

189.

certamine hosti eripiuntur, λαφύρα: quæ v certamine exacto, σκεί-
λα vocantur, Grot. d. 17. lib. 3. c. 6. n. 23.

T H E S I S I V.

Captivitas permessa & constituta est
jure tum divino (a), tum humano: eoquẽ
tam naturali (b), & gentium (c); quàm ci-
vili (d).

a) Quo licitum est & res hostium eripere, Gen. 48. in fin. Deut.
20. v. 14. Josu. 8. v. 27. c. 22. v. 8. 1. Samuel. 30. v. 26. Esa. 10. v. 6. c. 42 v. 24.
Ezech. 29. v. 19. c. 38. v. 11. idemq; in Novo Testam. approbari videtur
Hebr. 7. v. 4. Cujusmodi direptionis ab Israelitis factæ in sacris pas-
sim exempla sunt obvia, ut Num. 31. v. 11. & seqq. Deut. 3. v. 4, 7. & seqq.
1. Sam. 27. v. 9. 2. Paralipp. 14. v. 13. & seqq. Maccab. 4. v. 17. 23. c. 5. v. 22.
38, 35, 51. 68. c. 7. v. 47. c. 10. v. 84. 87. c. 11. v. 51. c. 12. v. 31. & eos cape-
re servosq; facere ac habere, Levit. 25. v. 44. & seqq. Num. 31. v. 9, 11, 12.
26. & seqq. Deut. 21. v. 10. Ephes. 6. v. 5 & 8. Nisi quos DEUS occidere,
nec ipsis vitam servare in specie demandaverit, ut Deut. 20. v. 13, 16, 17,
18. Menoch. lib. 6. præsumt. 96. n. 1. Damhoud. in prax. ter. crim. c. 82. n. 6.
& allegati th. præc. lit. D. Exempla aliquot deprædationum à Chri-
stianis Impp. Regib. ac Rebuspub. factarum memorat Dietericus
disc. von Kriegsraub/ punct. 2. Rat. 3. n. 5.

b) Non enim contra naturam est spoliare eum, quem hone-
stum est necare, Cic. lib. 3. offic. junct. iis, quæ dicta sunt th. præc. D.
Hancque acquisitionis speciem φυσικὴν κτήσιν Theoph. appellat in
d. §. item ea 17. §. de rer. div. Et hoc jure Abrahamus prædam hostib.
suis eripuit, de eaq; decimam Deo dedit, Gen. 14. v. 20. Hebr. 7. vers. 4.
& Rex Asa de Æthiopib. victoriam & prædam reportavit, 1. Paral. 5.
v. 20. 21. 22. 2. Paral. 14. v. 13. & seqq. ac Josua Hebræos participes esse
dicit prædæ hostium cum fratribus suis, Josu. 22. v. 8. Grot. lib. 3. de jur.
bell. c. 6. n. 7.

c) §. Sed jus quidem 2. vers. bella. §. de jur. nat. gent. §. pen. §. de jur.
person.

B