

themselves felt their way to the scientific notion of a law independent of religion and distinct from morality. I content myself with mentioning them without attributing to them a value which they do not possess.

The same compilations which have handed down to us this store of definitions and maxims, have preserved for us several divisions of the subject-matters of law which it is still more important to know. The principal ones are the division into *jus civile*, *jus gentium*, and *jus naturale*; that into written law and unwritten law; and that into public and private law.

The *jus civile* is that which is peculiar to each State, and which only applies to its own citizens. At Rome it is the law of which Roman citizens alone may avail themselves(*e*). The *jus gentium* is, in the most precise sense, the law which is applicable, in the Roman State, alike to citizens and strangers; some see in it also, in a vaguer sense, law which, being found to be identical among all peoples, must consequently be common to all men(*f*). As to the third term (*jus naturae*, *natu-*

(*e*) Gaius, l. 1=Inst., l. 2. *De j. nat. et gent.*, l. 1: *Quod quisque populus ipse sibi jus constituit, id ipsius proprium est civitatis, vocaturque jus civile, quasi jus proprium civitatis.* See for another more restricted sense of the term *jus civile*, *infra*, p. 90, n. y.

(*f*) Gaius, l. 1=Inst., l. 2. *De j. nat. et gent.*, l. 1: *Quod vero naturalis ratio inter omnes homines constituit, id apud omnes populos peracque custoditur vocaturque jus gentium.* Cf. Cicero, *De Off.*, 3, 5, 23. On the other hand it is to the *jus gentium* in the technical sense that the distinction relates which is there quoted, 3, 17, 69, as drawn by the *maiores* between the *jus civile* and the *jus gentium*.