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**Fr. Suárez’ concept of “potestas” as political will**

In this paper I examine the concept of “potestas” in Fr. Suárez’ “De Legibus”.

The core of Suárez’ political theory lies in the controversy with English political tradition and Fr. Vitoria`s absolutist theory. In both English and Vitoria’s political thoughts there is an idea of the divine origin of “potestas”. It declares the divine nature of state and impossibility of the right to revolt.

Suárez based his political teaching on two most important points, which differentiated his ideas from Vitoria’s tradition. The first one is the secular character of “potestas”, and the second one is the perception of state as “corpus politicum”.

Suárez agrees with Vitoria and perceives political power as the unity of “potestas” and “auctoritas” without classical medieval difference between secular and ecclesiastical connotations. However, while Vitoria claims that power has divine nature (in such way he continues St. Paul’s maxim), Suárez maintains that “potestas” is a common characteristic of human nature. Therefore, in Suárez’ paradigm the concept of “potestas” correlates with the Modern idea of “political will” (in Hobbes’ philosophy). This assumption provides desacralisation of the concept of power and endows political power with dynamics. In Vitoria’s teaching, political power is a stable attribute of ruler, since it has been transferred from God to king and nobody can expropriate it. Insisting on the human nature of “potestas”, Suárez provides several ways of transferring power. “Potestas” might be transferred from people to a person when they construct “political body” and transfer their will to a ruler. “Potestas” might be conquered in wartime as well if political will of “body” is enslaved by ruler. Therefore, “potestas” might be freely transferred, granted or robbed, which describes it as a dynamic quality.

The unity of human will in society provides the unity of “corpus politicum”, which represents “the moral and physical unity”. The component of the moral unity corresponds to setting a single goal (aspiration for common welfare), submissing to one government and adhering to natural moral principles.

These elements are necessary for the existence of just state. The lack of any of these elements legitimizes revolt. The metaphysical possibility of revolt is the human (and therefore dynamical) characteristic of “potestas”. Thus, if “corpus politicum” transfers its will to ruler, it might restore its power (a sanction and jurisdiction to make laws and execute punishment) in the case of compulsion to unjust laws (nobody must submit to unjust laws, because it contradicts moral and natural law). If political power is somehow conquered (as in the case of war), political body can revolt because all people are free and their political will cannot be appropriated by anyone.

Therefore, “potestas” in Suárez’ text represents the concept of political will and emphasizes the fundamental distinction of his theory from Vitoria’s teaching and the Salamanca School. This identification provides dynamical characteristics of political power and the contractualist theory. On the whole, this perception of power corresponds to the Modern paradigm of political thought.