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Francisco Suárez, Self-Interest, and Natural Law

Elisabeth Rain Kincaid
Nashotah House Theological Seminary

In this symposium contribution, I argue that Francisco Suárez's understanding of the community's development of "permissive natural law" related to economic activity provides a useful and creative interjection into discussions of the goals of businesses and economic activity. While good civil laws can provide a baseline for economic justice and the common good, they cannot replace the necessary communal discernment of the good made possible by the market.

Introduction

In 2005 John Mackey, the founder of Whole Foods, argued against Milton Friedman that other principles, such as "sympathy, empathy, friendship, love, and the desire for social approval" are equally important to business goals as maximizing profits.[1] Friedman responded, unsurprisingly, that any argument that businesses should consider other goals than maximizing profits is either a cover-up for self-interested advancement (philanthropy makes businesses generate more profits) or an attempt by businesses to unjustly aggregate social responsibility to themselves away from the individual.[2] This skepticism regarding any possible relationship between understanding of economics as prioritizing self-interest and moral goals such as promoting justice and the care of the community does not exist among economists such as Friedman alone. Theologians have been equally concerned that economics and moral theology have little in common. For example, John Paul II warns against the dangers of "unbridled capitalism"

in *Centesimus Annus*, where he describes how an unfettered market permits the acceptability of contracts between employers and laborers that lack "reference to the most elementary justice."[3] Other theologians, including Milbank, Tanner, and Cavanaugh, argue that a system based on self-interested action necessarily implies an unjust use of power, a prioritization of the individual over the community, and runs contrary to natural justice.[4] Thus, some theologians seem to believe that the natural law or the pursuit of the common good requires the dissolution of the social space of the free market and the rejection of its focus on the individual's self-interest or the corporation's pursuit of profit.

However, at least a few theologians are more sanguine about the possibility for a synergy between the ideals of economic theory based on self-interest and a teleological vision of human flourishing.[5] For example, theologian and economist Mary Hirschfeld has recently argued that many theologians and economists actually generally agree on broadly desirable outcomes such as a more just and equitable society, the development of some form of human happiness and flourishing grounded upon a robust, stable view of human nature and the importance of communal development.[6] Pope Francis has described the importance of profit in business, as long as its proper role is understood to enhance human flourishing rather than oppose it: "Christian thought is not opposed in principle to the prospect of profit, but rather is opposed to profit at any cost, to profit that forgets man, makes him a slave, reduces him to a 'thing' among others, a variable in a process that he cannot in any way control or which he cannot in any way oppose."[7] In other words, they reject Friedman's stark bifurcation of morality and markets in favor of a potential synergy which aligns self-interest with broader human flourishing.

In this essay, I argue that the description of the relationship between natural law, the common good, and the pursuit of economic well-being of the individual and the community articulated by the early modern Jesuit theologian Francisco Suárez presents a creative addition to this reconciliation of economic self-interest and other moral goods. Specifically, Suárez's theory of "permissive natural law" articulated in his multivolume work of theological jurisprudence, *De Legibus*, assumes that self-interested human engagement in the market can point communities toward human flourishing and the common good while also leaving room for theological critique of injustice according to the standards of natural and divine justice.[8]

Self-Interest and Natural Inclinations

Suárez is more often studied for his contribution to legal thought than economic thought. However, his work played an important role in the development of a tradition, begun in the School of Salamanca and continued on by Jesuit theologians such as Luis de Molina who adapted the work of St. Thomas Aquinas to answer economic questions arising in the development of early modern economics. These theologians shared a common conviction that Thomas's theory of natural law and the common good provided helpful orientation to engaging with the changes in legal and economic development, which creates a promising legacy for engagement with economic theory in the modern world.[9]

Suárez himself indicates that he envisions a connection between natural law and economic theory. By posing economic questions repeatedly, he begins to lay out his natural law theory in *de Legibus*. His first example given to illustrate his understanding of natural law is in fact an example of an economic activity—almsgiving: "The poverty of the poor and the economic capacity of the one who gives are the foundation of the rectitude and obligation to give alms. And, never the less, nobody will say that the poverty of the poor person is the law of almsgiving."[10] Rather, Suárez claims, the basis for the rectitude of almsgiving is in fact in the natural law. At first, this may not appear to be an example of engagement with economic thought, since instead of dealing with questions of self-interest, it raises questions of altruism. However, this discussion of almsgiving had become a *key loci* for reflection related to the role of the state and the role of individual actors in economic engagement in early modern Spain. According to Wim Decock, the alternatives were presented by theologians such as Domingo de Soto, one of the great theologians of the School of Salamanca, as either (1) state-sponsored distributism, by which the control of the process rested in the state's determination of the "deserving" poor or (2) a continued reliance upon private charity.[11] Thus, by choosing this example of the rule governing almsgiving, Suárez indicates a connection between natural law and key economic principles that would have been instantly identifiable to his readers.

Digging deeper into Suárez's understanding of the natural law, we encounter a connection between proper self-interest as expressed in the natural order both resourcing our understanding of natural law and being guided by that understanding. For Suárez, the basic connection between natural law and self-interest is tied to his retrieval from Aquinas of the connection between the natural law and basic human instincts oriented to the good.[12] According to Aquinas, each human, despite the effects of the fall, still retains certain "natural inclinations" toward that which is beneficial to human existence, for example, from maintaining

material being to reproduction to the pursuit of the truth about God and life in society.[13] The things to which inclinations orient us are "apprehended by reason as being good, and consequently as objects of pursuit."[14] The precepts of the natural law therefore align with these basic inclinations. Thus, even the most sinful intellect can identify with some degree of specificity and certainty some of the goods appropriate to human nature in a way that transcends cultural and historical differences. In this pursuit, humans are acting in a fundamental way in accordance with the natural law and with their own self-interest, since these are the good necessary to human flourishing at a basic level.

Three Levels of Moral Action

The natural inclinations and their apprehension by reason of their object do not provide a necessary guarantee that humans will be able, on their own, to discern perfectly all the precepts of the natural law. Following Thomas, Suárez distinguishes among three levels of moral action that can be apprehended by reason.

First, each person is capable of apprehending basic moral principles: "Primary and general principles of morality," such as "one must do good and shun evil."[15] These basic rules are simply an articulation of an orientation to the good, but lack content or specificity, and can easily be misapplied: that is, somebody may think they are doing good but may be misled, or somebody may believe they are doing good *for themselves* but without regard to damaging the community.

Following these basic level precepts, there are secondary precepts derived from these that are "*per se nota* by their very terminology." For example, "justice must be observed," and "one must worship God."[16] These statements are tautologies advancing the moral conversation a few points further than the basic principles. These laws of the first two categories are understood by all rational humans, even if they may not act upon or understand the full meaning of the terms ("What is truth?" Pilate asks in John 13:38).[17] No one, Suárez argues, can be in ignorance of at least "the primary and most universal principles."[18]

The real work of moral discernment comes at the third level. The precepts of the natural law, according to Suárez consist here of conclusions that are "derived with an evident inference out of natural principles and which cannot be known save through rational reflection."[19] At this level, we face the challenging questions as to what actually constitutes doing justice. What worship of God is best and most appropriate? Within this group itself, there are precepts that are more likely to be accepted and recognized and some that are not immediately understandable or discerned. Acceptance and clarity will vary both on a person-to-person basis, as well as from community to community and nation to nation.

The negative precepts of natural law, according to Suárez, "are and have been always necessary the same in whatever state of nature. They prohibit the intrinsically evil acts which are in whatever state."[20] Thus, there is a certain floor of moral actions always prohibited by the natural law, which does not change regardless of time and place. Nevertheless, Suárez acknowledges that the positive precepts of the natural law come into force in different ways depending on context: "it may happen that one situation presents opportunities to comply with certain precepts and in other times other precepts."[21] Here, Suárez turns to the examples of the different rules that may demand obedience at different times: at war or in peace and in sickness or in health. For example, violent actions that might be permissible in a situation of just war would never be permissible in a time of peace. Cutting somebody open, which would be morally impermissible for a healthy person, might be necessary to save the life of a sick person through surgery.

Permissive Natural Law

Suárez's understanding of the need for continual discernment of these natural law precepts leads to his development of a concept of "permissive natural law." The varying applicability and appropriateness inherent in this permissive nature of natural law at the third level precepts leaves many questions related to human flourishing open, to be determined by humans based on context and observation.[22]

In addition, certain things may be therefore permitted or permissible under natural law, but changed by civil law, whether positive or customary. The most obvious example of this is nakedness, which was permitted to humans in a state of innocence. After the fall, given the exigencies of fallen human nature, it became necessary that we should wear some sort of clothes.[23] Another more complex example of this relates to property ownership. Before the fall, the general scholastic reading of the book of Genesis argued that all goods were held in common. Several theologians in the scholastic tradition therefore used the permission of private property ownership described in other places in scripture to justify a claim that natural law had changed to allow property ownership. In contrast, Suárez claims that the form of property ownership is left open by permissive natural law, with different precepts coming into effect at different times. There is no necessary connection between common ownership and the state of innocence, since an unfallen society could divide property and a fallen one could theoretically practice common property ownership.[24] Therefore, when we see specific division of property in a fallen state, this does not mean it was prescribed by natural law, but rather that the natural law "has been adapted to

the state and condition of humanity."[25] There are certain precepts that govern all property ownership, relating to justice and the care of the poor, at all times and in all places, but the applicability of other precepts may vary.[26]

Second, there are certain situations in which natural law will govern, but only after affirmative human actions trigger natural law's authority. For example, once humans decide to make a contract, the natural law comes into effect to undergird the requirements of fulfilling a contract. These requirements include the duty to both fulfil the terms of the contract as well as banning certain contractual terms as unconscionable. However, contracts can also be moved out of the natural law's authority. Since these precepts of the natural law "depend for their perceptive binding force upon the prior consent of human will," they may also be modified or dispensed with by human will. For example, a superior having received a vow may release the person who made it or a party in a contract may agree to excuse performance.[27] The natural law precept that vows must be kept would still govern, but the recipient of the promise has the ability to nullify the vow's binding force.

This understanding of natural law provides the grounding for both civil law and economic policies. However, it is not directly replicated in either. In civil law, the lawmakers reason from the natural law precepts in order to determine what application is appropriate for that specific situation and community. "In this way, all good acts are made concrete in particular by the reason and the criteria of men."[28] Thus, we can view all civil lawmaking as an exercise in appropriately discerning the third level precepts of the natural law.[29] This is an exercise in legislative humility, since it requires also an acknowledgement of both fallibility (the discernment may be wrong) and finiteness (the discernment is inevitably limited). The question therefore becomes generally not whether civil laws are perfect, but to what degree of perfection and helpfulness they may obtain, and how reason can improve them. For example, laws governing contracts will necessarily fail to list all items that might make a contract's fulfillment unconscionable. They might also omit all the requirements related to specific performance, simply because they would not have been envisioned at the time the law was drafted, but are developed and discerned over time.

Community, Contracts, and the Common Good

In Suárez, we see a development beyond Aquinas at this point: the people along with the legislator are also actively involved in this process of discernment and alignment with natural law.[30] Suárez presents this combination as crucial to proper discernment. The rulers, on the one hand, are likely to be better educated, hopefully more virtuous, and possess a broader political perspective. The people, on

the other hand, are better equipped through their lived experience to determine exactly *how* the third level precepts should be most appropriately developed in each community. Both the limits on civil law and the concept of permissive natural law leave a large scope of human life open to formation by the moral development of the community.

The engagement between ruler and ruled to develop civil law is not the only place in which the natural law is discerned. Rather, Suárez clearly envisions this analysis of the application of the natural law taking place in social spaces as well as through the mechanism of government. One of the social spaces he considers is the economic realm, as his examples of contracts and property theory given above demonstrate. In the economic sphere, there are the interactions between individuals as well as the interactions between individuals and the state, all of which are components of proper discernment.[31]

This emphasis upon the role of the people raises the question as to how the people, whether acting in dialogue with the ruler or in relationship with each other in the economic and civic spheres, discern the proper instantiation of the natural law. In understanding natural law as discerned and obtained through communal activity—and not merely the province of legislative action—Suárez draws an explicit connection between law and the common good. Life lived in proper accordance with the natural law will result in

> the natural happiness (*felicitatem naturalem*) of the perfect or autonomous human community which it governs, and of each of the people who are members of it. This is, certainly, living in peace and justice and with enough goods which are necessary for the maintenance and wellbeing in the material life, and with the proper customs which are necessary for the social peace, the happiness of the republic, and the adequate conservation of human nature."[32]

This definition of the common good covers a large range of topics—from economic to legal to interpersonal engagement. By describing the common good as requiring not only peace and justice, but also economic benefits that go beyond "maintenance," that is, achieving the basic sustenance to maintain life to actual well-being, Suárez reminds us that natural law is not simply present to impose order but to advance and improve the conditions of human lives through economic engagement as well as in all other proper spheres. Accordingly, the proper instantiation of the natural law will advance all of these goods both for the individual and the community.

Although Suárez presents a broad vision of the common good, his argument is neither abstract nor idealistic. First, a crucial element of his understanding of the common good is its context-specific nature. There is not a universal instan-

tiation of the common good this side of the eschaton.[33] Rather, it has different expressions, "at the time and place involved, and with respect to the people and community in question."[34] For a ruler or a society to try to enforce the exact same instantiation of common good as discerned in one community onto a different one without taking account of that community's different virtues and vices would be a failure of prudence. It would also demonstrate a failure to realize the value of each community's particular discernment of the instantiation of the common good in its specific contexts, as well as failing to take account of the community's vices and virtues.

Second, the common good requires a commitment to ensuring that the good of the community and of the individual are noncompetitive. The concept of the common good requires commonality—the whole community should benefit from the sum total of the actions carried out within the different spheres that comprise communal life. However, this does not require that individuals give up pursuing their own flourishing or that the flourishing of the individual is subordinated in the collective. Rather, Suárez argues that the common good develops out of the pursuit of the common good by individuals within the community. He argues, for example, that the common good even leaves room for special protection or granting of privileges to individuals who may not enjoy all the benefits of the common good. In fact, this protection of the individual may even be at times morally obligatory in order to promote justice and protect the common good.[35] This attempt to balance the obligation to protect the individual while promoting the common good is one of the factors that separates Suárez's eudemonism from utilitarianism. While he does emphasize the general and communal aspects, he is always seeking opportunities to ensure that justice is promoted both for the community and the individual (who is not a factor in utilitarian calculus).[36] As much as possible therefore, laws and policies that uphold the common good will be noncompetitive with the good of the individual.

Markets, Regulation, and the Common Good

To return then to our original question, how does this theory of natural law leave space both for the functioning of self-interest and the promotion of other goods within the economic sphere? We can trace a connection for Suárez between the healthy self-interest in the promotion of economic flourishing and the economic life to the other natural goods which, as described above, comprise the fullness of the common good. Humans are not *simply* want-satisfying machines, but we are beings who do have important natural instincts to the good *and* the capacity,

when functioning together in community, to discern some level of proper communal pursuit of those goods.

In other words, rather than seeing theories of the market as contrary to natural law, Suárez envisions just such a space in which determinations are made according to competitive self-interest, which is motivated by seeking after the natural goods and can result, given proper regulations and a virtuous community, in better obtainment of the precepts of the natural law. This insight could be described in economic terms as a conviction that the interactions of those in the community in the commercial square, when given the chance to interact according to their natural instincts to their own good, will naturally develop toward some sort of Pareto efficiency.

This potential for appropriate communal development of the economic sphere does not foreclose the need for adjustments within the community to achieve a more just result. This is in fact the role of the ruler. However, the ruler's finite nature means that he or she lacks the capacity to legislate in such a way as to accord with the fullness of justice and the common good in each particular community. Good civil laws can provide a baseline or a re-allocation but cannot replace the possibilities for communal discernment of the good made possible by the market.

Conclusion

Thus, Suárez provides a general schema for exploring the connection between the discernment of natural law's proper instantiation in the discrete community, the pursuit of self-interested action in the economic sphere, and the intrinsic connection between the individual and communal common good in a manner that might provide for potential engagement between economics and theology. Rather than calling for a rejection of one approach or another, it at least provides a theoretical framework for interdisciplinary exploration of questions such as what are the incentives available within the market, through the state, and through communal life that can lead to behavior that promotes human flourishing? What are the fundamental patterns of human action that can be discovered through economic insights and natural law discernment? What is business actually good for? And what goods are appropriate to pursue by business?

Notes

1. Milton Friedman, John Mackey, and T. J. Rodgers, "Rethinking the Social Responsibility of Business" *Reason*, October 2005, https://reason.com/2005/10/01/rethinking-the-social-responsi-2/.
2. Friedman, Mackey, and Rodgers, "Rethinking the Social Responsibility of Business."
3. John Paul II, Encyclical Letter *Centesimus Annus* (May 1, 1991), § 8.
4. See, e.g., William Cavanaugh, *Being Consumed: Economics and Christian Desire* (Grand Rapids: Eerdmans, 2008); Kathryn Tanner, *Economy of Grace* (Minneapolis: Fortress Press, 2005); John Milbank, *Theology and Social Theory*, 2nd ed. (Oxford: Wiley Blackwell, 2006); Daniel Bell, *The Economy of Desire: Christianity and Capitalism in a Postmodern World* (Grand Rapids: Baker Academic, 2012).
5. See, e.g., Daniel Finn, *Christian Economic Ethics: History and Implications* (Minneapolis: Fortress Press, 2013); Benedict XVI, Encyclical Letter *Caritas in Veritate* (June 29, 2009); Kidwell and Doherty, eds., *Theology and Economics*: *A Christian Vision of the Common Good* (London: Palgrave MacMillan 2015).
6. See Mary L. Hirschfeld, *Aquinas and the Market: Towards a Humane Economy* (Cambridge: Harvard University Press, 2018). As D. Stephen Long and Mary L. Hirschfeld have both pointed out, acceptance of economics in dialogue with theology can carry its own danger. My argument will not substitute critique for what Long dubs the "dominant tradition" in which theology serves as the handmaiden of economics by attaching theological window dressing onto contemporary secular political debates. See D. Stephen Long and Nancy Ruth Fox, *Calculated Futures: Theology, Ethics, and Economics* (Waco: Baylor University Press, 2007). In addition, by pointing toward a possible fruitful space for engagement between theology and economics, I hope to move toward synthesis and dialogue, rather than falling into the trap of Long's final category, which substitutes true engagement for simply a division of labor in which theology provides the goals and economics the best tools for achieving the goals set by theology.
7. Pope Francis, "Address of His Holiness Pope Francis to the Directors and Personnel of the Deposits and Loans Fund Institute," October 2, 2020, https://www.vatican.va/content/francesco/en/speeches/2020/october/documents/papa-francesco_20201005_personale-cassadepositi.html.
8. In understanding and formulating Suárez's concept of "permissive natural law," I am significantly indebted to Brian Tierney's work on the history of permissive natural law generally, and in Suárez in particular. See Brian Tierney, *Liberty and Law* (Washington, DC: Catholic University of America Press, 2014), 193–214.

9. The precise relationship between Suárez's theory of natural law and that of St. Thomas Aquinas has been a hotly discussed and controverted topic in secondary literature on Suárez. For further discussion, see Robert C. Miner, "Suárez as Founder of Modernity: Reflections on a 'Topos' in Recent Historiography," *History of Philosophy Quarterly* 18 (2001): 217–36; Terence H. Irwin, *The Development of Ethics*, vol. 2 (Oxford: Oxford University Press, 2008), 3–26; John M. Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980), 38–43; William Daniel, *The Purely Penal Law Theory in the Spanish Theologians from Vitoria to Suárez* (Rome: Gregorian University Press, 1968); Richard Cross, "Duns Scotus and Suárez at the Origins of Modernity," in Wayne J. Hankey and Douglas Hedley, eds., *Deconstructing Radical Orthodoxy: Postmodern Theology, Rhetoric and Truth* (Aldershot: Ashgate, 2006), 65–80.
10. Francisco Suárez, *De Legibus*, ed. Luciano Pereña Vicente (Madrid: Consejo Superior de Investigaciones Científicas, Instituto Francisco de Vitoria, 1971), 2.5.6.
11. See Wim Decock, "Domingo de Soto on the Rights of the Deserving Poor," *Rivista Internazionale di Diritto Comune* 28 (2017): 306–7.
12. The deeper connection between Suárez's theory of natural law and metaphysics are beyond the scope of this paper. For further discussion, see, e.g., James Gordley, "Suárez and Natural Law," in Benjamin Hill and Henrik Lagerlund, eds., *The Philosophy of Francisco Suárez* (Oxford: Oxford University Press, 2012), 209–29; Erik Akerlund, "Suárez's Ideas on Natural Law in the Light of His Philosophical Anthropology and Moral Psychology," in Virpi Mäkinen, ed., *The Nature of Rights: Moral and Political Aspects of Rights in Late Medieval and Early Modern Philosophy* (Helsinki: Acta Philosphica Fennica, 2010), 165–96.
13. Thomas Aquinas, *Summa Theologica*, trans. the Dominican Fathers of the English Provence (Benziger Bros., 1920), I-II, q. 94, a. 2.
14. Thomas Aquinas, *Summa Theologica*, I-II, q. 94, a. 2.
15. Suárez, *De Legibus*, 2.7.5.
16. Suárez, *De Legibus*, 2.7.5.
17. See Suárez, *De Legibus*, 2.8.3.
18. Suárez, *De Legibus*, 2.8.6.
19. Suárez, *De Legibus*, 2.7.5.
20. Suárez, *De Legibus*, 2.8.9.
21. Suárez, *De Legibus*, 2.8.9.
22. Tierney, *Liberty and Law*, 193–214.

23. See Suárez, *De Legibus*, 2.14.7. This example is interesting given Suárez's own cultural context, since it leaves room for a wide variety of modesty norms, given cultural conditions. It is also worth noting that another example Suárez provides is a concept of human liberty. Interpreting this statement might lead one to think that Suárez's claims could be used to support a natural law concept of slavery. His strong concept of the freedom of human will does leave room for individual humans, acting in freedom, to alienate their own liberty. However, he strongly dismisses the claim that permissive natural law justifies slavery as an institution in a later section. See idem, *De Legibus*, 2.14.14–16. For further discussion of Suárez's willingness to acknowledge the possibility of a wide range of cultural norms, see my analysis of Suárez's arguments for women's ability to exercise political power, even over their husbands: Elisabeth Kincaid, "Sharers in the Divine Image: Francisco Suárez and the Justification of Female Political Authority," *Political Theology* 19, no. 4 (2018): 331–48.

24. Correspondingly, there is no need in Suárez for some type of direct theocracy to ensure the proper division of property, although he does maintain the indirect power of the pope. See, e.g., Antonio Molina Melía, *Iglesia y estado en el siglo del oro*: *el pensamiento de Francisco Suárez* (Valencia: Universidad de Valencia, 1977), 183–94. See also Victor Salas and Robert Fastiggi, "Introduction: Francisco Suárez, the Man and his Work," in Victor Salas and Robert Fastiggi, eds., *A Companion to Francisco Suárez* (Leiden: Brill, 2014), 22.

25. Suárez, *De Legibus*, 2.14.13.

26. This is a development of Aquinas's position as described in idem, *Summa Theologiae*, II-II, q. 26, a. 2, ad. 2.

27. See Suárez, *De Legibus*, 2.14.11.

28. Suárez, *De Legibus*, 3.12.15. See, e.g., Jean-Paul Coujou, "Political Thought and Legal Theory in Suárez," in Salas and Fastiggi, eds., *A Companion to Francisco Suárez*, 33.

29. Paul Pace claims, "Here Suárez makes a very insightful 'common-sense' affirmation: while all three orders of precepts belong to the natural law, and the first two are practically self-evident, the natural law is put into practice (*exercetur*) more in the third order of immediate conclusions than in the universal principles. Since law is an immediate rule of conduct, the general self-evident principles can be considered laws only to the extent they are applied to concrete situations by other, more proximate principles." Paul Pace, SJ, "Suárez and the Natural Law," in Salas and Fastiggi, eds., *A Companion to Francisco Suárez*, 284.

30. John P. Doyle, "Francisco Suárez on the Interpretations of Laws," in Victor Salas, ed., *Collected Studies on Francisco Suárez, SJ* (Leuven: Leuven University Press, 2010), 368.

31. See Daniel Schwartz, "Francisco Suárez on Consent and Political Obligation," *Vivarium* 46 (2008): 59–81 for a broader analysis of the importance of the role of consent in all of Suárez's theory of civil interaction. See Luis-Carlos Amezúa, "Francisco Suárez y la posibilidad de la intervención pública en asuntos sociales," in Robert Aleksander Maryks and Juan Antonio Senent de Frutos, eds., *Francisco Suárez* (1548–1617): *Jesuits and the Complexities of Modernity* (Leiden: Brill 2018): 216–17 for a discussion of Suárez's discussion of the requirements for the government to pay individuals a just price.

32. Suárez, *De Legibus*, 3.11.7. See Paul Pace, SJ, "Francisco Suárez and Justice: A Common Good Perspective," *Gregorium* 93, no. 3 (2012): 503.

33. Along with being one of the great Thomistic scholars of his age, Suárez also was engaged significantly with the work of Saint Augustine. See Eleuterio Elorduy, "San Augstin y Suárez: El Doctor de la Gracia," *Augustinus* 16, no. 1 (1971): 13–45. Here we see the same type of acknowledgment of the diversity of civil and communal forms of the good described by Augustine in book 19 of *City of God*.

34. Suárez, *De Legibus*, 1.7.9.

35. See Suárez, *De Legibus*, 1.7.14.

36. See Suárez, *De Legibus*, 1.7.14. Annabel Brett provides further discussion of Suárez's attempts to balance the right of the individual against the authority of the community. Although she claims that de Soto's emphasis on the spiritual aspects of citizenship, as opposed to the natural, left far more room for individual freedom, she convincingly defends Suárez against claims that he surrenders all freedom of the individual in his explanation of the surrender of some individual liberties to constitute the city. See Annabel Brett, "Individual and Community in the Second Scholastic," in Constance Blackwell and Sachiko Kusukawa, eds., *Philosophy in the Sixteenth and Seventeenth Centuries* (New York: Routledge, 1999), 166–68.