called ‘distributive’ justice. It is associated with those virtues which have as their purpose to do good to others, as generosity, compassion, and foresight in matters of government.

2. Aristotle says also that expletive justice is expressed by a simple proportion, which he calls ‘arithmetical’; attributive justice, by a proportion involving comparison, which he calls ‘geometrical,’ this having the name of a proportion only among mathematicians. Such proportions are often applicable, but not always so; and in fact expletive justice differs essentially from attributive justice not in a relation expressed by such a proportion but in the matter with which it is concerned, as we have already said. Thus a partnership agreement is carried out according to a proportion based on comparison; and if only one person can be found who is fitted for a public position, the award will be made to him on the basis of a simple proportion only.

3. Not more true, again, is that which some say, that attributive justice is concerned with public property, while expletive justice is concerned with private property. On the contrary, if a man wishes to give a legacy from property belonging to him, he acts in conformity with attributive justice; and the state which pays back, from public funds, what a citizen has advanced for the public interest, is discharging the function of expletive justice.

This distinction was correctly observed by the teacher of Cyrus. For when Cyrus had given to the smaller boy a smaller tunic although it belonged to another, and on the other hand had given a larger

tunic to the larger boy, his teacher thus instructed him:

That would have been a proper course to pursue in case a referee had been appointed to decide what would be suitable for each; but when the question to be settled was to which boy the tunic belonged, then only one point was to be considered, which boy was more justly entitled to it - whether the object should belong to him who had violently taken it away, or to him who had made it or purchased it.

**IX. *Law is defined as a rule, and divided into the law of nature and volitional law***

1. There is a third meaning of the word law, which has the same force as statute whenever this word is taken in the broadest sense as a rule of moral actions imposing obligation to what is right. We have need of an obligation; for counsels and instructions of every sort, which enjoin what is honorable indeed but do not impose an obligation, do not come under the term statute or law. Permission, again, is not, strictly speaking, an operation of law, but a negation of operation, except in so far as it obligates another not to put any hindrance in the way of him to whom permission is given. We said, moreover, 'imposing obligation to what is right,' not merely to what is lawful, because law in our use of the term here stands related to the matter not only of justice, as we have set it forth, but also of other virtues. Nevertheless that which, in accordance with this law, is right, in a broader sense is called just.

2. The best division of law thus conceived is found in Aristotle, that is, into natural law and volitional law, to which he applies the term statutory, with a rather strict use of the word statute; sometimes he calls it established law.

The same distinction is to be found among the Jews who, when they expressed themselves with exactness called the law of nature, 'commandments,' and established law 'statutes.' These terms the Greek-speaking Jews are accustomed to translate as 'duties' and 'commands.'

**X. *Definition of the law of nature, division, and distinction from things which are not properly so called***

1. The law of nature is a dictate of right reason, which points out that an act, according as it is or is not in conformity with rational nature, has in it a quality of moral baseness or moral necessity; and that, in consequence, such an act is either forbidden or enjoined by the author of nature, God.

2. The acts in regard to which such a dictate exists are, in themselves, either obligatory or not permissible, and so it is understood that necessarily they are enjoined or forbidden by God. In this characteristic the law of nature differs not only from human law, but also from volitional divine law; for volitional divine law does not enjoin or forbid those things which in themselves and by their own nature are obligatory or not permissible, but by forbidding things it makes them unlawful, and by commanding things it makes them obligatory.

3. For the understanding of the law of nature, again, we must note that certain things are said to be according to this law not in a proper sense but - as the Schoolmen love to say - by reduction, the law of nature not being in conflict with them; just as we said above that things are called just which are free from injustice. Sometimes, also, by misuse of the term, things which reason declares are

honorable, or better than their opposites, are said to be according to the law of nature, although not obligatory.

4. It is necessary to understand, further, that the law of nature deals not only with things which are outside the domain of the human will, but with many things also which result from an act of the human will. Thus ownership, such as now obtains, was introduced by the will of man; but, once introduced, the law of nature points out that it is wrong for me, against your will, to take away that which is subject to your ownership. Wherefore Paul the jurist said that theft is prohibited by the law of nature; Ulpian, that it is by nature base; and Euripides declares that it is displeasing to God, in these verses of the Helena:

For God himself hates violence; he wishes  
That not by rapine but by honest toil  
We riches gain. Let wealth be scorned that not  
By right has come. Common to men the air is,  
And also earth, on which 'tis meet that each  
His home make large, if he his hands restrain  
From things of others, and from violence.

The law of nature, again, is unchangeable - even in the sense that it cannot be changed by God. Measureless as is the power of God, nevertheless it can be said that there are certain things over which that power does not extend; for things of which this is said are spoken only, having no sense corresponding with reality and being mutually contradictory. Just as even God, then, cannot cause that two times two should not make four, so He cannot cause that which is intrinsically evil be not evil.

This is what Aristotle means when he says: 'Some things are thought of as bad the moment they are named.' For just as the being of things, from the time that they begin to exist, and in the manner in which they exist, is not dependent on anything else, so also the properties, which of necessity characterize that being; such a property is the badness of certain acts, when judged by the standard of a nature endowed with sound reason. Thus God Himself suffers Himself to be judged according to this standard, as may be seen by referring to Genesis 18:25; Isaiah 5:3; Ezekiel 18:25; Jeremiah 2:9; Micah 6:2; Romans 2:6, 3:6.

6. Sometimes nevertheless it happens that in the acts in regard to which the law of nature has ordained something, an appearance of change deceives the unwary, although in fact the law of nature, being unchangeable, undergoes no change; but the thing, in regard to which the law of nature has ordained, undergoes change. For example, if a creditor gives a receipt for that which I owe him, I am no longer bound to pay him, not because the law of nature has ceased to enjoin upon me that I must pay what I owe, but because that which I was owing has ceased to be owed. Thus Arrian in Epictetus reasons correctly when he says: 'To constitute an indebtedness it is not enough that a loan has been made; the obligation must remain as yet unsatisfied.' So if God should command that any one be slain, or that the property of any one be carried off, homicide or theft - words connoting moral wrong - will not become permissible; it will not be a case of homicide or theft, because the deed is done by authority of the Supreme Lord of life and property.

7. Furthermore, some things belong to the law of nature not through a simple relation but as a result of a particular combination of circumstances. Thus the use of things in common was in accordance with the law of nature so long as ownership by individuals was not introduced; and the right to use force in obtaining one's own existed before laws were promulgated.

**XI. *That the instinct common to other animals, or that peculiar to man, does not constitute another kind of law***

1. The distinction, which appears in the books of Roman law, between an unchangeable law common to animals and man, which the Roman legal writers call the law of nature in a more restricted sense, and a law peculiar to man, which they frequently call the law of nations, is of hardly any value. For, strictly speaking, only a being that applies general principles is capable of law, as Hesiod rightly observed:

For law to man by most high Jove was given;  
The fish, the wild beasts and the winged birds on one another feed,  
For right no place among them has.  
Justice he gave to man, the gift most excellent.

'We do not speak of justice in the case of horses or lions,' says Cicero in the first book of his treatise *On Duties*. Plutarch in his *Life of Cato the Elder* remarks: 'We have been so constituted that we avail ourselves of law and justice only in respect to men.' Says Lactantius, in his fifth book: 'In all animals, which are devoid of reason, we see that there is a nature which looks out for itself. For they do harm to others in order to secure advantage for themselves, since they do not know that to do harm is evil. But man, because he has a knowledge of good and evil, refrains from doing harm to another, even with disadvantage to himself.'

Polybius, having recounted the beginnings of organized society, when men had first come together, adds that if any one should have done harm to his parents or benefactors, it could not possibly have happened that the rest would not be incensed at his conduct, and adds the reason: 'For since the race of men differs from the other animals in this, that it is endowed with intelligence and reason, it is quite unbelievable that an act so contrary to their nature would have been passed over by men, as by other animals, without notice; such a deed must have attracted attention and have given offence.'

2. If, however, a sense of justice is sometimes attributed to brute creatures, that is done without proper grounds, in consequence of observing in them a shadow or trace of reason. But whether an act, in regard to which the law of nature has pronounced, is common to us and other animals, as the rearing of offspring, or peculiar to us, as the worship of God, has no bearing whatever on the nature of the law.

**XII. *In what way the existence of the law of nature is proved***

1. In two ways men are wont to prove that something is according to the law of nature, from that which is antecedent and from that which is consequent. Of the two lines of proof the former is more subtle, the latter more familiar.

Proof a priori consists in demonstrating the necessary agreement or disagreement of anything with

a rational and social nature; proof a posteriori, in concluding, if not with absolute assurance, at least with every probability, that that is according to the law of nature which is believed to be such among all nations, or among all those that are more advanced in civilization. For an effect that is universal demands a universal cause; and the cause of such an opinion can hardly be anything else than the feeling which is called the common sense of mankind.

2. Hesiod has a saying which has been quoted by many:

Not wholly void of truth the opinion is  
Which many peoples hold.

Those things which appear true to men generally are worthy of credence, Heraclitus used to say, judging that common acceptance is the best criterion of truth. Says Aristotle: 'The strongest proof is, if all men agree upon what we say'; Cicero, 'The agreement of all nations upon a matter ought to be considered a law of nature'; Seneca, 'The proof of truth is the fact that all hold the same view upon something'; and Quintilian, 'We consider those things certain upon which there is agreement in the common opinion of men.'

Not without reason did I speak of the nations 'more advanced in civilization'; for, as Porphyry rightly observes, 'Some nations have become savage and unhuman, and from them it is by no means necessary that fair judges draw a conclusion unfavorable to human nature.' Andronicus of Rhodes says: 'Among men endowed with a right and sound mind there is an unchangeable law, which is called the law of nature. And if men having sick or distorted mentalities think otherwise, that has no bearing on the matter. For he who says that honey is sweet does not lie, just because to sick people it may seem otherwise.'

Consistent with these expressions is a remark of Plutarch, in his Life of Pompey: 'By nature no man either is or has been a wild and unsociable animal; but man becomes brutelike when, contrary to nature, he cultivates the habit of doing wrong. By adopting different habits, however, and making a change of place and of life, he returns again to a state of gentleness.' Aristotle presents this characterization of man in the light of the qualities peculiar to him: 'Man is an animal gentle by nature.'

In another passage he says: 'In order to find what is natural we must look among those things which according to nature are in a sound condition, not among those that are corrupt.'

### **XIII. *Division of volitional law into human and divine***

We have said that another kind of law is volitional law, which has its origin in the will.

Volitional law is either human or divine.

### **XIV. *Human law is divided into municipal law, law narrower in scope than municipal law, and law broader in scope than municipal law, which is the law of nations; explanation thereof, and how proved***

1. We begin with human law, because that is familiar to the greater number. Human law, then, is

either municipal law, or broader in scope than municipal law, or more restricted than municipal law. Municipal law is that which emanates from the civil power. The civil power is that which bears sway over the state. The state is a complete association of free men, joined together for the enjoyment of rights and for their common interest.

The law which is narrower in scope than municipal law, and does not come from the civil power, although subject to it, is of varied character. It comprises the commands of a father, of a master, and all other commands of a similar character.

The law which is broader in scope than municipal law is the law of nations; that is the law which has received its obligatory force from the will of all nations, or of many nations. I added 'of many nations' for the reason that, outside of the sphere of the law of nature, which is also frequently called the law of nations, there is hardly any law common to all nations. Not infrequently, in fact, in one part of the world there is a law of nations which is not such elsewhere, as we shall at the proper time set forth in connection with captivity and postliminy.

2. The proof for the law of nations is similar to that for unwritten municipal law; it is found in unbroken custom and the testimony of those who are skilled in it. The law of nations, in fact as Dio Chrysostom well observes, 'is the creation of time and custom.' And for the study of it the illustrious writers of history are of the greatest value to us.

**XV. *Divine law is divided into universal divine law and divine law peculiar to a single people***

1. What volitional divine law is we may well understand from the meaning of the words. It is, of course, that law which has its origin in the divine will; and by this origin it is distinguished from the law of nature, which also, as we have said, may be called divine.

In the consideration of volitional divine law that is applicable which Anaxarchus rather vaguely expressed, that God does not will a thing because it is lawful, but that a thing is lawful - that is obligatory - because God willed it.

2. This law, moreover, was given either to the human race, or to a single people. To the human race we find that the law was thrice given by God: immediately after the creation of man, a second time in the renewal of human kind after the Flood, lastly in the more exalted renewal through Christ.

These three bodies of divine law are beyond doubt binding upon all men, so far as they have become adequately known to men.

**XVI. *That those not of Jewish birth have never been bound by the Hebraic law***

1. Among all peoples there is one to which God vouchsafed to give laws in a special manner; that is the Jewish people, which Moses thus addresses (Deuteronomy 4:7): 'For what great nation is there, that hath a God so nigh unto them, as Jehovah our God is whensoever we call upon Him? And what great nation is there, that hath statutes and ordinances so righteous as all this law, which I set before you this day.'

Similar are the words of the psalmist (Psalm 147:19-20):

He showeth his word unto Jacob,  
His statutes and his ordinances unto Israel.  
He hath not dealt so with any nation;  
As for his ordinances, they have not known them.

2. Nor should we doubt that those of the Jews are in error (among them Trypho, in his discussion with Justin) who think that even foreigners, if they wish to be saved, must pass under the yoke of the Hebraic law. An ordinance, in fact, is not binding upon those to whom it has not been given. But in the case under consideration the ordinance itself declares to whom it was given, in the words: 'Hear, O Israel,' and everywhere the covenant is spoken of as made with the Jews, and they themselves are said to be chosen as the peculiar people of God. The truth of this was recognized by Maimonides, who proves it by the passage in Deuteronomy 33:4.

3. Among the Jews, moreover, there always dwelt some men of foreign birth, 'devout men and that fear God,' such as the Syro-Phoenician woman (Matthew 15:22), Cornelius (Acts 10:2), and 'the devout Greeks' (Acts 18:4). In Hebrew we find 'the pious ones of the Gentiles,' as we read in the title of the Talmud concerning the King. Such is he who in the law is called 'foreigner,' literally 'son of strangeness' (Leviticus 22:25); also 'stranger or sojourner' (Leviticus 25:47), where the Chaldean has 'uncircumcised inhabitant.'

These, as the Jewish teachers themselves declare, were bound to observe the laws that had been given to Adam and Noah, to abstain from idols, from blood, and from the other things which will be mentioned below in their proper place; but they were not bound to observe also the laws which were peculiar to the Israelites. And so, while the Israelites were not permitted to eat the flesh of a creature which had died a natural death, nevertheless this was allowed to foreigners who were living among them (Deuteronomy 14:21). There were exceptions only in the case of certain laws in which it was expressly stated that sojourners should be bound by them no less than natives.

4. Again, strangers who came from outside, and were not subject to Jewish institutions, were permitted to worship God in the temple at Jerusalem, and to offer sacrifices; they must stand nevertheless in a place separate and apart from that where the Israelites stood (1 Kings, Vulgate, 3 Kings 8:41; 2 Maccabees 3:35; John 12:20; Acts 8:27). And Elisha did not point out to Naaman the Syrian, nor Jonah to the people of Nineveh, nor Daniel to Nebuchadnezzar, nor the other prophets to the Tyrians, the Moabites, or the Egyptians to whom they wrote, that it was necessary for them to receive the law of Moses.

5. What I have said of the law of Moses as a whole, I wish to consider as said also with reference to circumcision, which was as it were the introduction to the law. There is only this difference, that the Israelites alone were bound by the law of Moses, while the whole posterity of Abraham was held subject to the law of circumcision; in consequence, we read in the historical writings of both Jews and Greeks that the Idumaeans adopted circumcision under compulsion of the Israelites. Wherefore we may well believe that the peoples which, besides the Israelites, practiced circumcision (there are several of them, mentioned by Herodotus, Strabo, Philo, Justin, Origen, Clement of Alexandria, Epiphanius, and Jerome) were descended from Ishmael, or from Esau, or from the descendants of Keturah.

6. For the rest, in all cases the principle stated by Paul (Romans 2:14) was applicable:

‘When Gentiles that have not the law do by nature’ (that is in accordance with the usages that flowed from the primitive source, unless one prefers to refer ‘nature’ to what precedes, in order to contrast the Gentiles with the Jews, into whom from birth the law was inculcated) ‘the things of the law, these, not having the law, are the law unto themselves, in that they show the work of the law written in their hearts, their conscience bearing witness therewith, and their thoughts one with another accusing or else excusing them.’

And in the same connection (verse 26) there is another statement: ‘If the uncircumcision’ (that is a man who has not been circumcised) ‘keep the ordinances of the law, shall not his uncircumcision be reckoned for circumcision?’ With reason, therefore, in the history by Josephus, the Jew Ananias instructed Izates of Adiabene (Tacitus calls him Ezates), that even without circumcision God can be rightly worshiped and propitiated.

In regard to the fact that many foreigners were circumcised, and through circumcision made themselves subject to the law (as Paul explains, Galatians 5:3), they did this in part that they might acquire the right of citizenship, for proselytes, whom the Jews called foreigners of righteousness, had the same rights as the Israelites (Numbers 15:15); in part that they might become sharers of the promises which were not common to the human race but peculiar to the Jewish people. Nevertheless I should not deny that in the following centuries a perverse opinion was embraced by some, to the effect that there was no salvation outside the pale of Judaism.

7. From this we conclude that we are bound by no part of the Hebraic law, so far as this is law of a special kind. For, outside of the law of nature, the binding force of law comes from the will of him who makes the law; and it is not possible to discover, from any indication, that God willed that others than Israelites should be bound by that law. There is, then, no need of proof that in respect to ourselves this law has been abrogated; for a law cannot be abrogated in respect to those on whom it has never been binding. But for the Israelites its binding force was abrogated in respect to rituals, at least, the moment the law of the Gospel began to be promulgated, as was clearly revealed to the chief of the Apostles (Acts 10:15). It was abrogated also in regard to other things, after the Jewish people, though the fall and devastation of their city, which was destroyed without hope of restoration, ceased to be a nation.

8. What we, who are not of Jewish birth, gained from the coming of Christ, was not that we should not be bound by the laws of Moses, but that, having previously had only an obscure hope resting on the goodness of God, we are now upheld by a covenant expressed in plain words. We are therefore able to unite ourselves with the Jews, sons of the Patriarchs, in one church, since their law, by which as by a barrier they were held apart from us, has been done away with (Ephesians 2:14).

## **XVII. *What arguments Christians may draw from the Hebraic law, and in what way***

1. Since the law given through the agency of Moses cannot impose direct obligation upon us, as we have already shown, let us see whether it may be useful to us in any other way, not only in this inquiry regarding the law of war but in other similar inquiries. To know this is, in fact, on many

accounts important.

2. First, then, the Hebraic law shows that that which is enjoined by it is not contrary to the law of nature. For since the law of nature, as we have previously said, is perpetual and unchangeable, nothing contrary to that law could be enjoined by God, who is never unjust. Further, the law of Moses is called 'pure' and 'right' (Psalm 19:8; Vulgate 18:8), and the Apostle Paul calls it 'holy,' 'just,' and 'good' (Romans 7:12).

I am speaking of the ordinances of the law; for in regard to the things which it permits a closer distinction must be made. Now permission which is accorded by a law - we are not concerned here with a permission which involves fact merely, signifying the removal of an impediment - is either complete, which authorizes the doing of something with the fullest possible liberty, or incomplete, which only grants freedom from punishment among men, with the right of non-interference by another. From permission of the former kind, not less than from a command, it follows that that with which the law deals is not contrary to the law of nature. With permission of the second sort the case is different. But inference from the law of Moses to the law of nature is rarely in order, for the reason that, when the words which express the permission are equivocal, it is more fitting for us to determine by the law of nature of which kind the permission is rather than to proceed by argument from the character of the permission to the law of nature.

3. Akin to this first observation is a second, that to those who among Christians have the sovereign power it is now permitted to make laws having the same purport as the laws which were given by the agency of Moses; exception being made of those laws whose entire content belonged to the time when Christ was still expected and the Gospel was not yet revealed, and of laws in relation to which Christ ordained the contrary, either in general or in particular. Outside of these three cases no reason can be thought of why that which was ordained by the law of Moses should now be outside the range of things which are permissible.

4. A third observation should be added. All that was enjoined by the law of Moses with reference to those virtues which Christ requires of His disciples, is just as much, or even in a greater degree, to be required of Christians now. The basis of this observation is to be found in the fact that the virtues required of Christians, as humility, long-suffering, and love, are required in a higher degree than was the case under the Hebraic law; that, too, with good reason, because the heavenly promises are set forth in the Gospel much more clearly.

Hence the old law compared with that of the Gospel is said to have been neither 'perfect' nor 'faultless' (Hebrews 7:19; 8:7), and Christ is said to be 'the end of the law' (Romans 10:4); also, the law is spoken of as a 'tutor to lead us to Christ' (Galatians 3:25). Thus the ancient law of the Sabbath and that of tithes show that Christians are bound to set apart not less than a seventh of their time for divine worship, and not less than a tenth of their income for the support of those who minister in the sacred offices, or to similar pious uses.