

2016

Bacon, Example of a Treatise Touching Universal Justice

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The general purpose of *De legibus* is to present the truth about the law, rights, and also the tasks and duties of legislation. Suárez entered into a clear and fundamentally reasoned debate with the opinions expressed before him by several important authors, such as Aristotle, Augustine, Thomas Aquinas, Duns Scotus, Cajetanus. Two examples may illustrate the point. First, he critically reassessed in Book II, Ch. 5-16, the interesting philosophical and theological positions of Gabriel Valencia, William of Ockham and Duns Scotus. Secondly, in Book III, Ch. 11, he attacked vigorously the philosophy of Niccolò Machiavelli, whom he reproved as an inhuman philosopher; although after that condemnation, he added that laws which tend to the private good of the leader may also produce benefits to the people.

De legibus dominated social and legal thinking at Catholic and even many Protestant universities for the next two centuries. The author's ideas and arguments also contributed in the 19th and 20th centuries to develop the law of war, the position in face of tyrants, and to determine the best relationship between the Church and the State. Suárez's thinking is very present in Hugo Grotius' *De Iure Belli ac Pacis*, for example in II, Ch. IX (Paris 1625); of Samuel von Pufendorf's *De officio hominis et civis juxta legem naturalem libri duo* (Lund 1673), for example in II.10 § 1 and II.6 § 7; and of Pierre Jurieu's *The Sixteenth Letter* (1689).

Online version (Antwerp 1613) in the *Digitale Sammlungen of the Bayerische Staatsbibliothek*.

'*Auctoritas omnium legum*'. Francisco Suárez' *De legibus zwischen Theologie, Philosophie und Jurisprudenz*, ed. Oliver Bach, Norbert Brieskorn & Gideon Stiening. 2013. Stuttgart-Bad Cannstatt: Frommann-Holzboog; Doyle, John P. 1998. Francisco Suárez. In *Routledge Encyclopedia of Philosophy*, Vol. 9, ed. Edward Craig, 189-196. London: Routledge; Mourant, John A. 1967. Francisco Suárez. In *The Encyclopedia of Philosophy*, Vol. 8, ed. Paul Edwards, 30-33. New York: Macmillan; Pagden, Anthony. 1998. Absolutism. In *Routledge Encyclopedia of Philosophy*, Vol. 1, ed. Edward Craig, 29-32. London: Routledge.

Norbert BRIESKORN

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Exemplum tractatus de justitia universalis sive de fontibus iuris in uno titulo per aphorismos

(Example of a Treatise touching Universal Justice or the Fountains of Law in one Title by Way of Aphorisms)

1623

Francis BACON, Viscount St Alban (1561-1626)

Francis Bacon was born at London, England, on 22 January 1561, the youngest son of Sir Nicholas Bacon (1510-1579), Lord Keeper of the Great Seal. He was educated by private tutors and began attending Trinity College, Cambridge, in April