256 Occidere

Ad iudices pertinet occidere eos qui nocent rei publice. Vnde et Moyses occidit Egiptum nocentem filiis Israel, Exod. 2[:14]. Salomon occidit Joab et Semei qui maledixit Dauid, 3 Reg. 2[:31]. Samuel occidit Agag, 1 Reg. 15[:33]. Sic quedam membra amputantur si spiritu carent et nocent ceteris secundum Tullium, libro *De officiis*.[[1]](#endnote-1) Vnde dicit Seneca,[[2]](#endnote-2) quod iudex dampnabilior est reo si nocentem absoluerit. Homicidium tandem absolute prohibetur, Exod. 20[:13] et Deut. 5[:17]. Et quamuis aliquo casu liceat interficere sicut habetur, Deut. 20[:17]. Cum in nullo casu licitum est homini seipsum interficere, sicut docet Augustinus, primo *De ciuitate* 22,[[3]](#endnote-3) Apo. 13[:10]: *Qui gladio occiderit, oportet eum gladio occidi*.

1. Cicero, *De officiis* 3.6 (LCL 30:298-299): Etenim, ut membra quaedam amputantur, si et ipsa sanguine et tamquam spiritu carere coeperunt et nocent reliquis partibus corporis, sic ista in figura hominis feritas et immanitas beluae a communi tamquam humanitatis corpore1 segreganda est.

   for, as certain members are amputated, if they show signs themselves of being bloodless and virtually lifeless and thus jeopardize the health of the other parts of the body, so those fierce and savage monsters in human form should be cut off from what may be called the common body of humanity.

   [↑](#endnote-ref-1)
2. Seneca, cf. Decretum, Causa 24, quest. 3, c. 32: Qui aliorum defendit errorem multo amplius damnabilior est illis, qui errant, quia non solum errat, set etiam aliis offendicula erroris praeparat et confirmat. ... [↑](#endnote-ref-2)
3. Augustine, *De civitate Dei*, 1.22.1-2 (PL 41:36). [↑](#endnote-ref-3)