

What Kind of
Corporeal or
Political Life Men
Would Have
Professed in the
State of Innocence

Francisco Suárez

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Introduction

Francisco Suárez on Human Society without Sin

Francisco Suárez's (1548–1617) chapter on the political life of human beings in the state of innocence is perhaps the most elaborate reflection on this subject in the entire Christian theological tradition. Scholars often understand this discussion in terms of a conflict between the Augustinian position, in which government results from the fall of Adam and the Thomistic position, in which government arises not from human sinfulness but instead from man's nature as a political animal. Whether Augustine and Thomas Aquinas did in fact have a substantive disagreement on the need for a power that, irrespective of sin, directs individuals to the common good, they agreed that coercive government, war, and private property came about as a result of sin.¹ Suárez maintained the traditional conclusions on each of these points, but the development of these themes in the chapter presented him with the opportunity to refine and qualify traditional views about

¹ See Cary J. Nederman, "Nature, Sin, and the Origins of Society: The Ciceronian Tradition in Medieval Political Thought," *Journal of the History of Ideas* 49, no. 1 (1988): 3–26, esp. 4–5. For a statement of the position that the difference between the Augustinian and Thomistic views is "merely verbal," see John Kilcullen, "Medieval Political Philosophy," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Spring 2010 edition), accessible at <http://plato.stanford.edu/archives/spr2012/entries/medieval-political/>.

discontinuities in human life before and after the fall, particularly with respect to the need for private property. His discussion of human society without sin presents us with a Thomistic perspective on the ideal political community.

Suárez, as one of the last great representatives of the scholastic tradition, took up the political—indeed, the corporeal or embodied—life of man as part of his broader inquiry into the condition of man in the state of innocence. This matter occupied the fifth book of his treatise *On the Work of the Six Days*, which was the second of three treatises on God as the creator of all things, part of his even more extensive *Commentaries and Disputations* on the *Prima Pars* of Thomas Aquinas' *Summa Theologiae*.² In the book on man in the state of innocence, he addressed the cognitive and physical capacities, the mode of worship, and the sanctification of Adam's children, born with supernatural gifts. In the context of his quite extensive hexameral treatise, Suárez appears to have given more attention to the matter of human society as it would have been if Adam and Eve had not sinned than any of his predecessors or contemporaries. Suárez's important contributions to the legal and political discussions of his day are relatively well known. He engaged in a dispute with King James VI and I about the Oath of Allegiance and divine-right monarchy, and he wrote a massive treatise *On Laws and God the Lawgiver*. Suárez was by no means the only theologian in his era to engage in such legal and political reflection. A whole series of treatises *De iustitia et iure* came through the presses after the inauguration of this genre in 1553 by Domingo de Soto, one of Francisco de Vitoria's greatest students and a leading figure in the Salamancan Thomism that Suárez inherited as a student.

His speculations about the political condition of Adam's unfallen descendants should not be seen as exemplifying the excesses of late scholasticism. At a number of points, Suárez mentioned his uncertainty about what might have happened. He knew the limited information provided by human reflection on Scripture and the nature of man concerning these matters. Indeed, the significance of the discussion of government's foundation in either sin or human nature extends beyond the relationship between the Augustinian and Thomist positions. This issue has a presence in early American discussions of government. Most famous perhaps is James Madison's statement in *Federalist* 51: "If men were angels, no government would be necessary." Interestingly enough, Suárez argued for a directive, not coercive, governing power for man in the state of innocence on the basis of

² The work was posthumously published in 1621. See also Francisco Suárez, *De opere sex dierum*, in *Opera omnia*, vol. 3 (Paris, 1856): 413–19.

order and subordination within angelic society. Several decades before Madison, William Penn took a position very much like that of Suárez in his preface to his 1682 *Frame of Government of Pennsylvania*:

They weakly err that think there is no other use of government than correction which is the coarsest part of it. Daily experience tells us that the care and regulation of many other affairs more soft and daily necessary, make up much of the great part of government, and [this] must have followed the peopling of the world had Adam never fell, and [it] will continue among men, on earth, under the highest attainments they may arrive at, by the coming of the blessed Second Adam, the Lord from heaven.³

The Thomist account of government, clearly shared by William Penn, depends on a view of government that defines political power as broader than punishing sin or monopolizing legitimate violence. Suárez's extensive discussion of man's political life in the state of innocence brings clarity to this longstanding debate.⁴

Suárez argued that human flourishing requires the directive role of government, irrespective of human sin, and he gave an account, following Aristotle, of how a political order would naturally arise from families and villages. But he did discuss a few discontinuities between the state of innocence and the fallen state. He particularly addressed private property and slavery. Foundational to this discussion was Suárez's view that even God could not dispense man from the natural law.⁵ Thus, when Suárez mentioned that John Duns Scotus had said that a commandment against private property in the state of innocence was "revoked," he quickly observed that the medieval Franciscan "would have spoken better if he said that the precept would have become inactive of itself once the

³ Quoted in Sydney E. Ahlstrom, *A Religious History of the American People*, 2nd ed. (New Haven: Yale University Press, 2004), 122.

⁴ It is thus somewhat perplexing that Reijo Wilenius seems to dismiss these aspects of Suárez's account of the political order when he refers to the sections translated here and others as "peculiar chapters" in *The Social and Political Theory of Francisco Suárez* (Helsinki, 1963), 77n5.

⁵ See Francisco Suárez, *On Laws and God the Lawgiver*, in *Selections from Three Works of Francisco Suárez, S.J.*, trans. G. L. Williams et al. (Oxford: Clarendon Press, 1944), 285–309, esp. 298–99.

things and the state of men were changed.”⁶ In other words, the stability of the natural law, insofar as it involves an intrinsic and necessary connection with the rational nature of man, must be maintained. Nevertheless, the reasons that led to the establishment of private property after the fall would not have obtained in the state of innocence. Natural law always permits both common and private ownership.⁷ In the state of innocence, the reasons that made the division of goods appropriate and almost necessary after the fall were simply “inactive.” Natural law did not change; the circumstances of human society did.

Suárez did not believe that natural law obligated human societies to institute private property. The denial by Jesuit authors of a natural right to property has perplexed some scholars,⁸ but Suárez was explicit about his intention to limit the traditional teaching that private property was the result of sin.⁹ He was not entirely satisfied with the way in which Church Fathers, Chrysostom in particular, characterized the words “mine and yours” as “frigid” and “the incentive of all evils.” First of all, it would not have been impossible for human societies in the state of innocence to have instituted private property. There was nothing in divine or natural law directly opposed to it. Moreover, Suárez made it quite clear that, if someone in the state of innocence were to have plucked a piece of fruit from a tree, this person would obtain a “peculiar right” to it. If someone were to have taken such a good away from the one possessing it without the possessor’s voluntarily parting with it, an injustice would have taken place. It was just that, in the state

⁶ For a Scotistic discussion of this issue written after the natural-law teachings of Suárez and others, see Bartolomeo Mastri (d. 1673), *Theologia Moralis ad mentem DD. Serpahici, et Subtilis concinnata* (Venice, 1723), 27–30. Indeed, Suárez himself offered a reading of Scotus’ teaching where Scotus did *not* in fact believe in the dispensability of natural law, properly understood.

⁷ For a very helpful discussion of permissive natural law, see Brian Tierney, “Permissive Natural Law and Property: Gratian to Kant,” *Journal of the History of Ideas* 62, no. 3 (2001): 381–99, esp. 390–93.

⁸ Harro Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1640* (New York: Cambridge University Press, 2004), 296–97.

⁹ Despite his hesitation about the Jesuit view on natural rights to property, Höpfl discusses this point in the work of Suárez in *Jesuit Political Thought*, 300, saying that Suárez “here was again somewhat ahead of the field.”

of innocence, this sort of seizure was very unlikely, though not impossible,¹⁰ and Adam's innocent children would not have jealously guarded their possessions. Suárez suggested that immovable goods were the most relevant case for the traditional exhortations, though, even here, a man who had cultivated a plot of land would have certain rights to that property. Anyone who deprived him of the use of this land would act against natural reason and good order. The only reason that, absolutely speaking, Suárez denied a genuine division of goods in the state of innocence is that "these things would have been reputed as nothing." The lack of concern for such matters in the state of innocence appears to be the major reason for denying a full right to private property in that state.

Another major discontinuity between the state of innocence and the fallen state of man was slavery. Natural law certainly did not require the possession of human beings, though, given certain circumstances, Suárez believed that natural law did permit the practice, and he followed the traditional view in placing slavery, as a worldwide practice, in the branch of positive law called the "law of nations," or the *ius gentium*. While Suárez believed that private property had a kind of presence in the state of innocence, slavery was quite a different matter. He followed the Salamancan Thomists in their famous affirmation of man's natural freedom.¹¹ His older Jesuit contemporary, Luis de Molina, had written rather passionately about the evils of the slave trade.¹² Unlike the possession of private property, slavery is a punishment and thus results from sin in a much more direct way. Inasmuch as the state of innocence is "free from all misery and punishment," Suárez argued that slavery would certainly have been absent. Indeed, he wrote, "liberty is natural to man and is his great perfection." Even service of one man to another—perhaps including the relationship of employer and employee—would not have been present in the state of innocence. While it is "not as vile a condition as slavery," the ordination of the activity of a man in the state of innocence, elevated by such supernatural gifts, to the sole utility of another would not be fitting. Even the service of the citizen to the dominion of the ruler of the political community would in no way deprive any man of his

¹⁰ As the translation below indicates, Adam's descendants would have been able to sin.

¹¹ See Brian Tierney, "Aristotle and the American Indians—Again: Two Critical Discussions," *Cristianesimo nella storia* 12 (1991): 295–322.

¹² See Diego Alonso-Lasheras, *Luis de Molina's De Iustitia et Iure: Justice as Virtue in an Economic Context* (Leiden: Brill, 2011), 76n73.

liberty nor would it have obligated him in any way to be subjected for the sake of the ruler's good but only directed to the common good. Besides, the service of one man to another's needs would not be necessary in the rich condition of a human society not characterized by sin. Each would only have served one another out of charity.

In this context, Suárez's account of the state of innocence might illuminate a more properly theological point regarding the post-lapsarian character of most of our activities. Without a need for garments, medicine, or the instruments of war, human beings would not have required the service of others as they do after the fall. The rather laborious pursuit of wealth and power, much of which is motivated by vanity and ambition, would not have occupied human beings in that state. What did Suárez believe that human beings would have spent their time doing? The earth would have provided food to man without requiring arduous labor, but man still would have cultivated the earth. Human beings in the state of innocence would have been animals in need of bodily exercise and recreation. Interestingly enough, Suárez's primary example of such an activity was hunting, not only for the pleasure of the activity but for the ability to learn about the internal organs of the beasts. Intellectual activities would have taken up much of our time, first learning then teaching the liberal arts and philosophy. In a world not characterized by sin, human beings would spend their time in the delights of poetry and painting. In addition, the worship of God would have been a major activity in that state, to which Suárez devoted substantial attention in subsequent chapters.

Suárez's discussion of a claim to property derived from gathering and cultivation, his language of rights, and his view of man's natural freedom may have already evoked seventeenth-century figures such as John Locke (d. 1704). Indeed, though Suárez's treatment of the state of innocence and Locke's state of nature are rather different, both draw important conclusions by way of abstraction from the political conditions in which both thinkers found themselves. While even man in the state of innocence, living out a supernatural mode of existence, was for Suárez still very much a political animal, such resonances between the tradition of the late scholastics and Locke perhaps should be expected. One of the key points in Suárez's chapter on man's political life in the state of innocence was a major theme in John Locke's criticism of Sir Robert Filmer (d. 1653).

The controversy surrounded the issue of Adam's natural kingship.¹³ The royalist, Filmer, opposed some Reformed Protestants such as John Calvin and George Buchanan as well as Jesuits Robert Bellarmine and Suárez for their view of man's natural freedom and a liberty "to choose what form of government it please."¹⁴ In response to this theory of the origin of political power, Filmer argued that there was no real distinction between the state and the family. Adam had rights of life and death over his children and, consequently, over his children's children. This Adamic power is, despite interruptions and the division of kingdoms, the same power wielded by kings throughout the world. In Suárez's discussion of the state of innocence, he argued against Domingo de Soto that Adam did not have a natural right to govern a political community, which arose from his progeny. If men did congregate into one city before Adam was called to heaven, Suárez believed that, as the father of all living human beings, he was a likely choice for a king. This may have happened gradually without "an expressed pact of election," but it still had to happen through the tacit consent of the perfect community.¹⁵ In Suárez's view, being someone's father does not give the dominion of jurisdiction over them. A son is emancipated from the rule of his father as head of the household "through the use of reason and liberty and complete age." Once the son has his own family, he has a power equal to that which his father had over his family.

Filmer addressed Suárez's view as a direct threat to his account of political power. He said, "he seems either to imagine, that all Adam's Children lived within one House, and under one Roof with their Father; or else, as soon as any of his Children lived out of his House, they ceased to be Subject, and did thereby become Free."¹⁶ Suárez explicitly stated that the sons of Adam were emancipated from his fatherly rule once they achieved adulthood. Filmer did not immediately address this point about emancipation; instead, he responded as follows,

¹³ An important account is J. P. Sommerville, "From Suárez to Filmer: A Reappraisal," *The Historical Journal* 25, no. 3 (1982): 525–40.

¹⁴ Robert Filmer, *Patriarcha, or the Natural Power of Kings* (London, 1680), chap. 1.

¹⁵ For a discussion of consent and a number of other themes relevant to the translation that follows, see Daniel Schwartz, "Francisco Suárez on Consent and Political Obligation," *Vivarium* 46 (2008): 59–81.

¹⁶ Filmer, *Patriarcha, or the Natural Power of Kings*, chap. 2.

For my part, I cannot believe that Adam (although he were sole Monarch of the World) had any such spacious Palace, as might contain any such Considerable part of his Children. It is likelier, that some mean Cottage or Tent did serve him to keep his Court in. It were hard he should lose part of his Authority, because his Children lay not within the Walls of his House. But if Suárez will allow all Adam's Children to be of his Family, howsoever they were separate in Dwellings; if their Habitations were either Contiguous, or at such Distance, as might easily receive his Fatherly Commands. And that all were under his Commands, were of his Family, although they had many Children or Servants married, having themselves also Children. Then I see no reason, but that we may call Adam's family a Commonwealth, except we will wrangle about Words.¹⁷

Adam's sons moving out of his home did not alter their father's paternal authority, which, once his family reached a certain size, could be referred to as political authority as there was no essential difference. For Suárez, adult children were not under their father's paternal power, and this paternal power was fundamentally different from political power or the dominion of jurisdiction. Political power exercised by a king was based upon its transfer from the perfect community, which would have been true even for Adam in the state of innocence. When Filmer did address Suárez's teaching on emancipation, he dismissed the Jesuit's perspective by saying, "Here I could wish that the Jesuite had taught us, how and when Sons become Free: I know no means by the Law of Nature. It is the Favour I think of the Parents only, who when their Children are of Age and Discretion to ease their Parents of part of their Fatherly Care, are then content to remit some part of their Fatherly authority."¹⁸ Suárez did not see this emancipation as a concession or a favor given by the father; rather, because of the son's maturity and of his own use of reason and liberty, he comes to be "of his own right" (*sui juris*).

¹⁷ Filmer, *Patriarcha, or the Natural Power of Kings*, chap. 2. In the same chapter, Filmer wrote,

But let Suárez understand what he please by Adam's Family; if he will but confess, as he needs must, that Adam and the Patriarchs had Absolute power of Life and Death, of Peace and War, and the like, within their Houses or Families; he must give us leave at least, to call them Kings of their Houses or Families; and if they be so by the Law of Nature, what Liberty will be left to their Children to dispose of?

Suárez would not grant that the power exercised by fathers, even by Adam, was the same as the political power of a king.

¹⁸ Filmer, *Patriarcha, or the Natural Power of Kings*, chap. 2.

As noted above, Suárez held this position on Adam's mere paternal power against other Thomists such as Domingo de Soto. Filmer actually pitted Robert Bellarmine—another major Jesuit whose positions were offensive to Filmer—against Suárez on this critical point for the Filmerian account of royal power. What is remarkable is that, in Locke's response to Filmer decades later, the early modern philosopher came to the defense of the Suárezian position, though he mentioned Bellarmine rather than Suárez.¹⁹ In the *First Treatise*, Locke argued for the distinction between the power of a father and that of a magistrate and indicated the liberation of Adam's children from his paternal power.²⁰ In the *Second Treatise*, Locke clearly stated that a father's rule over his children ceases when they attain the "State of Maturity" and "his Understanding be fit to take the Government of his Will."²¹ Years earlier, Algernon Sidney (d. 1683), another major influence on the American Founders, defended this position as well, though he was willing to name Suárez. Despite opening his discussion by saying that, though "a Jesuit may speak that which is true," it should "be received, as from the devil, cautiously," he affirmed Suárez's position that Adam had only domestic, not political power. Sidney said that this "is not the voice of a Jesuit, but of nature and common sense." He also explicitly affirms the Jesuit's teaching on the freedom of a child from his parent's authority once they can provide for themselves.²²

Suárez's chapter on the political state of human beings if Adam had not sinned provides a careful examination of the effects of grace and sin on human society. His views on the natural freedom of man and the basis of government in the consent of the political community, even for the father of the human race, troubled royalists such as Filmer and found a sympathetic reception in the work of major figures in the British tradition of political thought that eventually shaped the American Founders. This work thus sheds light on the contribution of Suárez and scholastic theology to the story of liberty.

¹⁹ John Locke, *Two Treatises of Government*, ed. Peter Laslett (New York: Cambridge University Press, 1988), 145 (§ 7).

²⁰ Locke, *Two Treatises of Government*, 189 (§ 66), 191 (§ 68).

²¹ Locke, *Two Treatises of Government*, 307 (§ 59). For James Tyrell's (d. 1718) similar arguments as an important Whig thinker, see Alexander S. Rosenthal, *Crown under Law: Richard Hooker, John Locke, and the Ascent of Modern Constitutionalism* (Lanham, MD: Lexington Books, 2008), 190.

²² Algernon Sidney, *Discourses on Government* (New York, 1805), 446–48.

On the Work of the Six Days

Book 5

**On the State That Wayfarers
Would Have Had in This World
if the First Parents Did Not Sin**

Chapter 7

What Kind of Corporeal or Political Life
Men Would Have Professed
in the State of Innocence

Francisco Suárez

What Kind of Corporeal or Political Life Men Would Have Professed in the State of Innocence*

1. *The first question about whether men in the state of innocence would have lived in community.* In this chapter, what remains to be explained are those things that pertain to the way of life in the state of innocence as far as external and political as well as domestic actions and occupations. On this point, several matters present themselves for explanation that can be unfolded by means of some brief questions. The first, and it is one of special importance, is whether man would have then lived in society or community. Two sorts of human community or society must be distinguished. One is domestic or of the family, while the other is civil or of the people or the city. The former is thought to be imperfect while the latter is reckoned perfect because the former is not sufficient in itself for passing life, but the latter has the complement of total sufficiency, as Aristotle has said in *Politics*.¹

* Francisco Suárez, *De opere sex dierum*, in *Opera omnia*, vol. 3 (Paris, 1856), 413–19.

¹ Aristotle, *Politics*, 1.2. See 1252b28–53a2. The term *perfect community* refers to the Aristotelian *polis*, though such a community could be very large. What distinguishes the perfect community from an imperfect community is self-sufficiency and, after the fall, the full range of coercive powers. See Francisco Suárez, *On Laws and God the Lawgiver*, 1.6, nos. 19–20, in *Selections from Three Works of Francisco Suárez, S.J.*, trans. G. L. Williams et al. (Oxford: Clarendon Press, 1944), 86–87:

So, also, Aristotle has said ... that a state (*civitas*) is a multitude of citizens who have, indeed, a mutual bond of a moral nature. This kind of community, moreover,

2. *Response concerning domestic society affirmative as far as the procreation of children but not as far as the service of slaves.* Now, concerning the former domestic society, there is no doubt that it would have ended up existing in the state of innocence since it arises intrinsically and naturally from the conjoining of male and female and from the procreation of children, as Aristotle has taught in *Politics*.² In the state of innocence, the society of male and female would have existed with a special bond of matrimony and, consequently, with the cohabitation necessary for the generation and education of children. Therefore, in that state, there would have been domestic society or community, but in that passage Aristotle adds another society as secondary, which is that of lord and slave, but this would not have been necessary in that state.³ Now it is necessary or at least very useful on account of many actions and services that are necessary for the sustenance [414] of corruptible life, and this necessity would not have existed in the state of innocence because men would have been in need of few things for sustaining life, and they would easily have had all things, as it were, at hand.⁴ Likewise, the nobility of that state would not have permitted the servile condition

is wont to be divided by the moral philosophers and the jurists into perfect and imperfect. A perfect community is in general defined as one which is capable of possessing a political government; and this [type of community], in so far as it is such, is said to be self-sufficient within that [political] order. Thus Aristotle ... and Saint Thomas ... have asserted that the city state is a perfect community, and that, *a fortiori*, a kingdom or any other higher body or community of which the city state is a part will be a perfect community. For there may be a certain latitude in [the definition of] these communities, and even though individual ones, viewed in themselves, may be perfect, nevertheless that community which is part of another is in this respect imperfect; not in an absolute sense, but comparatively or relatively speaking.... The term "imperfect community" may, indeed, be applied not simply in a relative but in an absolute sense to a private household over which there presides the paterfamilias.... One reason, to be sure, is that such a community is not self-sufficient.

² Aristotle, *Politics*, 1.1. See 1252a25–30, 1252b10–16. The chapter divisions in sixteenth-century editions of Aristotle's *Politics* were different. For instance, see the 1543 Paris edition *ex officina Simonis Colinaei* (2v, 3v), in which chapters 1 and 2 break after 1252b27 rather than after 1252a22.

³ Aristotle, *Politics*, 1252a30–b1.

⁴ I translated this sentence without the unnecessary *non* in the nineteenth-century edition. The 1621 Lyons edition of the work supports this emendation. See page 286.

in men. Therefore, the society that requires that condition in the other extreme would be repugnant to it, as we will explain more in number 10. Furthermore, Aristotle adds in this passage that, from this domestic society, there naturally follows another better in itself—but still imperfect in its genus—that he calls a tribe (*pagus*), which is a small community constituted out of many households. He also says that it seems to exist according to nature because it results, as though naturally, from the generation of many children and from the succession of those begotten from those begotten, or of grandsons from sons. Marriages and families are thereby multiplied and, consequently, also households from which the tribe arises.⁵ Hence, this society would have also been very natural, as it were, in the state of innocence.

3. *But one must consider that this multiplication of households or families could have consisted in two ways: one is through the sole division of one family from another without any particular moral conjunction between them, and thus they do not properly bring about one political community but one accidental aggregate of many domestic communities.* In every type of unity—whether physically or morally speaking—without any union of many distinct things, there does not arise from them anything that is properly one, keeping due proportion. Neither does nearness according to place suffice alone, for a certain neighborhood arises from this, which at most is wont to bring about some friendship or familiarity but not moral unity or community, as can be attested by use in the case of two or three families or monasteries, living in the desert in nearby places. Now, the other mode of the multiplication of families or households is with domestic distinction and a certain political union that does not happen without a certain expressed or tacit pact of helping each other in turn, nor without a certain subordination of individual families and persons to some superior or ruler of the community, without which such a community cannot stand, as I have said at length in the *Defense of the Catholic Faith*.⁶ Therefore, if a tribe is taken for, so to speak, a

⁵ Aristotle, *Politics*, 1252b16–18.

⁶ Suárez, *Defensio catholicae fidei contra anglicanae sectae errores*, 3.1–2. See the translation of George Albert Moore, revised by Peter Simpson, of Suárez's *Defense of the Catholic and Apostolic Faith against the Errors of Anglicanism*, books 1–5, available at the Philological Museum, <http://www.philological.bham.ac.uk/suarez/>, bk. 3:

[It is] Catholic truth that political principality introduced in due manner is just and lawful.... [It] can be gathered in the first place the reason for this truth, which is

heap of households, it follows by natural necessity from the multiplication of sons, grandsons, and so on, and it thus undoubtedly would have existed in the state of innocence. If a tribe is said to be any political community—morally one, as I have explained—that is small, such a tribe thus seems to be a certain inchoate city and is wont to exist as a part of it or, as it were, its accessory. Therefore, there seems to be almost the same account for this sort of tribe and for the city.

4. *An argument is now offered on the negative side for the question posited at the beginning.* It can be asked in general whether there would have existed a proper political community in the state of innocence, whether a tribe, city, or kingdom. The reason for asking this is that, in that state, the reason for constituting such communities among men that are now found in the state of corrupt nature would have been absent. Families of men are now congregated into one city since one family does not suffice for sustaining itself, for keeping common justice among diverse families, for protecting itself from all inconveniences, or for defending itself and its own from enemies—along with the other similar necessities of corruptible life. In the state of innocence, any family would have been sufficient in itself; on account of its innocence and immortality, it would not have had enemies from which it would have to be defended, nor would there be

taken from the necessity for this principality and its power, and consequently from its purpose, which is the conservation of the human and civil republic. For man by his nature is inclined toward civil society, and he is especially in need of this for the convenient preservation of his life, as rightly Aristotle taught, *Politics* bk. 1, chaps. 1 and 2.... Moreover the community of men cannot be preserved without justice and peace, nor can justice and peace be preserved without a governor who has the power of ordering and coercing; therefore in the human commonwealth a political prince is necessary to hold it fast in its duty.... Since therefore human nature cannot be destitute of the means required for its own conservation, it cannot be doubted that from the nature of the matter, and with attention to right and natural justice, a political prince should exist in civil society having over it lawful and sufficient power.... For, first, the supreme civil power viewed in itself, is indeed given directly by God to men gathered into a perfect political community, not in truth in consequence of any peculiar and quasi positive institution, or by gift altogether distinct from the production of such nature, but through the natural consequence by the force of the first creation of it, and thus by the force of such gift this power is not in one person, nor in a peculiar congregation of many, but in the whole perfect people of body of the community.... From these considerations finally it is concluded that no king or monarch has or has had (according to ordinary law) directly from God or from divine institution a political principality, but by the medium of human will and institution.

any infirm in need of assistance, nor would there be injuries among persons of diverse families for the vindicating and avoiding of which royal power is necessary. Therefore, at that time, political society would not have been necessary.

5. *The evasion of the immediately preceding argument is impeded.* You say that it would have existed on account of convenience itself because man is a social animal, which is a natural property that would have endured in the state of innocence. Hence, Aristotle has said above that man is by nature a civil and social animal.⁷ Against this is that this property of man would have been fulfilled partly through domestic society and partly through the mutual communication and familiarity of many families or persons of diverse households among themselves. A greater moral bond among diverse families of the same city is not natural, at least in integral nature, though in corrupt or pure nature such a state naturally follows need. Aristotle has spoken about man in this sense but has added, “Whoever is without a city by nature and not by fortune is either a wicked man or better than a man.”⁸ In the state of innocence, man would have been more than a man, so to speak, and therefore would not have been in need of a city.

6. *The first affirmative assertion.* Nevertheless, it seems that it should be said that men in the state of innocence, if it would have endured, would have ended up having among themselves a political society of the sort that can be in a perfect city or kingdom. Saint Thomas thus opines in [the *Summa Theologiae*] where Cajetan [415] opines the same [in his commentary],⁹ as do [Luigi] Lippomano in

⁷ Aristotle, *Politics*, 1253a2–3.

⁸ Aristotle, *Politics*, 1253a3–4.

⁹ Aquinas, *Summa Theologiae*, I, q. 96, a. 4, juncto 3:

Someone dominates another man as a free man when he directs him either to the proper good of the one who is being directed or to the common good. And such dominion of man over man would have existed in the state of innocence for two reasons. The first reason is that man is naturally a social animal, and so in the state of innocence men would have lived socially. Now a social life cannot exist for many unless someone presides who is intending the common good. For many, as such, intend many things, whereas one intends only to one. Therefore, the Philosopher says, in the beginning of the *Politics*, that wherever many things are directed to one, we shall always find one as the principal who is directing them. The second reason is that, if one man would have had supereminence over another in knowledge and virtue, this would not have been fitting unless these gifts [are] conduced to the benefit of others, according to 1 Peter 4:10, “As every man hath received grace, ministering the same one to another.” Hence, Augustine says in *City of God*

the *Catena on Genesis* and [Benito] Pereira in his *Commentaries and Disputations on Genesis* in the disputation on the command of man.¹⁰ The foundation must be that the conjunction of men in one city is not fitting (*convenire*) *per accidens* only because of sin or the corruption of nature but is fitting *per se* for man in any state and pertains to his perfection. This is what Saint Thomas proposes first with the example of the angels, for their state and natural condition is much more perfect than in men and would have existed in the state of innocence. Among the angels there is society and there is community with order and subordination of them among themselves, as Dionysius has handed down and as has been seen above.¹¹ Therefore, speaking with due proportion, such community would not have been absent among men in the state of innocence. Second, this is true because this community of life not only exists on account of the need for mutual help but is also desirable (*aptibilis*) for its own sake for the greater pleasantness of life and honorable communication, which man naturally loves.

19, “Just men command not by the cupidity of dominating, but by the service of counsel,” and, “The natural order prescribes this, and thus did God make man.”

I consulted the translation of the *Summa Theologiae* by the Fathers of the English Dominican Province. For Cajetan, see his commentary on the passage in *Sancti Thomae Aquinatis doctoris angelici opera omnia*, iussu impensaue Leonis XIII P. M. edita (Rome, 1889), 5:430.

¹⁰ Luigi Lippomano, *Catena in Genesim ex authoribus ecclesiasticis* (Paris, 1661), § 9, 149r; Benedictus Pererius, *Commentariorum et disputationum in Genesim* (Lyon, 1607), 1:397–38. Lippomano (d. 1559) was an Italian bishop most famous as a hagiographer. His *Catena in Genesim* was first published in 1545. Pererius (d. 1610) was a Spanish Jesuit who taught at the Collegio Romano.

¹¹ The *sed contra* of *Summa Theologiae* I, q. 96, a. 4 is “the condition of men in the state of innocence was not more worthy than the condition of the angels. But among angels, some dominate others. Hence, one order is called ‘Dominations.’ Therefore, it is not contrary to the dignity of the state of innocence that one man dominates another man.” For Pseudo-Dionysius, see *The Celestial Hierarchy*, chap. 15: “Let this first be borne in mind, that the explanations of the typical likenesses represent the same ranks of the celestial Beings as sometimes ruling, and at other times as being ruled, and the last as ruling, and the first as being ruled.” See *The Celestial and Ecclesiastical Hierarchy of Dionysius the Areopagite*, trans. John Parker (London, 1894), 43–44.

7. *Third, this is the case because, in that state, all men would not have been equal in knowledge (scientia) and virtue, as was said in book 3, chapter 9,¹² and as Saint Thomas sets forth.¹³* Therefore, although a perfect society would not be necessary on account of corporeal need or defense, it could be very useful for the study of the sciences, so that the more learned could instruct the less learned. The same is true in regard to the experience of things, for individuals could not experience all things by themselves. Therefore, they would have had to provide each other with mutual help through tradition and human faith, which in that state would be more certain by far on account of their innocence. Likewise, this communication would have been very useful as a help to virtue, and the more fervent could excite the less perfect through word and example. This reason is much increased by considering not only the good order of nature but also of grace in that state. Men would have required some common, even external, rule of faith, so that they could perpetually preserve the same faith and worship God according to it, not only in private but also in the public cult of the whole community—of the Church. This ecclesiastical unity therefore supposes a civil community accommodated to the state of men.

8. *Whether there would have ended up being many societies or only one society in the state of innocence.* Finally, if men could have been sinners in that time, civil community would also be very useful for the correction and emendation of evildoers. Therefore, it seems quite true that men in that state would have ended up having political community. How many there would have eventually been is more uncertain. That is to say, would all men have ended up living in one city or would cities instead have been multiplied? If there would have been many, would they have constituted one or many kingdoms? Finally, would anyone have lived by himself? Regarding these and similar questions, anyone can offer conjectures. One might use another principle treated above, that is, how great,

¹² Suárez, *Opera omnia*, 3:228–38. Suárez discussed Adam’s knowledge in this chapter. The chapter that follows the one translated here perhaps addresses the point more directly: “Whether men in the state of innocence would have been born perfect in grace, justice, and knowledge.”

¹³ Aquinas, *Summa Theologiae*, I, q. 96, a. 3: “[A]s regards the soul, there would have been diversity as to righteousness and knowledge. For man worked not of necessity, but through free choice, from which man could have applied himself, more or less, to doing, willing, or knowing something; hence, some would have made a greater advance in virtue and knowledge than others.”

in that state, would the multiplication of men living in the world have been, and would they have ended up dwelling in terrestrial Paradise or would they have inhabited the whole area of the world? If all would have been contained within Paradise according to the mode of one city or at least of one kingdom, they could be conjoined. If they would have been extended outside of Paradise, then also the greater multiplication of cities or at least of kingdoms would perchance have come to exist. But enough on these matters.

9. *Second question as well as an observation from Saint Thomas on twofold dominion.* From this source is brought into consideration a second question about the dominion of man over men, which in number 2 we remitted to this place. We said above that men would have had dominion over all brute animals in the state of innocence. Hence, the question immediately arose whether one man would have had dominion over another.¹⁴ The reason for inquiring presents itself at once because this dominion could not be possessed except from a gift of God, but God only gave to man dominion over brutes, not over other men, as Augustine observed in *City of God*.¹⁵ The response of Saint Thomas above (and it is common) is that there is a twofold dominion: one that is the opposite of slavery and the other that is referred to a subject. We can call the first a dominion of property and the other a dominion of jurisdiction or government by understanding jurisdiction broadly, as I will explain shortly. Hence, the first dominion gives power over the person of the slave and all his actions, that is, for using the slave for every convenient use for the sake of the lord's utility. The other dominion only confers power for governing and directing the subject in his actions and principally for the sake

¹⁴ Suárez discussed the dominion of beasts and other men in the state of innocence in Bk. 3, chap. 16, nos. 6–7 of *On the Work of the Six Days*, in *Opera omnia*, 3:279.

¹⁵ Augustine, *De civitate Dei contra paganos*, 19.15. See Augustine, *The City of God against the Pagans*, ed. and trans. R. W. Dyson (New York: Cambridge University Press, 1998), 942–44:

This is prescribed by the order of nature: it is thus that God created man; for He said, "Let them have dominion over the fish of the sea, and over the fowl of the air, and over every creeping thing that creepeth on the earth." He did not intend that His rational creature, made in His own image, should have lordship over any but irrational creatures: not man over man, but man over the beasts. Hence the first just men were established as shepherds of flocks, rather than as kings of men.

of the subject's utility. All these issues have been taught at greater length in the treatise on justice, and they are clear and certain.¹⁶

10. *The second assertion in order, which is proved from Augustine and Gregory as well as from reason.* Now, we say that there would not have ended up being dominion of property of one man over another in the state of innocence. So Saint Thomas and all teach with Augustine in *City of God*: “The condition of the slave is by right understood as imposed on the sinner.”¹⁷ Therefore, in that state, there would not have been slavery, neither would there have been the dominion of property, for these two are correlative, and the one cannot exist without the other. Hence, in the passage mentioned above, Augustine [416] considers the fact that man was never called a slave in Scripture, and “then the just man Noah vindicated the sin of his son with a curse,” from which he infers, “and so he merited that name by his fault, not by nature.”¹⁸ The same is taken from Gregory in the *Moralia*.¹⁹ The reason is manifest because liberty is natural to man and is

¹⁶ This may be a reference to Suárez's early lectures in Rome of 1584. See Joachim Giers, *Die Gerechtigkeitslehre des jungen Suárez: Edition und Untersuchung seiner Römischen Vorlesungen 'De Iustitia et Iure'* (Freiburg im Breisgau: Herder, 1958).

¹⁷ Augustine, *De civitate Dei*, 19.15; Augustine, *City of God*, 943.

¹⁸ Augustine, *De civitate Dei*, 19.15; Augustine, *City of God*, 942–43.

¹⁹ The passage to which Suárez is referring here [21.10–11] does not correspond to chapter divisions in modern editions, but it can be found in bk. 20, chaps. 10–11 of *Moralia Sancti Gregorii* (1503). I quote, with minor modifications, from bk. 21, chaps. 20–22:

See how in a wonderful way [Job] appears in power superior to princes, in contest on a level with servants; in the assemblage of princes mindful of his office, in contest with domestics mindful of his creation.... He who thinks on the Judge to come is unceasingly day by day preparing the cases of his accounts for the better: he who views the Eternal Lord with trembling of heart is forced to abate the rights of temporal lordship over those under him. For he considers well that it is nothing that he is set above others in time, when for the rendering account he is beneath Him, Who exercises dominion without end. For oftentimes transitory power hurries away the soul along the sleeps of self-exaltation.... To persons possessed of power, the equality of creation kept in the thoughts is great goodness of humility. For all of us men are equal by nature, but it has been added by a distributive arrangement, that we should appear as set over particular persons. So then if we keep down from the imagination that thing which has accrued temporarily, we find out the sooner that which we are naturally. For very often the power vouchsafed presents itself to

his great perfection. Hence, it is a great punishment and misery to be deprived of it. Nevertheless, the state of innocence is free from all misery and punishment. Therefore, it would have been free from slavery, and thus dominion, which is the opposite of such slavery, would not have existed. The Lord spoke of this dominion when he conferred it to man over brute animals and not over men, as Augustine indicated above. God does not remove the power in man by introducing this dominion with an intervening sin, as is related more extensively in the material on justice.²⁰ Thus the said assertion and the reason proceeds best in regard to all men persevering in their innocence. If someone would have sinned, however, they could sometimes have merited to be reduced to slavery, just as they could have been punished for other sins. However, in an event like that in which someone would have sinned, he would have come to be outside of the state of innocence, and, as I said above, we are uncertain of what kind the mode of governing and of punishing sinners would have been in that state.

11. *The third assertion in order is explained.* Second, we say that the directive or governing dominion would have ended up existing among men in the state of innocence. To this dominion pertains the power of commanding others according to their convenience (*commodum*) and the common good. This power extends more widely than jurisdiction because a father has dominative power

the mind, and deceives it by high-swollen thoughts.... So by the hand of lowliest reflection the inflation of self-exalting must be kept under. For if the mind in itself descends from the top of the height, it quickly finds the level of the equality of nature. For as we have before said, nature has begotten all of us men equals, but, the order of merits varying, the secret appointment sets some above others. But the very diversity, which has been added from defect, is rightly ordered by the judgments of God, that whereas every man does not go the way of life in a like way, one should be governed by another. But holy men, when they are in authority, do not look to the power of station in themselves, but to the equality of creation, nor do they rejoice to be above, but to be of use to their fellow-creatures. For they know well that our old fathers are recorded to have been not so much kings of men, as shepherds of flocks. And when the Lord said to Noah and to his sons, "Be fruitful, and multiply, and replenish the earth," he adds, "and the fear of you and the dread of you shall be upon every beast of the earth." For he says not "be upon the men who were to be," but, "be upon every beast of the earth." Since man is by nature set over the irrational animals, but not over the rest of mankind, ... therefore it is said to him that he should be feared by the beasts and not by men; because it is to swell with pride against nature, to desire to be feared by an equal.

²⁰ See note 16.

over his own son and family, although he does not have the proper jurisdiction of law according to the doctrine of Saint Thomas.²¹ Yet speaking more generally, all power for governing others can be called jurisdiction. Thus the conclusion is proved. In the state of innocence, the husband (*vir*) would have had power over his wife, as this is natural and is necessary *per se* for good order and peace between the spouses themselves. Nevertheless, in that state, subjection would have been without imperfection and coercion, and this subjection was brought under imperfection through sin, as we have explained at the end of the previous book.²² In a similar way, the father would have had dominion over his sons for governing them and would have had the same over his whole family. For this power is so necessary in domestic community that Paul said in 1 Corinthians 5 that a father or mother who does not use such power over their families well is worse than an unbeliever,²³ as Augustine noted in *City of God*.²⁴

12. *The fourth assertion is declared and proved.* Finally, in a similar way, it must be said that, with the perfect community of the city being supposed in that state, it would have been necessary in that state that there be a proper dominion

²¹ Aquinas, *Summa Theologiae*, II-II, q. 65, a. 2, corpus and ad 2:

Harm is done a body by striking it, yet not so as when it is maimed: since maiming destroys the body's integrity, while a blow merely affects the sense with pain, wherefore it causes much less harm than cutting off a member. Now it is unlawful to do a person harm, except by way of punishment in the cause of justice. Again, no man justly punishes another, except one who is subject to his jurisdiction. Therefore, it is not lawful for a man to strike another, unless he has some power over the one whom he strikes. And since the child is subject to the power of the parent and the slave to the power of his master, a parent can lawfully strike his child and a master his slave so that instruction may be enforced by correction.

And,

The greater power should exercise the greater coercion. Now just as a city is a perfect community, so the governor of a city has perfect coercive power: wherefore he can inflict irreparable punishments such as death and mutilation. On the other hand, the father and the master who preside over the family household, which is an imperfect community, have imperfect coercive power, which is exercised by inflicting lesser punishments, for instance by blows, which do not inflict irreparable harm.

²² Suárez, *Opera omnia*, 3:366–67.

²³ This is actually a reference to 1 Timothy 5:8.

²⁴ Augustine, *De civitate Dei*, 19.15–16; Augustine, *City of God*, 944–45.

of jurisdiction—of the sort that is in the prince with respect to his subjects. This is because the power for such a community as is necessary for its conservation does not follow from fault but from the very nature of the thing, as Saint Thomas teaches so well above and as we have said more extensively in *Defense of the Catholic Faith*, toward the beginning.²⁵ This doctrine holds in every state of human nature, whether pure, integral, or fallen. The subjection corresponding to this dominion would not have been a defect or imperfection repugnant to the perfection of the state of innocence because it would have neither deprived man of liberty, simply speaking, and the dominion over his own actions, nor would it have subjected him to serving the other according to his convenience but only for obeying in honorable acts for himself (*in proprium*) or in those redounding to the common good and convenience. The governing power at that time would not have been coercive, through which subjects are subjected to punishments, but it would have been directive to the greater good and ordained to the peace of the community, which I always mean in regard to subjects who persevere in their innocence. If perhaps some might sin, there would be another account for them, as we have often said.

13. *The distinction between economic and political power.* The difference between this political power and economic power must be noted.²⁶ The latter flows according to the mode of a proper passion from a certain conjunction and is fitting according to the conjunction of a determinate person, or, as it were, results in it according to the mode of a relation once such a foundation is posited just as, once the contract of marriage is supposed, the husband immediately has power over the wife from the nature of the thing. Similarly, once the generation of a son is supposed, the power of his parents over him is natural. Political power, however, although it results from the nature of the thing in the whole community by the very fact that it is congregated into one political body, is nonetheless not fitting for a determinate person but pertains *per se* to the community to establish the mode of rule and to apply the power to a determinate person, as I said at length in the cited passage. Hence, speaking rigorously, it is the same as long as this part would have been preserved in the state of innocence, for it is the same reason not founded in fault but in natural equity itself.

²⁵ Suárez, *Defensio catholicae fidei*, 3. See note 6.

²⁶ In this context, *economic power* indicates household management.

14. *A little question occurs and its resolution, absolutely speaking, as well as in reference to the state of innocence.* The following might be asked: If Adam did not sin and then remained on the way with the result that the human race was multiplied so that it was sufficient to constitute [417] a city, would he have always had the principate as the parent of all? I respond that the sole reason of being a progenitor is not sufficient for founding a principate with perfect dominion of jurisdiction and of political power in a perfect community, which coalesces from many families even if one of them is the first parent of all. The reason is that by the very fact that a son is emancipated through the use of reason and liberty and complete age, he is liberated from paternal power and comes to be of his own right. Hence, if he has a proper family, he has in it his own economic power equal to the power that his father has over his own family. The power is not held from the sole nature of the thing to be conjoined into one people with his father, nor between them does there intercede from the nature of the thing a higher power of jurisdiction. Hence, even after the fall, Adam did not have such power over his sons, as [Michael Bartholomeus] Salon noted well in *On Justice*,²⁷ even if

²⁷ Miguel Bartolomé Salon, *Commentariorum in disputationem de iustitia*, I, q. 65, art. 2, dub. 1. Salon (d. 1621) was an Augustinian who made important contributions to international law. For this passage, see *Commentariorum in disputationem de iustitia, quam habet divus Thomas secunda sectione, secundae partis suae Summae Theologicae* (Venice, 1592), 389–90, where he asks,

“When there were not yet commonwealths, as in the beginning of the world before the human race increased or where men only lived in bands and without a commonwealth, could a father punish his son by killing him or mutilating him?” Here is the relevant part of his answer: “I respond that parents as parents never could licitly ... punish their sons, no matter to what extent they were evildoers. I say, ‘as they are parents,’ since if the father is not only the father, but also a prince for some men, however few, congregated into one, and he is their head, then he does not then act as father but as having public power, but if he has no other right other than domestic and economic, which parents are accustomed to have over sons, they cannot insofar as they are fathers punish them with death or mutilation. The reason is that such punishment, since it is the act of vindictive justice, requires a juridical process in which witnesses are produced, guilt is heard, and everything is considered for the sentence to be produced, all of which pertain to public power.... Secondly, it is repugnant to right reason that any father, since there are so many parents who have little intellectual capacity, could make a process and weigh out and judge the merits of the case. Thirdly the paternal right only extends itself to educating sons and establishing them well, but nature dreads that parents are the avengers among

Soto indicates the contrary in *On Justice*, in the only article at the paragraph, “But if you ask.”²⁸ He was led only by the reason that Adam alone was the first parent of the human race. As I have said, this reason is not sufficient because it is necessary that one adds the consent of those who coalesce into one city, at least as far as the heads of families. We do not read that Adam and Cain, for instance, gathered with their families into one city whose political principate was conferred upon Adam. Instead we read that Cain established the first city. Yet, in the state of innocence, it seems true that on account of the fact that the families of his children and the other posterity of Adam would be multiplied, they would be congregated into one political body because of the supreme union and peace that would then have existed among men. Hence, it can even be believed that all his posterity would have ended up accepting Adam as their king and prince, more by the very use and interpretative will than by an expressed pact or election.

sons for punishing someone with death or mutilation.... Not without cause, the defender carries the sword, for it is of God.... So it happened that, although Cain, as a murder, merited the punishment of death, Adam nonetheless could not kill him since Adam was certainly lord of the world as far as the use of all things but not judge or prince over his sons. But then, after the human race increased and was divided into various commonwealths by the law of the nations, everyone had his own prince who administered these punishments, but it was never licit for the parents.”

²⁸ Domingo de Soto, *De iustitia et iure*, IV, q. 3. See the 1559 Lyons edition, p. 217:

But if you ask who made the first division [of things] in this way, there are those who respond that Adam was the first divider. Nevertheless, others arguing the contrary say that he did not have royal power or authority of a coercive commonwealth, but only was the *paterfamilias*, who could not distribute except his peculiar property to his sons. But this argument is not very strong. The first reason is that perhaps he had the authority of a prince, although we read this in no place, and had it perhaps by the very right that was his as the first and only parent of the human race. For it does not seem true that the world would exist for any time without a human prince who could punish evildoers. The other reason is that by the paternal right he could distribute his resources (*facultas*), with which he was amply overflowing, to his sons. Indeed, neither would it be absurd to say that he was the lord of the whole world since the world was made on account of man and he was alone. Neither was the world so full of men that he could rule them by means of ministers. But as for the division from the law of nations, it is not necessary for us to be forced into these difficulties. For that which is established by such a law neither needs a prince nor any gathering (*conventus*) of a commonwealth. By this very aspect do the law of nations and civil law differ.

What would have happened afterward, with the families of men multiplied and dispersed throughout the world, can scarcely be conjectured, still less asserted.

15. *Another little question about the dominion of a master.* I will not fail to ask in this place whether, given the perseverance of the state of innocence, there would have existed in one man particular dominion over another as over a servant who is not a slave. This power and the subjection corresponding to it is, as it were, a mean between the two that we discussed before. The subjection of a servant does not have the vile condition of slavery as it does not deprive one of liberty, simply speaking, nor does it establish the servant under the master's dominion of property, and, therefore, it does not seem to be as repugnant to the state of innocence as slavery. Likewise, it is not introduced as punishment but for relief and help that could have been necessary in the state of innocence.

16. *The negative part is approved.* Nevertheless, there would not have ended up being this kind of lordship or service in the state of innocence. Even though service is not as vile a condition as slavery, it nonetheless agrees in this respect with it, that the power of the lord over the slave is entirely ordained to the utility of the lord and, in this respect, service participates a great deal in a servile condition that is less decorous or becoming to the state of innocence. Furthermore, on the part of the servant, this subjection can be said to be introduced through the sin of Adam because no man becomes a servant to another except on account of the indigence and necessity of this mortal life, but this indigence would not have existed in the state of innocence. Therefore, no one would have served another in it from the obligation of justice and on account of a stipend through the mode of a servant, although all would have ministered to each other through charity. Finally, even on the part of the lords, if they are to be considered, no reason or necessity for such power or dominion can be rendered because the help of servants was either introduced on account of corruptible bodies, which are in need of garments, food, medicine, and other similar supports, or through vanity and ambition. Without almost any labor or ministry, men would have had food at the ready and would not have needed clothes, nor would they have had an abundance of particular riches, in the business of which they would have been weighed down. Therefore, there would have been no need for service, and, consequently, in this respect men would also not have had special dominion over other men.

17. *The third question about the division of goods or private dominion. The common opinion denies it.* This is the occasion for the third question to be raised: In that state would there have been a division of things as far as the dominion

of the earth, crops, animals, and other temporal things? Although God gave to man universal dominion over those things, as we have said above, he nonetheless did not divide these goods among men but handed over to individuals all things, so that they could use all things according to their choice, exactly as they would have willed.²⁹ In this way, even after the fall, all things were common until the division or appropriation of dominions was introduced. Therefore, it is questionable whether a similar division would have been introduced in the state of innocence or whether the community of goods would have always been preserved. In this point, the common opinion is that there would not have ended up being a division of goods in the state of innocence, nor would there have been private dominions. Soto so teaches [418] as do many other authors who have disputed about dominion and the division of things in their treatises on justice.³⁰ Before them Scotus has taught this, and he holds that there was a natural precept, which he says was afterward revoked, and he would have spoken better if he had said that the precept would have become inactive of itself once the things and the state of men were changed.³¹ Thus he opines that the division of things in itself is not licit but only in the case of necessity. In the state of innocence, the necessity that now exists would have been inactive, and, therefore, it would not have existed. The minor premise is declared because the division of things is now necessary, both on account of avoiding quarrels among men and keeping the peace as well as on account of the sustenance of men because, if goods were common, men would neglect to watch over them and work them. These two reasons, however, would have been inactive in the state of innocence, as is known from what has been said. Therefore, such a division would not have then been licit and, accordingly, would not have existed. The Fathers are favorable to this opinion. They sometimes said that the common use of things *per se* is fitting for men but that the division was introduced on occasion of sin. So is it held in Clement,³² and, in his *Oration on St. Philogon*, Chrysostom calls “mine

²⁹ See *Opera omnia*, 3:277–83, for Suárez’s discussion of the peculiar dominion of man in the state of innocence.

³⁰ Soto, *De iustitia et iure*, bk. 4, q. 3, pp. 215–18.

³¹ John Duns Scotus, *Sentences*, IV, d. 15, q. 4, art. 1.

³² [*De Divitiis*] I, epistle 5.2.12, q. 1. This appears to be the “mysterious work attributed to Clement of Rome,” which says that men were to possess everything in common, “but through injustice one man says this is his, and another says that is his, and so

and yours ... frigid words and the incentive of all evils.”³³ Ambrose uses almost the same words in *On Luke*, in the section, “Be not troubled.”³⁴

18. *The common opinion is sustained with some limitations.* Certainly this opinion is pleasing as far as the intended assertion. Nevertheless, it must be appropriately declared. In the first place, there does not seem to have been a precept given in that state that would have prohibited the division of things, as there is not found a positive law nor is a natural law gathered from the principles of right reason. This is because such a division would not in itself have been against justice nor against any virtue and could have been useful, as Leonardus Lessius explained well in *On Justice*.³⁵ Hence, it seems that we must further distinguish

division is created amongst mortals.” See Peter Garnsey, “The Originality and Origins of Anonymous, *De Divitiis*,” in *From Rome to Constantinople: Studies in Honour of Averil Cameron*, ed. Hagit Amirav and Bas ter Haar Romeny (Leuven: Peeters, 2007), 32n7. For a discussion of the reception of this passage, see Norman Cohn, *The Pursuit of the Millennium*, rev. ed. (New York: Oxford University Press, 1970), 193–97, esp. 194:

Probably first written in Syria around 265 A.D., the work was given its present form about a century later. In the *Recognitions of Clement* as we possess them the father of Clement appears as a pagan with whom Peter and Clement debate and whom they finally convert.... Some five centuries later this passage acquired an entirely new significance [in the False Decretals]. The collection opens with five “Epistles of Pope Clement,” all of them apocryphal and three of them forced by Pseudo-Isidore himself. In the fifth epistle, which is addressed to St. James and the Christians of Jerusalem, Pseudo-Isidore included the passage quoted above—no longer however as the saying of a pagan but as expressing the views of Pope Clement himself.

³³ John Chrysostom, *Oration on St. Philogon* [Hom. *De beato Philogon*].

³⁴ Ambrose, *On Luke* [*Expositio Evangelii secundum Lucam*], 7, chap. 12.

³⁵ See Leonardus Lessius, *De iustitia et iure, caeterisque virtutibus cardinalibus* (Venice, 1608), [2.2, dub. 2], pp. 41–42. Suárez must have meant to refer to chapter 5 rather than chapter 2. The question of the second doubt of chapter 5 is “whether this division of dominions was licit and commodious to the human race?” His response: “After sin, this division of dominions was not only licit but even salutary for the human race.” Indeed, Lessius said it was heretical to assert that one had to live without any wealth in the form of the Apostles. To the objection that, by the law of nature, all things are common, Lessius attacked the Scotistic teaching that the law of common goods was revoked after the fall. He said, “even if a community of things was very consonant with the state of innocence, they were forbidden to induce a division by no divine or

between movable and immovable goods. Movable goods are more subject to division; given the fact that they are occupied or seized, they become the receiver's. This right seems to have been necessary even in the state of innocence. Whoever would have gathered the fruits of a tree to eat would have thereby acquired a peculiar right over them, so that he could use them freely, and they could not have been removed unwillingly from the one possessing them without injustice. In immovable goods a similar division would not have been necessary, and it is in regard to these goods that the aforesaid authors speak. Yet it must be further considered that men could have worked the earth in that state and perhaps have sown some part of it. From this, therefore, it would follow necessarily that, after someone cultivated some small part of the earth, he could not have been justly deprived by another from its use and, as it were, its possession because natural reason itself and a fitting order postulates this. It could have been introduced by use that whoever once occupied that small part of earth would possess it as proper to him as long as he would not renounce it. The same could be said about the small part of earth for dwelling and, as it were, that destined as a domicile. Nevertheless, these things would have been reputed as nothing and, therefore, the division of goods in that state is denied, absolutely speaking. Additionally, even in those things, there could have been various customs not repugnant to that state, which would depend on the various choices of men, and, therefore, nothing certain can be said about those matters.

19. *The fourth question.* Finally, the fourth question can be easily addressed from what has been said—in regard to those actions or exercises or works that would have occupied men in that state. For they would not have ended up being idle because this is both opposed to right reason and gives rise to tedium and annoyance. Nevertheless, it is not easy to come upon the business in which they would have then been occupied. This is because, at that time, there would not have been wars, or lawsuits, or the treatment of bodies, or clothes, or skillfully made food. Neither would there be businesses for acquiring riches, nor would

natural precept. God subjected inferior things to the disposition of men, and nothing incommodious for man would have followed from this division.” He noted, of course, that, if such a division would have taken place in the state of innocence, everyone would have communicated his goods most willingly and gladly. Lessius (d. 1623) was a Jesuit who taught in Leuven. His *De iustitia et iure* was first published in 1605, and a selection has appeared in translation as Lessius, “On Buying and Selling (1605),” trans. Wim Decock, *Journal of Markets & Morality* 10, no. 2 (Fall 2007): 433–516.

corporal works of mercy have had a place because no one would have been sick, afflicted, and so on. There would not have been the use of mechanical arts inasmuch as all of them are ordained to assisting the bodily needs that would not have existed at that time. From actions, therefore, that are exercised through the body, none are found to be accommodated to that state. On the other hand, men would not have been able to be perpetually at leisure (*vacare*) for contemplation because without great labor or a special miracle, an animal body could not have perpetually cooperated with the soul in that exercise of the mind, nor could the soul itself contemplate without the cooperation of the body.

20. *Twofold resolution.* Nonetheless, the resolution is, putting it briefly, that the life of man in that state would have ended up being in great part contemplative, but still mixed with some moderate action fitting to that state. This is generally declared, for this kind of life is more accommodated in itself to human nature, especially in the state of being on the way and, as it were, of intrinsic mortality. Consequently, it is even more perfect seeing that in it the soul has the better part and the body is not deprived of fitting exercise. Moreover, the Damascene has taught the first part when he says,

God placed man in a Paradise that was not only spiritual but also corporeal—corporeal in that, as far as the body [419], he lived in a place that was on earth, while spiritual in that he dwelt with the angels, cultivating divine thoughts and nourishing himself by them, nude on account of simplicity and a life without art and paint, being prepared in such a way that he rises only to the Creator through things created by Him and enjoys as pleasantly as possible the contemplation of Him.³⁶

Indeed, the Damascene said this about Adam in particular because he was perfect from the beginning, but it must be accommodated, with due proportion, to men who were going to exist after him. For all of them, inasmuch as it is credible, would have been at leisure for the study of the natural sciences and for contemplation, and thus the great part of life—perhaps up to the point of maturity (*ad consistentiam aetatis*)—would have been occupied in learning the sciences, but afterward in teaching them. Besides, he would have been at leisure not only in the natural contemplation of God and his effects but especially in the supernatural contemplation of God that is exercised through faith and charity because in this most of all does the beatitude of this life consist and especially contributes to future beatitude.

³⁶ John of Damascus, *Expositio Accurata Fidei Orthodoxae*, 2.30.

21. *The second part is proved from Genesis 2.* The other part, likewise, is gathered from the words of Genesis 2: “God put man in the Paradise of pleasure that he might work it and watch over it,” which passage we have explained above in 3.6, number 17, in regard to exterior work and the moderate and delightful cultivation of the earth.³⁷ In his *Commentaries and Disputations on Genesis*, in the disputation about the use of flesh in the state of innocence, Pereira adds that men in the state of innocence would have cultivated all the liberal arts, such as dialectic and the others pertaining to mathematics such as arithmetic, geometry, astrology, perspective, cosmography, and the like, which is very credible since all these perfect the intellect and have external, moderate, and easy action as well as honorable delight.³⁸ Other things arise from this discussion that would be less necessary in that state such as grammar and rhetoric as in that state there would have only been one language, which all would have learned most perfectly just through use. Nevertheless, perhaps they might have been able to polish it through art, especially in those things that pertain to poetry. Likewise, from the servile

³⁷ Suárez, *Opera omnia*, 3:203, though it appears that number 18 gives more attention to the issue.

³⁸ Suárez refers to bk. 4. See Pererius, *Commentariorum et disputationum in Genesim*, 1:509–10:

I do not deny that man in the state of innocence would have often killed animals. Nevertheless, they would not have done so for eating but ... in hunting for the sake of honest delight, although Basil in his second homily on Genesis seems to have opined the contrary. Another reason would have been the acquisition of knowledge of the interior and hidden parts of their bodies, of which now the science of anatomy provides a view as well as knowledge for us. One further reason is for taking hold of the various experiences (*experimentum*) of those things ... necessary to become acquainted with in order to know the power and nature of animals. Indeed, I judge that in the state of innocence all the liberal arts would have been cultivated and exercised. I am speaking of those arts which declare the skill of human genius and ... confer delight.

He continued that he was also speaking of “those arts that even kings cultivate,” of the sort that especially “include agriculture, music, the art of navigation, painting, architecture, and of producing new and excellent species of things by mixing and combing the various natures of things skillfully and for the various and most commodious human uses.”

arts, they could have exercised some of the nobler ones such as hunting, either for the sake of recreation and honorable exercise or for penetrating more intimately the natures of the animals that were killed. The same can be considered in regard to the arts of painting, agriculture, and the like. Beyond all these things, they could also practice sacred actions, as we will touch on below in its proper place.