

Augustine The City of God, Book 1, chapter 21

CAPUT XXI. — <i>De interfectionibus hominum, quæ ab homicidii crimine excipiuntur.</i> Quasdam vero exceptiones eadem ipsa divina fecit auctoritas, ut non liceat ⁴ hominem occidi. Sed his exceptis, quos Deus occidi jubet, sive data lege, sive ad personam pro tempore expressa jussione: non autem ipse occidit, qui ministerium debet jubenti, sicut adminiculum gladius utenti ⁵: et ideo nequaquam contra hoc præceptum fecerunt, quo dictum est, <i>Non occides</i>, qui Deo auctore bella gesserunt, aut personam gerentes publicæ potestatis secundum ejus leges, hoc est justissimæ rationis imperium, sceleratos morte punierunt. Et Abraham non solum non est culpatus crudelitatis crimine, verum etiam laudatus est nomine pietatis, quod voluit filium, nequaquam scelerate, sed obedienter occidere (<i>Gen. xxii</i>). Et merito quaeritur, utrum pro jussu Dei sit habendum, quod Jephthe filiam, quæ patri occurrit, occidit, cum se immolaturum Deo id vovisset, quod ei redeunti de prælio victori primitus occurrisset (<i>Judic. xi</i>). Nec Samson aliter excusatur, quod se ipsum cum hostibus ruina domus oppressit, nisi quia spiritus latenter hoc jusserat, qui per illum miracula faciebat (<i>Id. xvi, 30</i>). His igitur exceptis, quos vel lex justa generaliter, vel ipse fons justitiæ Deus specialiter occidi jubet; quisquis hominem vel se ipsum, vel quemlibet occiderit, homicidii crimine innectitur.	Chapter 21.—Of the Cases in Which We May Put Men to Death Without Incurring the Guilt of Murder. However, there are some exceptions made by the divine authority to its own law, that men may not be put to death. These exceptions are of two kinds, being justified either by a general law, or by a special commission granted for a time to some individual. And in this latter case, he to whom authority is delegated, and who is but the sword in the hand of him who uses it, is not himself responsible for the death he deals. And, accordingly, they who have waged war in obedience to the divine command, or in conformity with His laws, have represented in their persons the public justice or the wisdom of government, and in this capacity have put to death wicked men; such persons have by no means violated the commandment, “Thou shalt not kill.” Abraham indeed was not merely deemed guiltless of cruelty, but was even applauded for his piety, because he was ready to slay his son in obedience to God, not to his own passion. And it is reasonably enough made a question, whether we are to esteem it to have been in compliance with a command of God that Jephthah killed his daughter, because she met him when he had vowed that he would sacrifice to God whatever first met him as he returned victorious from battle. Samson, too, who drew down the house on himself and his foes together, is justified only on this ground, that the Spirit who wrought wonders by him had given him secret instructions to do this. With the exception, then, of these two classes of cases, which are justified either by a just law that applies generally, or by a special intimation from God Himself, the fountain of all justice, whoever kills a man, either himself or another, is implicated in the guilt of murder.
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