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By William of Ockham

[William of Ockham. *Breviloquium de principatu tyrannico*. In the Public Domain. Translated by Kevin Gallagher. Princeton, N.J.: The Witherspoon Institute. 2010. Book 3, chapters 7 and 8.]

Chapter 7: The dominion over temporal things that is common to the whole human race, the power of making temporal things the property of a certain person or of certain persons or of a particular group, and the power of establishing those who have jurisdiction, are by the divine law.

Next we must consider by what law temporal jurisdiction and dominion over temporal things were introduced.

To better understand this, we must make a distinction about dominion. Dominion over temporal things belongs to God—this is not our subject here. But it also belongs to humans, and this can be in two ways: there is the dominion common to the whole human race, and individual dominion.

The common dominion of the whole human race is that which God gave to Adam and his wife for themselves and for all their descendants. It was the power of managing and using temporal things for their own advantage. In the state of innocence, this power did not include the power of making any temporal thing the property of one person, of a particular group, or of certain persons, but after the fall it includes such a power of appropriating temporal things.

Another kind of dominion is individual dominion, which in the study of the law, and in writings that imitate the law's manner of speaking, is called "ownership." This dominion is the principal power of managing temporal things, and it is appropriated to one person or to certain persons or to some particular group. This power varies; it can be greater or less.

The first dominion, the common dominion of the whole human race, existed in the state of innocence, and would have continued to exist if man had not sinned. But it did not include the power of appropriating anything to any person, except for their own use, as has been said.

For because there was no greed in them, nor any desire to possess or use any temporal thing in a way contrary to right reason, there was then no need or advantage to having ownership over any temporal thing.

After the Fall, however, greed and the desire to possess and use temporal things wrongly seethed up in men. And in order to restrain the immoderate appetite of the depraved for having temporal goods and to rectify their negligence in the due management and procurement of temporal things (for evil men collectively neglect common things), it was useful and expedient that temporal things should be made private property, and should not be held in common. After the Fall, therefore, the power of making

temporal goods private property was added to the dominion that had existed in the state of innocence. But property did not exist immediately after the Fall.

Now this common dominion of the whole human race with such a power of making temporal goods private property was introduced by divine law, that is, by a special bestowal by God, to whom all things belonged and belong by right of creation as well as by right of conservation, and without whose maintenance all things would become nothing.

Now this divine law, that is, the divine bestowal, can be found in the divine scriptures.

Of the dominion given to the first humans for them and for their descendants, it says in Gen. I: *Male and female he created them, and God blessed them, and said: Increase and multiply, and fill the earth and subdue it, and have dominion over the fish of the sea and the birds of the air and over all animals that move on the earth. And God said: Behold, I have given you every herb bearing seed upon the earth, and all trees that have in themselves seed of their own kind, to be your food.*

And the power to make temporal things one's property is mentioned, at least implicitly, in Ecclus. 17, where it is written: *God created man of the earth, and made him after his own image. And he turned him into it again, and clothed him with strength according to himself.* And afterwards: *And he gave him power over all things that are on the earth,* that is, he gave him the power, for himself and for his descendants, of managing the earthly things that right reason declared to be necessary, expedient, proper, or useful not only for living, but also for living well. On account of which, it continues: *He gave them council, and a tongue, and eyes, and ears, and a heart to devise,* which are as necessary and useful for living well whether solitarily or politically and in a perfect community.

Now the power of appropriating temporal things, both rational (such as wives and children) and otherwise, is among the things that are necessary and useful for the human race to figure out how to live well after the Fall, on account of the multitude of their negligences and follies, of which there is no number, as it says in Eccl. 1. And so Aristotle, in the second book of the Politics, rejected the policy or arrangement of Plato, who proposed that a city in which all things were common was better-arranged than one in which there was private property.

For he considered that the multitude is evil and prone to evil, and therefore things common to many are less loved, and as a consequence less cared for, than private property. For this reason, private ownership is better than common ownership, among such men.

But among a multitude of perfect men, or of men striving for perfection with all their strength, it is otherwise; for the perfect love and care for common things more than private property.

Hence we read that some Romans, even unbelievers, had much more concern for common things than for their own.

Therefore the power of making temporal things the property of a person or of persons or of a group was given by God to the human race. And for a similar reason, without any human ministry or cooperation, God gave the power of establishing rulers with temporal jurisdiction, because temporal jurisdiction is among the number of those things which are necessary and useful for living well and politically, as Solomon witnesses, when he says in Prov. 11. *Where there is no governor, the people shall fall.*

Chapter 8: How not only believers but also unbelievers have the aforementioned double power from God.

This double power, that of making temporal things private property and of establishing rulers with

temporal jurisdiction, was directly given by God not only to believers, but even to unbelievers, in such a way that it falls under commandment, and is counted among purely moral matters, because it obliges both believers and unbelievers alike. And so, just as unbelievers are bound by the commandment of God and of the natural law to honor their father and mother, and to do other things that are necessary for their neighbors, so are they bound, in some cases, to make such an appropriation of property and to set powers above themselves in secular matters.

For because these are matters of positive commandment, which oblige always, but not in every case, unbelievers, just like believers, are not bound to them at all times, but only in a case of necessity. And so it is both unbelievers and believers can renounce this double power, outside of a case of necessity, or of advantage that can be compared to necessity. For this reason also, some, whether believers or unbelievers, can be deprived of this power for a fault or for some other reason, so that they may not be able to exercise it except in a case of necessity, and so that, if they should in fact try to exercise this power, their act would be null by the law itself. Therefore, since there is nothing in the scriptures about God depriving unbelievers of this double power which he gave to their first parents for themselves and their descendants, it follows that unbelievers, even if they remain in their unbelief, are, unless they have been judicially deprived of their legitimate power, rightly able to make use of this double power even outside of cases of necessity. And in the case of necessity, they are bound to use it, since necessity cannot fall under human commandment or law.

Original Author Sort: Ockham, William of
Publication Date: 11346.00.00
Topic: Classical & Medieval Sources of Natural Law
Subtopic: Late Medieval Transformations

Source URL: https://www.nlnrac.org/classical/late-medieval-transformations/documents/discourse