**The Origins of Francisco Suarez’s Doctrines on Popular Sovereignty and Authority**

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*Abstract*

*Francisco Suarez was a Spanish Jesuit scholastic who wrote extensively on theology, metaphysics, law, and politics at the turn of the 17th century. Highly regarded, he has remained influential until the present. This paper will focus on his theories of popular sovereignty and resistance that were so implicitly influential during the early modern period and into the Enlightenment. The clear evolution from the political thinking of Plato through the Aristotelian-Thomistic school is shown to evolve into Suarez’s as a result of two factors: the universalization of natural law, and the greater emphasis placed on the individual as an independent subject. These two factors combined to subrogate the concession of authority to the people, now considered sovereign as a political body. This understanding enabled to Suarez develop a coherent resistance theory, showing in an objective non-sectarian way that political stability and legitimacy could be maintained if the deposition of a tyrannical monarch proved necessary.*

1. Suarez and Popular Sovereignty

Aristotle raised the question, “Is it possible to be a both a good man and a good citizen?”[[1]](#footnote-1) With citizenship being so important for Greeks, the Socratic philosophers noted the obvious natural conflict between the obligations of ethical behavior and the support of a tyrannical state. Plato had earlier answered the question clearly. He valued order over justice. In the *Crito,* Plato has Socrates sitting in his jail cell awaiting execution for corrupting the youth of Athens. When his friend (Crito of Alopece) visits and offers to help him escape, Socrates refuses. According to him, a man is a citizen because of the law. The law is authority, and grants legitimacy to the ruler. As the law is prior to the state[[2]](#footnote-2) – and thus the best guarantee against tyranny – respecting it is more important. And thus, to achieve justice, order is valued over conscience.[[3]](#footnote-3) Suarez,[[4]](#footnote-4) the scholastic, writing almost two thousand years later, wrote several books on politics and law. *De Legibus* (1612) and *Defensio Fidei* (1613) made a clear case for conscience and justice over order. In the intractable debates at the time over the divine right of kings, Suarez firmly argued against that doctrine in favor of one where power comes from God, but is vested in the people as a sovereign political subject.[[5]](#footnote-5) Through popular consent, legitimate authority is created, and a monarch may exercise power as the maximum expression of popular will.[[6]](#footnote-6) For Suarez, power is retained by the people always,[[7]](#footnote-7) as power is a gift from God and is inalienable.

Suarez recommended a monarchy as an ideal system of government – it followed nature’s endogenous hierarchies. But he also allowed for majority rule and some form of democratic expression, as he did not believe that monarchy necessarily followed from natural law.[[8]](#footnote-8) When a monarch disregarded the law – the law was above the monarch[[9]](#footnote-9) – or failed to respect the well-being of his people, then Suarez allowed for resistance. Resistance theory was a concept that the people had a right to overthrow the king, and had been expressed several times during that era, primarily by religious writers who disagreed with their monarch’s religious policies such as Doleman and Buchanan.[[10]](#footnote-10) Until Suarez, resistance theory had primarily been a sectarian affair.

Suarez made resistance a coherent dogma. He conceived it in a way that allowed for consistent, logical, coherent, and non-sectarian popular accountability of a monarch. But justification for resistance was developed in such a way that a small majority could not de-crown a monarch for sectarian interests. Prior to Suarez, Francisco de Vitoria had proposed theories of popular sovereignty and resistance.[[11]](#footnote-11) It was Suarez that made these a practical, applicable reality. He maintained the sovereignty of the people, but defined its limits in a way that the authority granted by the people to the monarch could not be withdrawn unless it was in self-defense or an actual case of tyranny.[[12]](#footnote-12) A legitimately constituted power could not be abolished without also ensuring that resistance or deposition clearly represented the consent of the people.[[13]](#footnote-13)

1. Dominium and Free Will

As political philosophy developed from the classical, to the medieval, and later to the early modern period (as represented by the School of Salamanca), it evolved to emphasize the individual as a subject with his own agency. While Vitoria and Suarez continued to agree with Aristotle and Aquinas in the importance and priority of society when explaining mankind, the former began to recognize the primacy of the individual as the essential component of society as opposed to the family.[[14]](#footnote-14) The development of the concept of dominium – perhaps best understood as agency – and a shift in emphasis on free will centered the individual as the core component of the political subject, the people. Dominium made individuals into agents, and further development of the concept of free will created the concept of regal authority through the mechanism of popular consent.

In the *Republic*, Plato defined a rather limited concept of the individual. The polis was there to harmonize an individual to society and provide for the self-perfection of the individual’s soul.[[15]](#footnote-15) For this, he identified the parts of the soul directly with the parts of the polis; it was therefore understandable that the individual as part of the polis was created a citizen through the law. The law was conceptualized as being prior to the state; it was the law that created the state’s authority.

Aristotle did state that the purpose of the state was the fulfillment of an individual’s telos, but he conceived the community as prior to the family, and a person existed in natural partnership with a spouse.[[16]](#footnote-16) Aquinas followed his lead; his basic component was the family, and it could only exist in a naturally-occurring society, a more perfect whole.[[17]](#footnote-17)

All this changed in the mid-sixteenth century. Aristotle had argued in favor of private property, but only in a practical, instrumental way – to avoid the tragedy of the commons. Francisco de Vitoria, when taking up the cause of the Amerindians, argued that individuals had dominium, or agency and power over their immediate domain. A human being that owned property, in both an instrumental and also a subjective way[[18]](#footnote-18)– as he argued the Amerindians did – obviously had dominium, and this was evidence that they could reason. While dominium was a gift from God, private property was an expression of it which lay within the purview of human and natural law; this, plus the capacity to reason, made a person a morally relevant subject.[[19]](#footnote-19) Although Vitoria continued to argue that society was natural, the individual was now a sovereign subject within said society.

For the scholastics, power came from God. Vitoria vested that power in the individual through his concept of dominium. Since society was the natural state of human beings, power was naturally expressed in a collective fashion, and no matter how it was adjudicated, that power remained sovereign in that collective.[[20]](#footnote-20) Through individual dominium,[[21]](#footnote-21) power was inalienable from the collective. That same dominium allowed the collective to assent to a government because those individuals held agency which allowed for legitimate consent.[[22]](#footnote-22) Suarez gathered Vitoria’s thoughts and argued that it was individuals that had to consent to a government.[[23]](#footnote-23)

Apart from the evolution of dominium, free will was conceptually undergoing change. Throughout the classical period, some philosophers allowed for varying degrees of free will. Stoic philosophy may have as well, but it also understood fate to be explicative. When one considers the Aeneid, it is debatable how much freedom of action Aeneas had from his fate or his telos. This period seems to accounts for free will, but only in a compatibilist manner.[[24]](#footnote-24)

In the middle ages, Thomas Aquinas, basing his philosophy on Aristotle’s, argued that the use of reason was essential to humans; unlike Aristotle, he proposed a more robust conception of freedom of action. This wasn’t new – this idea had existed in the Judeo-Christian tradition since the days of the Covenant and Abraham’s sacrifice of Isaac. These events necessitated human free agency, conceived in a manner less compatibilistic and fated than Aeneas’s.

In the early modern period, another Salamancan, the Jesuit Luis de Molina,[[25]](#footnote-25) challenged the Thomistic doctrines of Dominican Domingo Bañez on free will. De Molina attempted to resolve the conflict between God’s foreknowledge and freedom of action, and human free will. His doctrine was the famed ‘middle ground,’ that held that divine freedom of action and foreknowledge could be maintained as God could create a multiverse, where a person could still exercise free will, and make a choice, while those choices remain enclosed in a universe that was a creation of divine power.[[26]](#footnote-26) This doctrine was referred to as Congruism, which ultimately formed a cornerstone of Suarist philosophy. Suarez was more moderate than Molina in the debate, but the doctrine implied that natural law had to be compatible with free will. Molina may have argued that God was merely partial to acts of human free will, but Suarez argued that since God had to completely participate in each human act, he became their complete cause – while still allowing for acts of free will.[[27]](#footnote-27)

The reasons the Suarist position on Congruism were so vital to his concepts of popular sovereignty and resistance were twofold. A prince’s right to rule was created through consent from the people, but the people had to have agency in order to consent. And that agency was based on their free will.[[28]](#footnote-28) That consent created authority, but that consent could only create authority because God had assented and participated in the acts of popular free will that had resulted in the creation of that authority.[[29]](#footnote-29) God did not create that authority, but with God’s participation in consent, a prince could claim – and remain subject to – some form of divine backing of the trust placed in him by his people.

The consent, as formulated by Suarez, could allow for a form of social contract.[[30]](#footnote-30) While there is no way to pretend Suarez was a social contractarian like Hobbes or Locke, there were some similarities. Suarez would never admit to something like the state of nature that the English theorists wrote of – for him, individuals could never be understood outside of a social context. But he did state that each individual had to agree on the need for a government. This is a change in emphasis from Aquinas. Mostly due to Vitoria’s influence, Suarez now presented consent with an emphasis on the individual’s choice, as opposed to the medieval version, which emphasized the community above the individual.

1. The Universalization of Natural Law

Natural law evolved somewhat from its origins with Aristotle to a more clear expression with Cicero and the Stoics. For them, natural law was based on nature and the *essentia* of a thing. Aquinas later argued that natural law came from God’s nature; this made natural law universal and binding.[[31]](#footnote-31) The conceptual change created a mechanism for the placing of objective values and virtues over order and the law.

The implicit natural law that Aristotle argued for was based on the teleological implications of the essence of a thing, its nature. Thus, it was objectively based on nature – but it was less clear what was defined as nature or constituted that way. Although Aristotle’s doctrine on slavery remains poorly understood, he did admit that someone could be a slave by nature, and therefore had a different natural entelechy than a citizen. Human beings were not necessarily born free, nor were they equal; different types of regimes required different moral virtues from their citizens. For Aristotle, one of the purposes of the state was to teach these concepts to the people, that they may best achieve their natural ends – and the ends of their particular republic.

Aquinas argued that natural law came from God’s nature, and God couldn’t contradict his own nature;[[32]](#footnote-32) natural law was universal, completely binding, and applied to everything that God held in existence – *per se,* and not *per accidens.*[[33]](#footnote-33) Natural law was prior to human law, which necessarily implied that the emphasis on ‘the good,’ the intent of following natural law, was more valued than ‘order,’ in the sense that ‘order’ was derivative of human law.

Vitoria evolved to specifically value justice over order. Human rights, he argued, were now subjectively ordered, binding, and universally applicable. Suarez continued, and argued that only laws that were subject to natural law were both binding and valid.[[34]](#footnote-34) This became key when he formulated a resistance philosophy. Thus, he argued in *Defensio Fidei,* that rebellion is authorized due to either the violation of the conditions of the prior contract or the exigencies of natural justice.[[35]](#footnote-35)

1. Authority

Classical philosophy first argued that political authority was not of divine origin. Plato equated the law with authority; the individual as he related to the state, the citizen, was a creation of the law. Indeed, the citizen had a compact with the state; the law needed to be above the state as well, and he made it clear in the *Crito* that questioning the law damaged authority, and thus order was more important than justice.[[36]](#footnote-36) Aristotle agreed that law must have authority, even though his accounting of authority was nebulous.[[37]](#footnote-37) For him, constitutional rule required rule of law and no ruler self-interest.[[38]](#footnote-38) Tyranny was unconstitutional, but his theory of resistance was not elaborate; he allowed for a natural ‘kyklos,’ where revolution was caused by injustice and inequality.[[39]](#footnote-39)Aquinas believed that a regime had to comply with natural law to be legitimate.

Vitoria argued that popular sovereignty comes from universal consent, as this is what creates authority. This had its foundation in his ‘dominium’ concept; Suarez added agency due to free will, which endowed Vitoria’s individuals with real moral capacity. This implied that it was individuals, not the family, the tribe, or the community, that had to agree on a need for a government. For Suarez, authority could not be withdrawn from a legitimately constituted state. Under the circumstances of tyranny, he did approve of rebellion, but in contrast to Bellarmine, Suarez argued that an appeal to authority (e.g., a king’s own magistrate’s approval) was needed to legitimize resistance.[[40]](#footnote-40) Since authority was created by popular consent, as exercised by individuals acting in a community, resistance to a king needed a legitimate cause, the assent of an authority,[[41]](#footnote-41) and thus implicit approval of the citizenry. This was the mechanism by which a people could hold their sovereign accountable without a devolution into anarchy.

1. Conclusion

Suarez gave a very tidy conclusion to the ‘good man’ versus ‘good citizen’ conflict. A good man had to be a good citizen. If there was a conflict between the two, the regime was in the wrong, and needed to changed. A legitimate regime could not be overthrown, unless it was violating natural law, the natural rights of the citizens (justice), or its compact with the citizens.[[42]](#footnote-42) No individual or faction could overthrow the regime on its own volition; rebellion needed to be legitimized by authority. Only an individual, with agency due to a free will that follows naturally from natural law – and thus enjoying God’s implicit consent, because it is grounded in nature and not will – can create consent by approving a regime in concert with other individuals in a community. Power is retained by the people, and only authority is transferred to the ruler. Therefore, resistance also requires the same consent and authority.[[43]](#footnote-43)

The intense implications of this Suarist social contract found many echoes into the Enlightenment. Here was a fully coherent conception of power, authority, and the state, which allowed for stability, democracy, and exercise of power in a way that matched natural rights and freedom for the individual, sovereignty and accountability in the community, with a capacity for executive action by the state.

Suarez was widely read by Sidney, Locke, Grotius, et al. Many of his ideas were copied and later reformulated into the programs and writings of others who would later create their own versions of liberal political philosophies.

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1. A good citizen was educated by the state to support the regime. Aristotle admitted at least six different types of regimes, therefore there were varying ways of being a good citizen. According to him, a good man and a good citizen would only coexist in an ‘ideal regime.’ Being a good citizen could naturally lead to his supporting less than ideal policies. The relevant quote is “whether the virtue of the good man and the excellent citizen is to be regarded as the same or as not the same.” Aristotle, *Politics,* Book III, 1276b15.  [↑](#footnote-ref-1)
2. In the *Republic,* Plato argued that in the ideal polis, as he described it, laws wouldn’t be necessary. But in a less than ideal polis, the law should be supreme. Earlier Greek thought did not believe that laws had much authority, as they were human made. Plato enshrined the law as being a product of reason. Although it may reflect the values of those who made it, at least a law encapsulated an objective truth – the use of reason. By this mechanism, Plato could place the law as being a source of authority. [↑](#footnote-ref-2)
3. The dialogue *Crito* is suspected of having been written around the same time as the *Laws.* This seems logical. In the dialogue, Socrates argues that the laws create order in Athens, and the laws allowed for his father to marry his mother. Without the laws, there would be chaos. This is a different approach than Plato took when he wrote the *Apology.* Here, Socrates is placed on trial for corrupting the youth of Athens, and is condemned to death. In it, Plato describes the tension between conscience and the requirements of a citizen’s public life. The real questions of the *Apology* are, who has the right to speak? Who ought to educate the citizens? And therefore, who ought to govern and be in charge? Who is going to make the laws? It appears that the *Apology* is written in tension to the *Crito,* but the authority created by embedding just reason into the law is not challenged in the *Apology.* [↑](#footnote-ref-3)
4. Spanish Jesuit, lived from 1548 – 1617. Arguably the most influential philosopher and theologian of the scholastic revival that spread through Spain during the early modern period. [↑](#footnote-ref-4)
5. Suarez seems to be following Vitoria’s lead, where the power of the republic is analyzed according to the Aristotelian causes: efficient cause is God; material cause is the commonwealth. This is how power comes directly from God, but is vested in the commonwealth. Izbicki, 2019. [↑](#footnote-ref-5)
6. In an ideal community, Suarez admits that democracy may be as well be the ideal form of political organization. Monarchy is acceptable, but for practical reasons of governance. [↑](#footnote-ref-6)
7. “For this power can be considered according as it exists, or can exist, in the whole political body of the commonwealth, or of the civil community, or according as it exists, or can exist, in these or those members of said community…the supreme civil power, viewed in itself is indeed given by God to men gathered into a perfect political community…through the natural consequence by the first creation of it, and thus, by the force of such a gift, this power is not in one person, nor in a peculiar congregation of many, but in the whole perfect people or body of the community.” Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1,374 – 375. [↑](#footnote-ref-7)
8. In his book, *De Legibus,* Suarez makes a case that democracy may be “good and useful.” He seems to believe that monarchy is the best system, but allows for democracy, as monarchy does not necessarily follow from natural law; for him, reason (conforming to natural law) does not determine the type of government in itself. “…democracy is a divine institution, we answer, that if this is to be understood of positive institution, the consequence must be denied; but if it is understood of a quasi natural institution it can and ought to be admitted without any inconvenience…but democracy could be without positive institution, because natural reason itself dictates that the supreme political power naturally comes from a perfect human community, and by force of the same reason, pertains to the community as a whole.” Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1,376 – 377. [↑](#footnote-ref-8)
9. The saying “Por encima de el rey, esta la ley,” popular in Spain (above the king, there is the law), is something Suarez would have agreed to, as would have Plato. See footnote 2 above. [↑](#footnote-ref-9)
10. Doleman was the pen name of an English Jesuit; Buchanan was a Scottish Calvinist. These were several of the various sectarian resistance writers active at the time. The intent of these was to overthrow a particular monarch who persecuted religious minorities; the doctrine in these writings range in various degrees of scholarship. In none of these treatises could be found a coherent concept of the state that defined authority and allowed for resistance to a tyrant while providing a legitimizing process that allowed for stability, in a way that allowed for pluralism. Suarez did not deny the legitimacy of a Protestant or heathen king over his Catholic subjects; he objected to a lack of religious freedom. According to him, Christians are subject to legitimate princes – those who rule under natural law – even heathen ones. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1,392. [↑](#footnote-ref-10)
11. Vitoria did firmly establish popular sovereignty, but his theory of resistance was very weak, and only allowed for when a tyrant was threatening the survival of the commonwealth. Izbicki, 2019. [↑](#footnote-ref-11)
12. “the perversity of a king can be so great against the common good of the republic, or against the compacts and agreements made with the king, the whole kingdom can by common council rescind the pacts and depose the king, and thus liberate itself from civil obedience and fidelity to him.” Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 2, 580. [↑](#footnote-ref-12)
13. Suarez here argues that even a tyrant with no just title, “is not licitly killed by private authority, but by public, but in this way it is also licit to kill a king governing tyrannically. Hence I argue further that a tyrant… is to be killed either in vengeance for his crime or by reason or defense. It has already been said that in the first way he cannot be killed by any private person with private authority, because to punish is an act of jurisdiction and of a superior … neither the republic itself, which has suffered the offensive of such a tyrant, can in this way punish him, but by public counsel and with the cause cognized and sufficiently judged.” Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 2, 563. This appeal to authority is unique to Suarez, although Molina did state that if a king treated his people like slaves, ‘dominium proprietatis,’ then an effort to depose needs the assent of the ‘common will.’ Suarez allowed for more and wider causes for resistance (See Izbicki, 2019). His contemporary Jesuit, Bellarmine, who wrote on sovereignty and resistance, never mentioned a need for authority to depose a tyrannical king. Neither did the Whig theorists (Locke and Sidney) recognize a need for authority. In fact, the Rye House Plot of 1683 was a conspiracy to assassinate Charles II that directly implicated Sidney and Locke indirectly. Both had been part of a small faction, lead by Lord Shaftesbury, that opposed the Stuart dynasty. [↑](#footnote-ref-13)
14. Suarez emphasized that man is born free, unlike what Aristotle claimed; Suarez believed that being free is a perfection of man. Ex Vitoria, all men are born free. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1,372. [↑](#footnote-ref-14)
15. Plato identifies the three parts of the soul – appetitive, spirit, and reason – with the three parts of the polis – workers, auxiliaries, and guardians. The Republic is a metaphor for the soul, where it is argued that reform of the polis begins with reform of the soul. Book 5 of the *Republic* makes it clear that a man at war with himself is a man that is going to be at war with others; Plato is preaching self-control, and justice is a result of ‘balance, self-control, and moderation.’ Harmony in the soul begets harmony in the polis, and this is how a just state is created. [↑](#footnote-ref-15)
16. Aristotle argued that the purpose of the polis is the telos (happiness through living a life of virtue) of its citizens. Political community is a partnership aimed at the common good, and is not the same as another type of rule, e.g., patriarchy. Political partnership starts with the male/female and the rule/ruled relationship of people who need each other to exist. The above relationships form households, and then a village. The self-sufficient community that can provide for the needs of its citizens is the ideal state (polis). Since the polis is necessary for a citizen’s telos, “it is prior by nature to the household and to each of us.” Aristotle, *Politics,* Book 1, 1253a19. [↑](#footnote-ref-16)
17. The emphasis on the community’s being prior to the individual is a major component in the Aristotelian-Thomistic tradition. Suarez restates the concept, “man by his nature is inclined toward civil society.” Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1,369. [↑](#footnote-ref-17)
18. Amell, 126. [↑](#footnote-ref-18)
19. Locke later emphasizes this when he argues that property through possession and as a result of one’s labor is the essential individual right. Protection of this property drives other rights and the need for a social contract. Locke disagrees with Vitoria in that individuals may live independently in a state of nature; Vitoria does emphasize an individual’s freedom, his rights, and ability to consent, but the individual lives naturally in a social community. [↑](#footnote-ref-19)
20. Amell, 67. [↑](#footnote-ref-20)
21. Suarez restates Vitoria when he claims that a person has a natural right to rule over his body, independently from its manner of creation. Robert Filmer, a Hobbesian theorist who argued for the divine right of kings and who cited Suarez, stated that power is passed patriarchally, arguing that man was perpetually beholden to those who engendered him. This argument is the core if his defense of royal absolutism. For Suarez, dominium simply recognized the limited agency a person had; that agency did bring some authority with it. A person had freedom and agency, simply for existing. [↑](#footnote-ref-21)
22. Unlike Aquinas or other medieval scholastics, who used ‘ius’ (right) objectively, about things, people, and processes in only the sense that they complied with natural law, Suarez began to use the term ‘ius’ subjectively, “a certain moral power which every man has, either over his own property or with respect to that which is due to him.” Suarez, *De legibus* I.2.5. [↑](#footnote-ref-22)
23. Suarez was essentially social contractarian philosopher. This was a movement that citizens grant authority and contract an obligation to a political entity if they consent to it. Nonetheless, he would not have agreed to the premises of Hobbes, Locke, and other contractarians; but his consent was premised on individual freedom and agency, something he had in common, particularly with Locke. Hobbes had argued *Leviathan* (1651) that in a state of nature, man existed in a war of all against all – something that Suarez anticipated in his thinking much earlier. For Suarez, individuals would form families (as in Aristotle and Aquinas), but these were not ‘perfect communities.’ For that, one needed to join a social whole that had a corresponding political expression. Suarez argued that without a governing regime, families would fight ruinously amongst themselves, and peace could not be preserved with justice. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1,3.1.4. [↑](#footnote-ref-23)
24. Compatibilism marries free will with determinism. There are various mechanisms by which this is done, leading to various different conceptualizations of the term. [↑](#footnote-ref-24)
25. Luis de Molina, 1535-1600. A strong supporter of human free will; his ideas on free will and God’s foreknowledge were very influential, affecting Calvinist countries like the Netherlands, where his ideas influenced Arminianism. Hugo Grotius subscribed to this theology; he was imprisoned and then exiled. Molina was essentially a libertarian, and this philosophy applied to all his endeavors in theology, economics, and politics. [↑](#footnote-ref-25)
26. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 2, 580. [↑](#footnote-ref-26)
27. Congruism as a solution was derived from Molina’s ideas, and ended up being the position of both Suarez and Bellarmine, another Jesuit who had much influence with his ideas on popular sovereignty and resistance. [↑](#footnote-ref-27)
28. According to Suarez, man is born free, but can be subjected with reason through nature or a pact. Subjection is from man and law, which is derived from God and nature. Natural reason plus man’s will causes subjection: “natural reason alone does not introduce the transfer of power from one man to another through the sole designation of the person without the consent and efficacy of the will of him by whom the power the power is to be transferred or conferred. Therefore a transfer of power cannot be understood which would be made directly by God… unless the succession is of positive divine institution; but regal power gets its origin not from positive divine institution, but from natural reason, through the medium of free human will, and therefore it is from man directly conferring it and not merely designating the person.” Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1,376 – 377. [↑](#footnote-ref-28)
29. For Suarez, free will flows from natural law, and thus from God’s nature. This is the mechanism by which the consent into authority process is legitimized. People have freedom of choice, and this comes from God. Thus, Suarez does not allow for a radical libertarian point of view; the choice to assent is valid. Contrast this with the situation in England, where protestant theology to varying degrees disdained reason, free will, and natural law. This inability to legitimize a volition process whereby the people consent to a king created a need for a theory of state that was voluntaristic to the extreme – this being the divine right of kings. This conception did not allow for any legitimate manner for the people to remain sovereign or assent to a monarch. Examples of this thinking are Robert Filmer’s *Patriarcha* or Thomas Hobbes’s *Leviathan.* [↑](#footnote-ref-29)
30. Suarez was essentially social contractarian philosopher. This was a movement that citizens contract an obligation to a political entity if they consented to it. Nonetheless, he would not have agreed to the premises of Hobbes, Locke, and other contractarians; but his consent was premised on individual freedom and agency, something he had in common, particularly with Locke. Hobbes had argued *Leviathan* (1651) that in a state of nature, man existed in a war of all against all – something that Suarez anticipated in his thinking much earlier. For Suarez, individuals would form families (as in Aristotle and Aquinas), but these were not ‘perfect communities.’ For that, one needed to join a social whole that had a corresponding political expression. Suarez argued that without a governing regime, families would fight ruinously amongst themselves, and peace could not be preserved with justice. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1,3.1.4. [↑](#footnote-ref-30)
31. Vitoria restates this concept of natural law. Amell, introduction. [↑](#footnote-ref-31)
32. Thomism differentiates between acts of divine will and acts that come from God’s nature itself. God can will one thing or another, as He is free to act; what he cannot do is contradict His own nature. As God is essentially good, and His natural law is as well. The moral behavior that allows for a person to succeed, or an acorn to grow into an oak, is unchanging, as the need for this behavior comes directly from God’s nature. [↑](#footnote-ref-32)
33. The uncaused cause argument for God’s existence shows that God holds the universe in existence through a series instantaneous *per se* causes. [↑](#footnote-ref-33)
34. Laws that did not comply with natural law were not valid for Suarez. [↑](#footnote-ref-34)
35. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 1, 384. [↑](#footnote-ref-35)
36. Plato makes clear in the *Republic* that the polis is a metaphor for the soul. Justice is harmony in the soul leading to harmony in the polis. In Book V, Plato asks whether the remedies for resolving injustice in the soul are the same as those that bring justice in the res publica. Plato does provide for justice, but it is a justice that is necessarily brought about by two factors: a person successfully pursuing harmony and virtue in the self, and then providing that to the polis. But a person may not successfully participate in harmonious public life without accepting the order that is provided by reason embedded in the law. [↑](#footnote-ref-36)
37. “the question of political authority, central to most modern political philosophy, is… absent from Aristotle’s agenda.” C.C.W. Taylor, ed. J. Barnes, *The Cambridge Companion to Aristotle,* 233. [↑](#footnote-ref-37)
38. “One who asks the law to rule, therefore, is held to be asking god and intellect alone to rule, while one who asks man adds the beast. Desire is a thing of this sort; and spiritedness perverts rulers and the best men. Hence law is intellect without appetite.” Aristotle, *Politics,* 1287a28. “Where the laws do not rule there is no regime.” Aristotle, *Politics,* 1292b30. [↑](#footnote-ref-38)
39. ‘Kyklos’ – ‘cycle.’ Aristotle’s Book IV – VI of the *Politics* deals extensively with the question, who should rule? [↑](#footnote-ref-39)
40. Suarez echoes Augustine, stating that when a man is executing the power of a king, he can kill a man because he is acting in his name and with his power; this analogy applies to the republic; its ministers can act justly in killing the king because they are not operating by private power but by public. This would constitute a legitimate form of resistance to a tyrannical king according to Suarez. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 2,565. [↑](#footnote-ref-40)
41. “…because the power of avenging or of punishing offenses is not in private persons but in the superior.” Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 2,559. [↑](#footnote-ref-41)
42. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 2,565. This idea is an echo from Aquinas, who states that if is not an act of sedition to resist a king governing tyrannically if it is done by the legitimate power of the community itself and prudently without greater harm to the public. [↑](#footnote-ref-42)
43. Suarez makes the argument that other than in the case of self-defense, justified by natural law, a private party cannot kill a king. Suarez is much more open to tyrannicide than St. Augustine and St. Thomas Aquinas, but still requires a violation of natural justice or the ‘compact’ the monarch made with his people. To depose a monarch, Suarez requires an appeal to an authority, a judge’s sentence, or the pope, in stark contrast to Hus and Wycliffe – who argued that a monarch’s mortal sin deprived him of legitimacy – and the later Whig protestant resistance writers, such as Algernon Sidney, who did not require any sort of broad based consensus or approval by a previously constituted authority. This was convenient to them, as their primary interest was rebellion. Suarez, *Defense of the Catholic and Apostolic Faith,* Volume 2,558. [↑](#footnote-ref-43)