

DOMINGO BÁÑEZ (1528–1604)
AND THE NOVUS PHILOSOPHUS:
CAJETAN, FRANCISCUS TOLETUS, AND THE (IN)EQUALITY
OF HUMAN RATIONAL SOULS*

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Spanish Dominican Domingo Báñez (1528–1604) is probably best known as one of the most active participants in the late sixteenth-century *De auxiliis* Controversy. After studying philosophy and theology in Salamanca, Báñez was professor of philosophy and theology at various Spanish universities from the early 1550s until occupying the First Chair of Theology in Salamanca (1581–1599). It was from Salamanca that, as part of the *De auxiliis* controversy, he wrote replies to Jesuit theologians Luis de Molina (1535–1600) and Francisco Suárez (1548–1617) on a complex of issues including grace, divine foreknowledge, and human free will.¹ In the *De auxiliis* Controversy, then, Báñez was a major player in a high-profile intellectual debate between (among others) Dominicans and Jesuits. In the present article, I will demonstrate that also in his little studied *De generatione et corruptione* commentary, Báñez replied directly, albeit anonymously, to a Jesuit thinker, thus showing again the Dominican's knowledge of thinkers from what was clearly for him a rival religious and intellectual organization. Then I will trace some of the

* Thanks for help to Davide Cellamare, Serena Masolini, Nicola Polloni, Aurélien Robert, Sylvain Roudaut, and an anonymous reviewer for *Mediterranea*. I do not necessarily respect the orthography or punctuation of any Latin edition I use. All translations are mine unless otherwise indicated. The names I use for late scholastic authors are those I take to be the most common for the relevant figure in English-language secondary literature, whether anglicized (Cajetan), close to the vernacular (Domingo Báñez), in Latin (Franciscus Toletus), or a mix (John Capreolus).

¹ On Báñez's role in the *De auxiliis* controversy, including his exchange with Molina, see most recently ROBERT J. MATAVA, *Divine Causality and Human Free Choice. Domingo Báñez, Physical Premotion, and the Controversy de Auxiliis Revisited*, Brill, Leiden 2016 (Brill's Studies in Intellectual History, 152), esp. p. 37–212, and literature referred to there; for a presentation of the later stages of the controversy, that shows just how significant Báñez was to especially the Dominican side of the Controversy going forward, see MATTHEW T. GAETANO, « The Catholic Reception of Aquinas in the *De auxiliis* Controversy », in MATTHEW LEVERING and MARCUS PLESTED (eds.), *The Oxford Handbook of the Reception of Aquinas*, Oxford University Press, Oxford 2021, p. 255–279.

background to one of the issues on which Báñez criticized the anonymous author – the issue of the equality or inequality of human rational souls in terms of their substantial perfection – and show the centrality in that dispute of the Dominican thinker Thomas de Vio Cajetan (1468–1534).

No part of Báñez’s extensive written production has been adequately studied, but theological works like his commentary on Aquinas’s *Summa theologiae* (1584–1588), pamphlets authored as part of the *De auxiliis* controversy, and ethical, legal, and political works have on the whole been better served in the secondary literature than his *Commentaria et quaestiones in duos Aristotelis Stagyrtae De generatione et corruptione libros*.² That work, published first in Salamanca in 1585, reprinted twice in Venice in 1587 and 1596, and printed yet again in Cologne in 1616, is a 500-plus page investigation into all aspects of hylomorphism, from prime matter’s actuality to plurality of forms, from indeterminate dimensions to the elements. To my knowledge, the ideas found in this work of Báñez’s have received a grand total of 7 dedicated pages of study in the secondary literature.³ I leave a more general study of the sources and the thought found in Báñez’s *De generatione* commentary for another occasion,⁴ but here I want to focus on an otherwise anonymous *novus philosophus* or *novus author*, who appears at least five times in the commentary, every time as someone advocating a view that Báñez

² Besides the other works referred to in footnotes in the present article, for a biobibliographical study of Báñez, see esp. JOSÉ ÁNGEL GARCÍA CUADRADO, *Domingo Báñez (1528–1604): Introducción a su obra filosófica y teológica*, Servicio de Publicaciones e la Universidad de Navarra, Pamplona 1999 (Cuadernos de Anuario Filosófico, 13). An important study of Báñez’s *Summa theologiae* commentary and Thomas Aquinas’s place in it is: SERGE-THOMAS BONINO, « Le thomisme ‘moderne’ de Dominique Bañez », in CRUZ GONZÁLEZ-AYESTA (ed.), *El alma humana: IV centenario de Domingo Báñez (1528–1604)*, Eunsa, Pamplona 2006, p. 15–35; a propos the points made below, Bonino indicates (p. 27) that, in his *Summa* commentary, « la référence par excellence de Bañez est Cajetan ».

³ On the work itself, see GARCÍA CUADRADO, *Domingo Báñez (1528–1604)*, p. 45–47 (and on its publication history, see also CHARLES LOHR, *Latin Aristotle Commentaries, II. Renaissance Authors*, Leo S. Olschki Editore, Florence 1988, s.v. « Bañez, Dominicus, OP », p. 32). The dedicated study is found in MARCIAL SOLANA, *Historia de la Filosofía Española. Época del Renacimiento (Siglo XVI)*, tomo tercero, Real Academia de Ciencias Exactas, Físicas y Naturales, Madrid 1940, on Báñez, p. 173–202, with hylomorphism, esp. the plurality of forms in the *De generatione et corruptione* commentary, on p. 185–190. In addition, BENJAMIN S. LLAMZON, on a number of occasions, appeals to the *De generatione* commentary as corroboration of his readings of Báñez’s *Summa theologiae* commentary; see idem, « The Specification of Esse. A Study in Bañez », *The Modern Schoolman*, 41 (1964), p. 123–143, esp. footnotes on p. 135, 138, 142, and « Suppositional and Accidental Esse. A Study in Bañez », *The New Scholasticism*, 39 (1965), p. 170–188, esp. footnotes on p. 171, 181, 187.

⁴ A preliminary study, dealing with Báñez’s ideas on indeterminate dimensions, will appear as RUSSELL L. FRIEDMAN, « Late Scholastic Thomism into Pieces: Hylomorphism and Indeterminate Dimensions in Domingo Báñez’s Commentary on *De generatione et corruptione* », in NICOLA POLLONI and SYLVAIN ROUDAUT (eds.), *Hylomorphism into Pieces. Elements, Atoms and Corpuscles in Philosophy, Science and Medicine, 1400–1600*, Palgrave, London Forthcoming (Palgrave Studies in Medieval and Early Modern Medicine).

will oppose. Interesting is that, when mentioning this « New Philosopher », Báñez gives specific references to the places in the anonymous author's works where the offending positions are found. Here are the five mentions of Báñez's *novus philosophus*, with the barest amount of context:

Case 1: QUIDAM NOVUS PHILOSOPHUS, qui in III *De anima*, q. 16, ait quod haec sententia [...] non est Divi Thomae sed Caietani, et quod illa est [...] periculosa et nullo modo tenenda

Case 2: QUIDAM NOVUS PHILOSOPHUS qui in commentariis suis super primum librum *De generatione*, q. 6

Case 3: Hanc opinionem sequitur [...] in hoc loco NOVUS ILLE AUTHOR, cuius iam saepe mentionem fecimus [*in hoc loco* = Báñez's *De generatione* commentary, book I]

Case 4: NOVUS ILLE AUTHOR in III *De anima*, q. 18, dicit non esse veram hanc nostram sententiam [...] quamvis contrarium doceat Sanctus Thomas in II *Contra gentiles*, cap. 81

Case 5: Hanc sententiam Scoti sequitur NOVUS ILLE PHILOSOPHUS, quem aliquando citare solemus, in IV *Physicorum*, q. 11, circa finem [...]

What we can learn from just these snippets is that the anonymous *novus philosophus* had commentaries on the *De anima*, the *De generatione*, and the *Physics*, and that Báñez himself was aware that he was repeatedly mentioning this specific author. Moreover, in **Case 1**, Báñez presents the *novus philosophus* as attacking Cajetan for maintaining a dangerous and untenable theory that, in the *novus philosophus*'s view, Thomas Aquinas (d. 1274) never held. In **Case 4**, Báñez attacks the *novus author* for rejecting Báñez's own preferred theory, which Báñez claims was explicitly taught by Thomas Aquinas. Finally, in **Case 5**, Báñez says the anonymous author followed a view defended by the Franciscan John Duns Scotus (d. 1308). All in all, a lot of information.

Textual comparisons – laid out below – reveal that the anonymous author is none other than Franciscus Toletus, S.J. (Francisco de Toledo, 1532–1596). Franciscus taught philosophy at Salamanca from 1555 until 1559, when, having become a Jesuit in 1558, he was transferred to the Society's Collegio Romano, teaching first philosophy (1559–1562), then theology (1563–1569) there. From 1569 until being elevated to cardinal in 1593, he spent much of his time in Rome, preaching at the papal court, and serving as theologian at the Apostolic Penitentiary (Sacra Penitenzieria), although he was sent on many diplomatic missions for the Church in that period. Franciscus was author of many works, among which here can be highlighted commentaries on Aristotle's *De generatione*

(first published Venice 1573), *Physics* (first published Venice 1573), and *De anima* (first published Venice 1575);⁵ all of these were printed repeatedly in the last 25 years of the sixteenth century and into the seventeenth century.⁶ In a 1640 letter to Marin Mersenne, René Descartes himself tells us that, as a youth at La Flèche, he read Franciscus.⁷ In his early student notebooks, Galileo Galilei mentions

⁵ I've given date and place of publication of the earliest editions of these works that I am certain about, having seen them (including title pages) in digital reproduction; both the *Physics* and *De anima* editions display on the title page « [...] *commentaria* [...] *nunc primum in lucem edita* », while I can find no earlier printing of the *De generatione* commentary than the Venice 1573. In the secondary literature on Franciscus, dates and places of the *editiones principes* vary. As LOHR (*Latin Aristotle Commentaries, II. Renaissance Authors*, s.v. « Toletus (Toledo), Franciscus, SJ », p. 458–461, p. 460 no. 9) notes, in contrast to the titlepage, the colophon of the Venice 1575 printing of the *De anima* has « 1574 ». For question lists of these three commentaries, see the Appendix below. Franciscus's *Opera omnia philosophica* as printed in two volumes in Cologne in 1615 was reprinted by Georg Olms Verlag (Hildesheim – Zürich – New York) in 1985, vol. I: *Introductio in universam Aristotelis logicam, Commentaria in universam Aristotelis logicam, Commentaria in tres libros de anima*; vol. II: *Commentaria in octo libros Aristotelis de physica auscultatione, Commentaria in libros Aristotelis de generatione et corruptione*.

⁶ LUKE MURRAY, « Catholic Biblical Studies after Trent: Franciscus Toletus », *Journal of Early Modern Christianity*, 2 (2015), p. 61–85, at p. 74 fn. 36, claims 15 editions for the *Physics* commentary, 7 for the *De generatione*, and 20 for the *De anima* (Murray appears to take these numbers from ANTONIO PEREZ GOYENA's entry on « Francisco Toledo » in *The Catholic Encyclopedia* (online): <<http://www.newadvent.org/cathen/14760a.htm>> (accessed January 5, 2023); cf. the information in LOHR, « Toletus (Toledo), Franciscus, SJ », although there is clearly an issue with Lohr's list for the *Physics* commentary, since he does not list the 1573 Venice edition, while the titlepage of the earliest printing of the *Physics* that Lohr does list, the 1574 Cologne edition, states the work is « nunc denuo summa cura diligentiaque excusa »; on p. 68–76, Murray gives a nice introduction to Franciscus's life and works, as well as prominent secondary literature, which I have relied on here in conjunction with the other secondary sources mentioned below. Murray also wrote one of the two most recent works I have been able to find on Franciscus, including an extensive bio-bibliographical introduction: *Jesuit Biblical Studies after Trent: Franciscus Toletus & Cornelius a Lapide*, Vandenhoeck & Ruprecht, Göttingen 2019 (Refo500 Academic Studies, 64), focusing on Franciscus as biblical exegete. The other recent work is ANNA TROPIA, « Francisco de Toledo: Setting a Standard for Jesuit Philosophy », in CRISTIANO CASALINI (ed.), *Jesuit Philosophy on the Eve of Modernity*, Brill, Leiden 2019 (Jesuit Studies, 20), p. 251–269, offering studies of several issues in Toletus's philosophical psychology as well as a discussion of Aristotle's and Thomas Aquinas's authority in Franciscus's philosophy, with Cajetan, who plays an important role in the present article, on p. 258–260.

⁷ See, e.g., ROGER ARIEW, *Descartes among the Scholastics*, Brill, Leiden 2011 (History of Science and Medicine Library, 20; Scientific and Learned Cultures and Their Institutions, 1), p. 42–43; Franciscus is frequently mentioned as significant background to some of Descartes's ideas. Descartes's having mentioned Franciscus is given by DENNIS DES CHENE as a reason for focusing on the Jesuit in his *Physiologia. Natural Philosophy in Late Aristotelian and Cartesian Thought*, Cornell University Press, Ithaca – London 1996, esp. p. 10–12 (but see throughout) and *Life's Form. Late Aristotelian Conceptions of the Soul*, Cornell University Press, Ithaca – London 2000, esp. p. 3 (but see throughout). Further, ROBERT PASNAU in his monumental *Metaphysical Themes, 1274–1671*, Oxford University Press, Oxford 2011, mentions Franciscus being among « the most interesting late

Franciscus, and this fact has led to the Jesuit having been put forward as a possible link between the late medieval *Calculatores* tradition and Galileo, via the Dominican Domingo de Soto (d. 1560), one of Franciscus's teachers at Salamanca before his having become a Jesuit.⁸ Let this be enough to indicate that in the late sixteenth century Franciscus Toletus was very well known for his widely distributed philosophical works and ideas. And this is probably enough to explain why Domingo Báñez, in his *De generatione et corruptione* commentary, uses Franciscus, albeit anonymously, as a foil on at least the five occasions mentioned above, under the epithets of *novus philosophus* or *novus author*.

Immediately below I give parallel passages that demonstrate that Báñez's *novus philosophus* is Franciscus Toletus, using bold, italics, and underline to show verbatim or near verbatim overlap between the texts of the two thinkers. As will be clear, there is a great deal of overlap, at times overlap of extensive verbatim passages (**Case 2** and **3**), at times overlap of a few phrases or just some ideas (**Case 1**, **4**, and **5**). Noteworthy is the fact that Báñez's references to precise spots in three different philosophical works by the *novus philosophus* line up exactly with text in the very *quaestiones* referred to in the relevant commentaries by Franciscus.⁹ These parallel passages, I submit, should leave no one in doubt that the *novus philosophus* of Báñez's *De generatione* commentary is Franciscus Toletus. After the parallel texts,

scholastic authors » (p. 436, cf. p. 418) and as one of the late scholastics most often cited by seventeenth-century authors (p. 253).

⁸ WILLIAM A. WALLACE has pursued this goal over many years of publications; see his summing up in « Jesuit Influences on Galileo's Science », in JOHN W. O'MALLEY, GAUVIN ALEXANDER BAILEY, STEVEN J. HARRIS, T. FRANK KENNEDY (eds.), *The Jesuits II. Cultures, Sciences, and the Arts, 1540–1773*, University of Toronto Press, Toronto 2006, p. 314–335, with references to Wallace's earlier work on Franciscus found esp. on p. 331 fn. 8. I take the claim that Galileo mentions Franciscus from WALLACE, « The 'Calculatores' in Early Sixteenth-Century Physics », *British Journal for the History of Science*, 4 (1969), p. 221–232, on p. 232. Interestingly, de Soto was not only Franciscus's teacher at Salamanca, but also Báñez's.

⁹ In **Case 1**, both editions of the Báñez text I have seen refer to q. 16 instead of the correct q. 18 in Franciscus's *De anima* commentary. This must be an error, either on Báñez's part or on the part of his printers. This is made clear by the obvious overlap presented in **Case 1** between Báñez and q. 18 in Franciscus's commentary (see the parallel texts I provide). In addition, the closely related **Case 4** refers correctly to q. 18. Finally, in his *Summa theologiae* commentary, part 1, q. 85, art. 7, Salamanca 1588, col. 1057–1058, Báñez brings up this topic and mentions Franciscus by name along with his *De anima* III, q. 18: « Toletus in III *De anima*, q. 18, in hac quaestione dicit duo. Primo [...] Secundo dicit quod sententiam quae asserit unam animam esse perfectiorem altera secundum substantiam et in se ipsa, non est sententia Divi Thomae sed est opinio Caietani, et temeraria et periculosa. Haec tamen censura contra Caietanum indigna est autore Christiano ». Of course, the fact that, in his *Summa* commentary, Báñez, in the same context and with the same phrasing as in **Case 1**, refers explicitly to Franciscus, is proof positive that the *novus philosophus* in the *De generatione* commentary is indeed Franciscus. For context, see the study of **Case 1** below. As far as I can tell using electronic searches, in his *Summa* commentary, Báñez refers to Franciscus by name in just one other place: part 1, q. 78, art. 3, Salamanca 1588, col. 720–722, referring to Franciscus's commentary on III *De anima*, q. 6.

I give philosophical and theological context for **Case 1**. There I explain the issue of the substantial equality or inequality of human souls and show the different attitudes Franciscus and Báñez exhibit towards Thomas Aquinas and his great sixteenth-century Dominican expositor, Cajetan.¹⁰

Case 1

<p>BÁÑEZ, I <i>De Generatione</i>, q. 8 (= <i>Utrum aliqua qualitas possit intendi et remitti, et quae sit ista</i>), p. 54b; p. 102a</p> <p>Nihilominus hisce novissimis diebus surrexit QUIDAM NOVUS PHILOSOPHUS, qui in III <i>De anima</i>, q. 16,¹¹ ait quod haec sententia quae asserit <u>unam animam esse perfectiorem altera secundum substantiam</u> et in seipsa non est Divi Thomae sed <u>Caietani</u>, et quod illa est temeraria et periculosa et nullo modo tenenda.</p>	<p>FRANCISCUS TOLETUS, III <i>De Anima</i>, q. 18 (= cap. 5, Tex 19 = <i>An animae intellectivae sint inter se aequales</i>), Venice 1575, fol. 161vb–162ra, 162vb; vol. I, fol. 158ra–b, 159ra</p> <p>Advertendum opinionem communem esse animas esse aequales in perfectione substantiali, de hac enim est disputatio. <u>Caietanus</u> tamen, I parte, q. 85, art. 7, dissentit ab hoc, putans esse inaequales, ita ut <u>una sit perfectior substantia quam altera</u>. Exemplum esse potest¹² ad huius opinionis intelligentiam. Sit album ut unum sit aliud ut duo, aliud ut tria, et cetera; seu potius illae ipsae albedines gradu perfectiores, sic putat esse animarum rationalium substantias, et putat hoc esse Sancti Thomae. Et alicui¹³ potest forte videri Sanctum Thomam id dicere in illomet articulo, cum tamen non ita sit sed ab aliis Thomistis aliter exponatur Divus Thomas, nempe de sola perfectione quae accidit vel ex prima naturali corporis dispositione vel postea ex aliqua eius accidentali mutatione.</p> <p>Ut tamen quid tenendum sit, statuamus in hac re sit prima conclusio. Animae omnes intellectivae sunt in substantia sua aequalis perfectionis. Haec conclusio est contra <u>Caietanum</u>, cuius</p>
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¹⁰ From this point on in the present article, when referencing Báñez's texts, page numbers in roman = Salamanca 1585; page numbers in italics = *Cologne 1616*. When referencing Franciscus's texts, folio numbers in roman = *editio princeps* of the work in question (see n. 5 above); folio numbers in italics = *Cologne 1615* (rpt. 1985), in 2 volumes. Throughout, then, for both thinkers: earlier edition in roman, later edition in italics.

¹¹ See n. 9 above.

¹² potest] post ed. 1615

¹³ alicui] alieni ed. 1573

	<p>sententiam puto periculosam et nullo modo tenendam. Probo autem id aliquibus rationibus [...]</p> <p>[...] Est ergo temeraria et periculosa talis assertio animarum rationalium, quod perfectione differant substantialiter et intrinsece animae rationales.</p>
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Case 2

<p>BÁÑEZ, I <i>De Generatione</i>, q. 11 (<i>Utrum alteratio sive intensio sit motus continuus</i>), p. 74b–75a; p. 122a–b</p> <p>In secundo articulo videndum a nobis est: utrum detur minimum in accidentibus quae intenduntur. Et quidem illud certum est in hac quaestione quod qui asserunt alterationem seu intensionem esse motum discretum, necessario concedere tenentur tale minimum, et ita existimat Soncinus, lib. VIII <i>Metaphysicae</i>, q. 23 [...]. Ceterum hisce nostris diebus surrexit QUIDAM NOVUS PHILOSOPHUS qui in commentariis suis super primum librum <i>De generatione</i>, q. 6, existimat quidem alterationem esse motum continuum in quo quidem verum asserit, existimat nihilominus quod in alteratione datur primus gradus acquisitus et prima pars secundum subiectum, sicuti, cum ignis accedit ad aquam, datur unus primus gradus caloris in uno instanti introductus, similiter prima et minima pars aquae calefacta [<i>calefactae</i> ed. 1616]. Quod probat primo quantum ad minimum extensionis, quia si non datur prima pars quae sit calefacta, sed semper minor et minor praecessit, sequitur quod nec [<i>non</i> ed. 1616] datur minimum ignis et substantiae, quod quidem falsum est. Probatur sequela, quia calor disponit ad formam ignis, sicut ergo</p>	<p>FRANCISCUS TOLETUS, I <i>De Generatione</i>, q. 6 (<i>An alteratio sit motus continuus</i>), Venice 1573, fol. 16vb, 17rb; vol. II, fol. 261va, 262ra</p> <p>[...] sit prima conclusio: alteratio quoad utrumque continua est saepe. Dico ‘saepe’, quia aliquando evenit secundum subiecti partes non esse continuam, sed totam simul, ut dicemus postea [...].</p> <p>[...] Secunda conclusio: in alteratione datur primus gradus acquisitus et prima pars secundum subiectum. Explico, cum ignis accedit aquae¹⁴ datur unus primus gradus caloris in uno instanti introductus, similiter prima et minima pars aquae calefacta.</p> <p>Haec conclusio quantum ad minimum extensionis probatur: quia si non datur prima pars quae sit calefacta, sed semper minor et minor praecessit, sequitur quod nec dabitur minimum ignis et substantiae, quod falsum esse supra ostendimus. Probatur sequela, quia calor disponit ad formam ignis,</p>
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¹⁴ aquae] ad aquam ed. 1615

<p>non datur primum in calore nec dabitur ignis minimum, quia demus v.g. minimum ignis, sit A.B., si in medietate[m] potest induci calor, detur quod intendatur ibi usque ad octo, peto an erit ignis vel non. Si est, ergo minor minimo; si non, ergo posita summa dispositione non erit forma.</p> <p>Praeterea, quia summus calor erit cum forma aquae vel erit materia sine forma, necesse est igitur quod si non datur ista divisio in igne, sed est minimum quod etiam sit in accidenti.</p> <p>Praeterea, quia agens et alterans semper est applicatum aequaliter alicui parti passi et sic non in minori et minor prius inducit qualitatem. Idem probat de intensione probatione [probatio ed. 1616] tertia in secundo argumento a nobis posita.</p> <p>Caeterum quae iste auctor hac in parte affert inter se nullo modo cohaerent, quod infra amplius patebit.</p>	<p>sicut ergo non datur primum in calore nec dabitur ignis minimum, quia demus verbi gratia minimum ignis, sit A.B., si in medietate potest induci¹⁵ calor, detur quod intendatur ibi usque ad octo, peto an erit ignis vel non. Si est, ergo minor minimo; si non, ergo posita summa dispositione non erit forma.</p> <p>Praeterea, quia summus calor erit cum forma aquae vel erit materia sine forma, necesse est igitur quod si non datur ista divisio in igne, sed est minimum, quod etiam sit in accidenti.</p> <p>Praeterea, quia agens et alterans semper est applicatum aequaliter alicui parti passi et sic non in minori et minor prius inducit qualitatem.</p>
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Case 3

<p>BÁÑEZ, I <i>De Generatione</i>, q. 15, art. 1 (<i>Utrum eadem accidentia quae erant in genito eadem sint in corrupto, idest Utrum in generatione fiat resolutio usque ad materiam primam</i>), p. 120a–b; p. 195b–196a</p> <p>Secunda quaestio est utrum supposito quod fiat resolutio quoad substantiales formas, utrum idem contingat quoad accidentales, idest utrum in re quae generatur maneat aliqua qualitas, dispositio, vel quantitas, vel aliquod aliud accidens quod erat in re corrupta, v.g. cum cadaver generatur ex homine, utrum figura et color, qui apparent in cadavere</p>	<p>FRANCISCUS TOLETUS, I <i>De Generatione</i>, q. 7 (<i>An in corruptione fiat resolutio usque in primam materiam</i>), Venice 1573, fol. 18va–b; vol. II, fol. 263rb–va</p> <p>Superest ut quid mihi <u>probabilius</u> videatur aperiam. Sit igitur prima conclusio. <u>Resolutio fit usque in materiam primam mediate et post multas corruptiones. Explico, cum homo corrumpitur in cadaver</u>, et iterum cadaver in aliud, et hoc iterum: profecto iam post tot mutationes non est ullum accidens, quod erat hominis sed sola materia.</p>
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¹⁵ induci] introduci ed. 1615

<p>sint eadem figura et idem color qui erant in homine.</p> <p>Ad quam quaestionem omnes supradicti auctores, qui asserunt accidentia subiectari in materia prima, etiam consequenter asserunt aliqua accidentia corrupti manere in re genita. Pro quo advertunt accidentia esse in duplici differentia, quaedam enim sunt communia genito et corrupto, quaedam propria uni. Semper enim genitum et corruptum specie aut genere differunt. Numquam enim unum primo in aliud eiusdem speciei corrumpitur, sed in alterius, ut homo in cadaver, ignis in aerem, aer in aquam, et idem in omnibus.</p> <p><i>Unde accidentia propria speciei (inquiunt isti) corrumpuntur at quae generica sunt et communia aliquo modo nec contrarium habent in genito, nihil vetat eadem manere [...]</i></p> <p>Hanc opinionem sequitur, praeter authores supracitados, tamquam <u>probabilior</u> in hoc loco NOVUS ILLE AUTHOR, cuius iam saepe mentionem fecimus. Dicit enim <i>aliquando fieri resolutionem usque ad materiam primam, ut quando palea comburitur, aliquando vero non fit haec resolutio, ut quando homo moritur.</i> Isti tamen authores omnes maxime errant in philosophia sensuum iudicio magis quam rationi innitentes, cum enim vident similia accidentia in corrupto cum his quae erant in genito, existimant esse eadem.</p>	<p>Haec conclusio est certa apud omnes, praeter Averroem, qui quantitatem manere perpetuo cum materia autumat. Sed contra istam sententiam diximus iam lib. I <i>Physicorum</i>, de qualitatibus; vero aliisque accidentibus nulli est dubium.</p> <p>Secunda conclusio. <i>Aliquando immediate ex prima mutatione fit talis resolutio usque in materiam primam, ut patet combustione paleae</i> et in mutatione elementi non symboli et aliis huiusmodi. De his duabus conclusionibus non est magna difficultas.</p> <p>Tertia conclusio. Non semper fit resolutio immediate usque in materiam primam. Haec conclusio mihi videtur multo <u>probabilior</u> quam opposita. Explicatur conclusio. Adverte ergo <i>accidentia esse in duplici differentia, quaedam enim sunt communia genito et corrupto, quaedam propria uni.</i> Scias enim quod <i>genitum et corruptum semper specie vel genere differunt. Numquam enim primo unum in aliud eiusdem speciei corrumpitur, sed alterius, ut homo in cadaver, ignis in aerem, aer in ignem, et idem in omnibus.</i></p> <p><i>Unde accidentia propria speciei corrumpuntur, nec manent in genito, at quae generica et communia sunt aliquo modo nec contrarium habent in genito, nihil vetat eadem manere, in mutatione immediata et prima. Istam sententiam mihi persuadeo multis rationibus.</i></p>
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Case 4

<p>BÁÑEZ, I <i>De Generatione</i>, q. 20, art. 9 (<i>Utrum omnis forma in universum individuatur per materiam</i>), p. 176b; p. 288b–289a</p> <p>Advertendum secundo quod NOVUS ILLE AUTHOR in III <i>De anima</i>, /289a/ q. 18, dicit</p>	<p>FRANCISCUS TOLETUS, III <i>De anima</i>, q. 18 (= cap. 5, Tex 19), Venice 1575, fol. 162vb; vol. I, fol. 159ra</p>
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<p>non esse veram hanc nostram sententiam quod anima rationalis individuetur per commensurationem ad corpus, quamvis contrarium doceat Sanctus Thomas in II Contra gentiles, cap. 81, quin potius inquit quod animae rationales se ipsis individuuntur. Sed iste auctor iam obducta fronte Divi Thomae doctrinam parvi pendit, quare nullo modo est auscultandus praecipue cum neque aliquam rationem et novam aut alicuius ponderis afferat. In hoc autem loco pluribus eius sententiam impugnare non vacat, satis superque eius falsitas apparet et ex dictis et ex auctoribus citatis et ex ipsomet Divo Thoma in locis allegatis.</p>	<p>Sit secunda conclusio. Animae non differunt numero per diversas commensurationes ad diversa corpora. Haec, quamvis videatur esse dissona sententiae¹⁶ Sancti Thomae, II Contra gentiles, cap. 81, tamen puto veram. Cum Divo autem Thoma multi sentiunt, dicentes quod [...] Sed nos in conclusione asserimus oppositum, talem commensurationem non constituere hanc anima, sed consequi potius animam iam singularem et individuum.</p>
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Case 5

<p>BÁÑEZ, I <i>De Generatione</i>, q. 29 (<i>Utrum in rarefactione acquiratur nova quantitas</i>), p. 201a; p. 329b</p> <p>Alii vero dicunt in rarefactione novam acquiri quantitatem, sed tamen sine amissione praecedentis. Scotus in IV, d. 12, q. 3 dicit oportere ab omnibus concedi aliquam quantitatis partem noviter advenire in rarefactione postquam corpus extensius est. Confirmatur quia omnis motus terminatur ad aliquid quod non fuit ante motum, aliter motus esset frustra; ergo.</p> <p>Hanc sententiam Scoti sequitur NOVUS ILLE PHILOSOPHUS, quem aliquando citare solemus, in IV <i>Physicorum</i>, q. 11, circa finem, sed neque iste auctor neque Scotus explicant quomodo nova illa pars quantitatis subiecto adveniat,</p>	<p>FRANCISCUS TOLETUS, IV <i>Physicorum</i>, q. 11 (<i>Quid sit condensatio et rarefactio et ex quibus causis et quomodo fiat ex quo constabit an sine vacuo esse possint</i>), Venice 1573, fol. 132vb-133ra; vol. II, fol. 132vb-133ra</p> <p>Secundum tamen Averroem, qui tenet materiam semper habere coniunctam quantitatem sibi ut numquam de novo acquiratur vel deperdatur, nec tota nec ulla quantitatis pars, dicit quod in condensatione vel rarefactione non deperditur quicquam quantitatis aut acquiritur, sed aliter et aliter se habet. Et probabile hoc est.</p> <p>At nos, qui quantitatem non in sola materia, sed in composito constituimus, ac ipsam deperdi et acquiri diximus, non reputamus inconveniensi dicere quod, sicut in remissione caloris et intensione, aliquid caloris deperditur vel recipitur ut probabimus¹⁷ postea, ita in ista</p>
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¹⁶ dissona sententiae] disson a sententia ed. 1573

¹⁷ probabimus] probavimus ed. 1573

<p>philosophantur tamen sicut de intensione qualitatum, ut supra expositum est.</p>	<p>rarefactione et condensatione circa quantitatem. Immo cum ex generatione proveniunt, sicut cum ex aqua aer vel econtra fit, probabiliter etiam dicitur quod¹⁸ tunc tota quantitas mutatur et nova acquiritur sub eadem manente materia. Re enim corrupta, ut probabilis ait opinio, omnia ipsius accidentia corrumpuntur. De hoc tamen alibi latius dicemus.</p>
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Background to Case 1: Cajetan and The Substantial Inequality of Human Souls

Human beings differ from one another in lots of different ways, and in many of these ways it seems quite uncontroversial to label some people as being ‘better’ than others; in other words, people are not just different, they’re unequal. For example, some people have 20/20 vision, others need strong glasses in order to see even a short distance; some people have exquisite senses of smell, able to discriminate with precision a huge range of odors, while others can’t smell an overripe Camembert. Or take various forms of mental acuity: some people are good at languages, others at mathematics, others at philosophy, and others still at organization. Most everyone seems to have some strong mental ability or another, but at the end of the day there are some people who we might be willing to say are simply more intelligent in certain areas than (most) others are.

It’s these observable differences and inequalities between human beings on especially the perceptual and the intellectual plane that motivates the later-medieval debate on whether or not human souls are unequal in terms of what I will call below ‘substantial perfection’, and specifically where, metaphysically speaking, we should locate the source of these inequalities. How deep do these differences go? Are they purely bodily phenomena? Or do they reach even to our immortal rational soul? There appears to have been an important and widespread discussion on this psychological issue in late scholasticism, a discussion I can only begin to introduce here as background to Domingo Báñez’s criticism of Franciscus Toletus in **Case 1** (and **Case 4**) above.¹⁹ These two basic positions, (cognitive)

¹⁸ quod *om. ed.* 1573

¹⁹ I hope to return to the issue in a later publication. For an extremely informative look at the issue of the ‘double latitude’ of body and soul differences in both medicine and theology in the late thirteenth and early fourteenth centuries, see AURÉLIEN ROBERT, « La latitude de l’humanité dans la médecine et la théologie médiévales (XIII^e–XIV^e siècle) », in *Mesure et histoire médiévale, XLIII^e Congrès de la SHMESP*, Publications de la Sorbonne, Paris 2013, p. 41–52, esp. p. 49–52 with references to further literature (thanks to Sylvain Roudaut for having pointed me to this article). I have found no secondary literature dedicated to discussions of the inequality of rational souls in the fifteenth and sixteenth centuries, but for general background on the philosophical

inequalities as purely bodily phenomena or (cognitive) inequalities as intrinsic to the rational soul itself, are those that you find in late medieval scholasticism. On the one hand, some scholastics said that all of these differences in perceptual and intellectual abilities arise from the fact that we all have bodies: it's the fact that my bodily organs, my eyes, are misshapen that renders me in need of glasses, and it's the fact that my sensory apparatus, from the external through the internal senses, are not as good as someone else's that makes it the case that my intelligence in certain departments is not as good as theirs. The *form* of the body, the human soul, on this view is completely untouched by the limitations foisted upon it by a deficient body, and for this reason, all human souls are equal in substantial perfection. Call that the 'equal souls' view: all human souls have the same amount of substantial perfection and all human perceptual and intellectual limitations and inequalities arise due to the soul's connection to something extrinsic, its body. On the other hand, some medieval scholastic authors appear to have taken their starting point in the fact that the rational soul is the substantial form of the human body and that the unity between them, which just is the unity of the individual human being, is the strongest unity around: *per se* unity. So tight is this link between rational soul and body, thought these authors, that any deficiencies in bodily sensory organs that might lead to inequalities in perceptual or intellectual abilities must be reflected in some way in the substantial form that gives that body being, that is to say, reflected in the degree of substantial perfection of the rational soul itself. Call this the 'unequal souls' view. Human rational souls, on that view, are intrinsically unequal, and even separated from their bodies they will maintain their inequality in substantial perfection. Thus, two opposed views on the (in)equality of human rational souls: a view on which in terms of their substantial perfection all human souls are equal and a view on which there is an intrinsic inequality between them. That is the general philosophical and theological point at issue between Domingo Báñez and Franciscus Toletus in **Case 1** above; in their dispute over it the influential Dominican theologian Thomas de Vio Cajetan plays a central role.

There is a good deal of evidence that Cajetan was considered by Franciscus Toletus as one of his main theological and philosophical targets. Indeed, in 1935 Friedrich Stegmüller published a previously unedited text in which are listed 10 issues on which Toletus disagreed with Cajetan, with Toletus (or whoever reported his thoughts) often locating the source of Cajetan's incorrect view in his having

psychology of the sixteenth century, see, e.g., DES CHENE, *Life's Form*; SASCHA SALATOWSKY, *De Anima. Die Rezeption der aristotelischen Psychologie im 16. und 17. Jahrhundert*, Grüner, Amsterdam-Philadelphia 2006 (Bochumer Studien zur Philosophie, 43); SANDER DE BOER, « The Human Soul », in HENRIK LAGERLUND and BENJAMIN HILL (eds.), *The Routledge Companion to Sixteenth-Century Philosophy*, Routledge, New York – London 2017, p. 411–435.

misunderstood Thomas Aquinas.²⁰ It can be no real wonder that Cajetan loomed large in Franciscus's view of contemporary (Dominican) Thomism: Master General of the Dominican Order (1508–1518), Cardinal from 1517 until his death in 1534, papal interrogator of Martin Luther in Augsburg in October 1518, and perhaps most importantly author of a widely printed and widely read commentary on Aquinas's *Summa theologiae*, which we know had a significant impact in sixteenth-century Salamanca, where Franciscus was educated and, early in his career, taught.²¹ In short: Cajetan was a major voice in late scholastic Thomism, a voice Franciscus knew and considered, in some cases, out of tune with Thomas Aquinas himself or with the truth (or with both). This is the broad context for **Case 1**.

The story in the texts we are examining begins with Aquinas. In the *Summa theologiae*, part 1, q. 85, art. 7, he asks whether one person can understand one and the same thing better than another person can.²² In his response, the « better » (*melius*) of the title quickly becomes a « more » (*magis*), and in answer to the question can one person understand one and the same thing « more » than another, Aquinas says that with respect to the object being understood, there is one and only one way it can be understood, and understanding it differently than that one way – better or worse – would in fact be distorting or misunderstanding the object. But with respect to the persons doing the understanding, Aquinas affirms that, indeed, one person can understand more about one and the same object than another person, and this occurs because the body or the senses of one

²⁰ FRIEDRICH STEGMÜLLER, « Tolet et Cajétan », *Revue Thomiste*, 39 (1935), p. 358–370. In a recent article, CHRISTOPH SANDER discusses briefly Cajetan as a target of an attack by Franciscus: « For Christ's Sake. Pious Notions of the Human & Animal Body in Early Jesuit Philosophy and Theology », in STEFANIE BUCHENAU, ROBERTO LO PRESTI (eds.), *Human and Animal Cognition in Early Modern Philosophy and Medicine*, University of Pittsburgh Press, Pittsburgh 2017, p. 55–73, this on p. 66, with Sander noting (p. 63) that Cajetan « surely can be considered one of the most important exponents of early sixteenth-century Thomism, whose influence on the early Jesuits has yet to be explored ». See also the reference in n. 6 above to Anna Tropia's comments on Cajetan, whom she presents as offering to Jesuits like Franciscus or Francisco Suárez a surrogate for Aquinas when disagreeing with Thomistic doctrines.

²¹ A very recent study of Cajetan, with extensive bibliography, is GREGORY HRYNKIWI, *Cajetan on Sacred Doctrine*, Catholic University of America Press, Washington D.C. 2020. On Cajetan's commentary on the *Summa theologiae* (the first ever commentary on the entire work) and its influence in Salamanca, see LIDIA LANZA, MARCO TOSTE, « The Commentary Tradition on the *Summa theologiae* », in LANZA, TOSTE (eds.), *Summistae. The Commentary Tradition on Thomas Aquinas' Summa Theologiae from the 15th to the 17th Centuries*, Leuven University Press, Leuven 2021 (Ancient and Medieval Philosophy, Series 1, 58), p. 3–93, esp. p. 14–15 with references to further literature, also to other chapters in that same volume.

²² THOMAS AQUINAS, *Summa Theologiae* (hereafter = *ST*) I, q. 85, art. 7, ed. Leonina 5, Rome 1889, p. 344: « Utrum unam et eandem rem unus alio melius intelligere possit ».

person are better disposed for understanding than the body or senses of the other.²³

When Cajetan came to comment on this text of Aquinas, he laid weight on some particular formulations. Aquinas had written that

the better the body's disposition, the better a soul it takes on. This is clearly apparent in things that differ in species. The reason for it is that actuality and form are received in matter in keeping with the capacity of matter. So since, even among human beings, some have better disposed bodies, they take on a soul that has a greater power for understanding.²⁴

This text from Aquinas suggested to Cajetan that « not all human souls are equal, but better souls have better bodies ».²⁵ Cajetan was aware that this view – that human souls are unequal – was controversial: he mentions that both among those who usually disagree with Aquinas and among those who follow him (i.e., *Thomistae*) there are some who « claim that Saint Thomas never thought that the substances of human souls are unequal ».²⁶ One can see why this view might be

²³ AQUINAS, *ST I*, q. 85, art. 7, ed. Leon. 5, p. 344a–b: « [...] dicendum quod aliquem intelligere unam et eandem rem magis quam alium, potest intelligi dupliciter. Uno modo sic quod ly 'magis' determinet actum intelligendi ex parte rei intellectae. Et sic non potest unus eandem rem magis intelligere quam alius, quia si intelligere eam aliter esse quam sit, vel melius vel peius, falleretur, et non intelligeret [...] Alio modo potest intelligi ut determinet actum intelligendi ex parte intelligentis. Et sic unus alio potest eandem rem melius intelligere, quia est melioris virtutis in intelligendo [...] Hoc autem circa intellectum contingit dupliciter. Uno quidem modo, ex parte ipsius intellectus qui est perfectior. Manifestum est enim quod *quanto corpus est melius dispositum, tanto meliorem sortitur animam, quod manifeste apparet in his quae sunt secundum speciem diversa. Cuius ratio est quia actus et forma recipitur in materia secundum materiae capacitatem. Unde cum etiam in hominibus quidam habeant corpus melius dispositum, sortiuntur animam maioris virtutis in intelligendo [...]* Alio modo contingit hoc ex parte inferiorum virtutum, quibus intellectus indiget ad sui operationem, illi enim in quibus virtus imaginativa et cogitativa et memorativa est melius disposita, sunt melius dispositi ad intelligendum ». For the italicized passage, see the translation at n. 24 below.

²⁴ This is Robert Pasnau's translation of the italicized text in n. 23 above; see THOMAS AQUINAS, *The Treatise on Human Nature. Summa Theologiae 1a 75–89*, trans. ROBERT PASNAU, Hackett, Indianapolis–Cambridge 2002 (The Hackett Aquinas), p. 176, l. 34–40. In his commentary to this passage, Pasnau (*ibid.*, p. 351–352) suggests that, instead of « the better a soul it takes on (*sortitur*) », a more apt rendering might be « the better a soul it is allotted [by God] », although he ultimately thinks (p. 351) the passage should be interpreted as « souls adapt themselves to the body that they inform ». Cajetan, as we will see below, seems clearly to think that Pasnau's « the better a soul it is allotted [by God] » captures best Aquinas's meaning and the truth of the matter. For more on Aquinas on these issues, see n. 44 below.

²⁵ CAJETAN, *In ST I*, q. 85, art. 7, ed. Leonina 5, Rome 1889, p. 344a: « [...] non omnes animae humanae sunt aequales, sed meliorum corporum meliores sunt animae ».

²⁶ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 344b: « Circa [...] inaequalitatem animarum nostrarum, advertendum est quod non solum hi qui a S. Thoma se dissentire fatentur, sed etiam Thomistae

contested: a difference in what you could call ‘specific substantial perfection’, i.e. a difference in ‘substantial perfection’ between different species of substance (that, say, every human being insofar as human being is a more perfect substance than every cow insofar as cow) seems a relatively uncontroversial medieval view, but can one human being qua human being be substantially more perfect than another? Can there be a range or spectrum of individual substantial perfections among individuals of one and the same species? That is what’s at issue and Cajetan answers in the affirmative: not all human souls are substantially equal. Cajetan mentions explicitly as supporters of the opposing ‘equal human souls’ view the theologians Durand of St.-Pourçain (d. 1334),²⁷ Henry of Ghent (d. 1293),²⁸ and Bernard of Auvergne (= Bernardus de Gannaco, d. after 1307),²⁹ authors who Cajetan undoubtedly met while reading the treatment of this issue found in the *Sentences* commentary of the fifteenth-century ‘Princes Thomistarum’, John Capreolus (= Jean Cabrol, d. 1444).³⁰ In those three authors’ names, Cajetan

aliqui contrariantur, adeo ut dicant non esse mentem S. Thomae animarum humanarum substantias esse inaequales ».

²⁷ DURAND OF ST.-POURÇAIN, II *Sentences* (C), d. 32, q. 3, in *Durandi a Sancto Porciano in Petri Lombardi Sententias theologicas commentariorum libri IIII* (= redactio tertia), Venice 1571 (rpt. Gregg Press, Ridgewood, NJ 1964), fol. 186ra–va: « Utrum omnes animae ab origine sint aequales ». Cf. idem, II *Sentences* (A), d. 32, q. 1, in DURANDI DE SANCTO PORCIANO, *Scriptum super IV libros Sententiarum, distinctiones 22–38 libri secundi*, ed. FIORELLA RETUCCI, MASSIMO PERONE, Peeters, Leuven 2013 (Recherches de théologie et philosophie médiévales, Bibliotheca, 10.2.3), p. 198–205.

²⁸ HENRY OF GHENT, *Quodl.* III, q. 5, in *Quodlibeta Magistri Henrici Goethals a Gandavo Doctoris Solemnis*, 2 vol., Iodocus Badius, Paris 1518 (rpt. Louvain 1961), fol. 53r–v: « Utrum anima Christi, circumscripta omni dispositione corporis et circumscriptis donis gratuitis, scilicet solum ut in puris naturalibus existens, sit nobilior qualibet anima cuiuslibet alterius ». Although focusing on Henry’s *Quodl.* IV, q. 15 and intension and remission of accidental forms, JEAN-LUC SOLÈRE mentions Henry’s view on the possibility of substantial form admitting of more and less in his « Les degrés de forme selon Henri de Gand (*Quodl.* IV, q. 15) », in GUY GULDENTOPS, CARLOS STEEL (eds.), *Henry of Ghent and the Transformation of Scholastic Thought*, Leuven University Press, Leuven 2003 (Ancient and Medieval Philosophy, Series 1, 31), p. 127–155, esp. § III, p. 152–155; as mentioned there (p. 154 with fn. 116), Henry’s view on the matter is related to articles from the Condemnation of 1277 claiming that Christ’s soul being more noble than Judas’s blocks any claim that one intellect cannot be more noble than another.

²⁹ BERNARD OF AUVERGNE, *Reprobationes Henrici de Gandavo*, *Quodl.* III, q. 5, MS Bologna, Biblioteca Comunale dell’Archiginnasio A.943, fol. 14rb–vb. On Bernard and his *Reprobationes*, see, e.g., RUSSELL L. FRIEDMAN, « Dominican Quodlibetal Literature, ca. 1260–1330 », in CHRISTOPHER SCHABEL (ed.), *Theological Quodlibeta in the Middle Ages. The Fourteenth Century*, Brill, Leiden 2007 (Brill’s Companions to the Christian Tradition, 7), p. 401–491, esp. p. 411–418 with references to further literature there.

³⁰ JOHN CAPREOLUS, II *Sentences*, d. 32, q. 1 in *Defensiones Theologiae divi Thomae Aquinatis*, ed. CESLAUS PABAN et THOMAS PÈGUES, vol. IV, Cattier, Tours 1903, p. 359a–366b: « Utrum omnes animae humanae ab origine sint aequales », with reports in Capreolus’s own words of Durand’s, Henry’s, and Bernard’s views (p. 360b–363a) and Capreolus’s responses (p. 363a–366b). Capreolus’s own view (explained on p. 359b–360a) is: « Quod in animabus rationalibus sunt diversi gradus, eiusdem tamen speciei ». I was led to the Capreolus text both by the Leonine edition of Cajetan

formulates a few arguments against his ‘unequal human souls’ view. For one thing, Aristotle’s famous dictum in the *Categories* (Ch. 5, 3b32–33) that « substance does not admit of more or less » seems to argue against ‘substantial inequality’, i.e., some kind of deep form-dependent inequality between primary substances of the same most specific species.³¹ Further, since in any individual the individual’s substantial form is nothing other than the specific form (i.e., the form of the species), it would seem that substantial perfection is exhausted at the level of species with individual variation within the species being impossible.³² Moreover, Cajetan and his ‘unequal souls’ view takes it as given that souls are proportioned to their bodies, such that better disposed bodies have better souls; but since the human soul is not educed from matter but is created and infused directly by God, its bodily dispositions don’t have any influence on (*redundant in*) the human soul.³³ Finally, if human souls were proportioned to the dispositions of their body, then

and by Báñez’s treatment of the issue, as discussed below. For more on Capreolus on this issue, see fn. 45 below. For thoughts on Cajetan’s intellectual debt to Capreolus, including some case studies, see ANDRÉ F. VON GUNTEN, « Cajétan et Capreolus », in GUY BEDOUELLE, ROMANUS CESSARIO, and KEVIN WHITE (eds.), *Jean Capreolus en son temps (1380–1444)*, Cerf, Paris 1997 (*Mémoire Dominicaine*), p. 213–238.

³¹ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 344b: « Durandus, Henricus, et Bernardus de Gannaco, negando substantialem hanc inaequalitatem, contra ipsam et eius rationem arguunt [...] Primo, quia substantia susciperet magis et minus proprie dicta ». Cajetan (p. 344b–345a) offers what he calls a « sequela » on the basis of a text in *Physics VII*: « Et tenet sequela ex VII *Physicorum*, ubi dicitur quod participatio unius forma secundum speciem secundum diversos gradus, est proprie comparatio secundum magis et minus ». The *Physics* reference seems to me to be obscure, but in JACQUELINE HAMESSE’S *Auctoritates Aristotelis. Un florilège médiéval. Étude historique et édition critique*, Publications Universitaires, Louvain 1974 (*Philosophes médiévaux*, 17), p. 155 no. 192, an *auctoritas* is listed as « Sola univoca et non aequivoca sunt comparabilia », with reference to *Physics VII*, ch. 4 (248b6–7, 249a4–5), which looks about the best we can do. For a fuller version of the argument Cajetan presents, see, e.g., DURAND OF ST.-POURÇAIN, II *Sentences* (C), d. 32, q. 3, §8 (ed. Venice 1571, fol. 186ra–vb) and Id., II *Sentences* (A), d. 32, q. 1 (ed. RETUCCI, PERONE, p. 203, l. 103–117). As an anonymous reviewer for *Mediterranea* pointed out to me, Cajetan probably found this *Physics* reference in his reading of Capreolus, ed. PABAN, PÈGUES, p. 361a–b: « [...] in quibuscumque formis eiusdem speciei est dare [...] magis et minus proprie dicta. Et hoc apparet ex 7. *Physicorum* (t. c. 29), ubi dicitur quod propria comparatio secundum magis et minus est eorum quae participant unam formam secundum speciem, sed secundum alium gradum ». For a wide and deep exploration of ‘magis et minus’ in later medieval (and later) treatments of the intensification and remission of forms, see JEAN-LUC SOLÈRE, « Plus ou moins: Le vocabulaire de la latitude des formes », in JACQUELINE HAMESSE and CARLOS STEEL (eds.), *L’Élaboration du vocabulaire philosophique au Moyen Âge*, Brepols, Turnhout 2000 (*Rencontres de Philosophie Médiévale*, 8), p. 437–488.

³² CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345a: « Secundo, quia forma individualis nullam substantiam includit praeter specificam formam. Ergo non est substantialiter perfectio. Consequentia nota. Et antecedens patet, quia nec formam, nec materiam, nec compositum ».

³³ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345a: « Contra fundamentum vero eius, scilicet quia forma proportionatur corpori melius disposito, dupliciter etiam arguitur. Primo, quia dispositiones corporis non redundant in formam non eductam de materia, qualis est anima nostra. Ergo ».

one and the same person's soul would fluctuate in terms of its substance as its body becomes better or worse disposed throughout life; but that's clearly false.³⁴

Cajetan is having none of this. For him, in terms of substantial perfection, there are a range of human souls. He even claims that arguments trying to prove the opposite are easy to deal with as long as one understands correctly the nature of the intellectual soul's relation to the body as well as just what 'admitting more and less' means.³⁵ With respect to the first, Cajetan is clear that the human soul, like any soul, must be commensurate – proportioned or measured – to the body it animates; for human beings, the absolutely crucial bodily characteristic that establishes the commensurateness or 'commensuration' between soul and body is the perfection of our bodies' senses and particularly the sense of touch.³⁶ Cajetan writes:

Because the human soul is not caused by the body, and, with respect to its being brought about, the soul depends on the body not as a cause but as an occasion, the consequent is that the [human] soul, when it is brought about, is assigned (*sortiatur*) a substantial commensuration to a body with just the complexion it had in its beginnings. And the soul necessarily retains that commensuration, because it is an unchanging substance.³⁷

Thus, human bodies have different levels of sensory perfection, and in terms of substantial perfection a human soul is matched to a body of commensurate sensory perfection. This matching takes place already at the infusion of the human soul into the fetus, and that's why the body is merely an occasion for this matching of soul to body perfection; it is not that the inequality between human bodies *causes* the inequality between human souls, but rather bodily inequality provides the reason for the souls to be created unequal. Although Cajetan does not say as

³⁴ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345a: « Secundo, quia si melius dispositi corporis melior est anima, ergo anima unius et eiusdem variabitur substantialiter iuxta variationem dispositionum corporis eiusdem. Hoc est falsum ».

³⁵ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345a: « Ad haec argumenta facile satisfit ab advertentibus qualis sit habitudo animae intellectivae ad corpus, et in quo consistat suscipere magis et minus proprie dicta ».

³⁶ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345a: « Quemadmodum enim anima in communi est coaptata corpori organico physico etc. et anima humana corpori reducto ad aequalitatem tangibilium, ita oportet hanc animam esse substantialiter coaptatam et commensuratam corpori ad talem gradum aequalitatis reducto. Non enim consistit in indivisibili aequalitas complexionis requisita ad corpus humanum, ut patet ad sensum: alii enim aliis praestant bonitate tactus ».

³⁷ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345a: « Et quia anima humana non causatur ex corpore, sed in suo tantum fieri dependet ex corpore non ut causa, sed ut occasione, consequens est quod anima haec, cum fit, sortiatur commensurationem substantialem ad corpus sic complexionatum ut invenitur in illo initio, et eam semper retineat necesse est, quia intransmutabilis substantiae est ».

much, clearly God is doing the creating here and is matching levels of substantial soul perfection with corresponding levels of bodily (sensory) perfection. But because human rational souls are unchanging in terms of their substance, after a soul's level of substantial perfection is set (by God), it remains fixed at that level for good. In short: the substantial inequality between human souls, a result of the inequality between human bodies, remains fixed forevermore.

What about the second of the two issues that Cajetan thought needed explication? What does 'admitting more or less' mean, when taken properly? In order for there to be 'more or less' properly speaking, Cajetan insists that some kind of movement or change must be involved. Something admits of more or less only to the extent that it increases or decreases.³⁸ And this allows him to rebut the argument for the 'equal souls' view that took its point of departure in Aristotle's dictum that « substance does not admit of more or less ». It is absolutely true that no primary substance admits of more or less, because no primary substance can *change* in terms of its individual substantial perfection. In particular, no intellectual soul admits of more or less, and this is because, once it is assigned its own level of substantial perfection, that level is fixed irretrievably (*imperdibiliter*). Thus, individual intellectual souls are unequal when it comes to substantial perfection, but because their inequality is fixed forever, no intellectual soul admits of more or less. Indeed, Cajetan tells us that the level of substantial perfection is in reality (*realiter*) the same as the soul's ingenerable and incorruptible substance.³⁹

For Cajetan, the differences or inequalities in substantial perfection between human souls are « mode[s] of the substance », « an individual difference contracting the soul to this [commensuration with the body] and it is intrinsic to this soul just as the specific difference is intrinsic to the species ».⁴⁰ Moreover, the body doesn't influence the soul in the way that the arguments in favor of the 'equal souls' view claimed, but rather the body provides an occasion for God to

³⁸ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345a–b: « Suscipere vero magis et minus, motum aut mutationem habet annexum de magis in minus, aut e converso. Alioquin proprie non sumuntur. Quod ex eo patet, quia nihil aliud est suscipere magis et minus quam intendi et remitti; sed haec sine mutatione de minus in magis aut e converso intelligi nequeunt. Ergo ».

³⁹ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345b: « [...] ad primum dicitur quod seclusis modis significandi, quamvis una res sit perfectior altera sive eiusdem sive alterius speciei, nunquam dicitur suscipere magis et minus nisi possit esse motus aut mutatio de magis in minus aut e converso, ut patet ex dictis. Hoc autem non convenit animae intellectivae, quoniam *commensurationem illam quam semel accepit, imperdibiliter sortita est, quia est idem realiter quod substantia sua, quae est ingenerabilis et incorruptibilis* ». For the italicized passage, see the remarks at fn. 47 below.

⁴⁰ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345b: « Ad secundum vero dicitur quod, proprie loquendo haec forma non addit super formam substantiam, sed modum potius substantiae, qui est secundum rem substantia. Commensuratio enim huius animae ad hoc corpus est individualis differentia contrahens animam ad hanc, et est intrinseca huic animae, sicut differentia specifica est intrinseca speciei ».

differentiate between various souls on the basis of the varied sensory perfection of the bodies into which the souls will be infused.⁴¹ And, of course, as Cajetan has made clear, no bodily changes affect the substantial perfection of the soul, once that substantial perfection is assigned at the soul's creation, because « the soul is essentially the perfection fit exactly (*coaptata*) to what it perfects ».⁴²

Cajetan's treatment raises at least one crucial question: why does he defend the 'unequal souls' view in the first place? He concentrates in his treatment on explaining how the view works and on defending it from criticism, without ever really explaining why he wants to hold it. It may be that Cajetan simply thought that this was Aquinas's view and thus no further philosophical justification for holding the view was required. But that seems unlikely: Cajetan was a philosopher trying to make philosophical sense of Aquinas's views, so if Cajetan thought that Aquinas was right to hold this view, then he thought he was right for a reason. Here is a possible reason. Cajetan's 'unequal souls' view might be considered a necessary ramification of one of Thomas Aquinas's most characteristic metaphysical views: that the rational soul is the one and only substantial *form* of the body.⁴³ It seems to me in no way obvious that Thomas would have agreed with Cajetan's view that individual rational souls are substantially unequal.⁴⁴ But you can consider Cajetan's view as a way of preserving the tight link that Aquinas, following Aristotle, did indeed claim there to be between (rational) soul and body, between the form and the matter it informs. Cajetan seems to be saying: if the rational soul really is the body's form (as commonly maintained), then that

⁴¹ CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345b: « Ad obiecta autem contra fundamentum patet [...] Fatemur enim quod dispositiones corporis redundare in animam per substantiam contingit dupliciter: uno modo causaliter; alio modo occasionaliter. Et primo est impossibile respectu animae nostrae. Secundo vero modo est necessarium, loquendo de dispositionibus ultimis pro anima inducenda ».

⁴² CAJETAN, *In ST I*, q. 85, art. 7, Leon. 5, p. 345b: « Quod autem redundantia haec rationabilis sit, iam patet ex dictis: quia scilicet anima essentialiter est perfectio coaptata suo perfectibili ».

⁴³ On the soul as form of the body, see, e.g., AQUINAS, *Quaestiones disputatae de anima*, q. 1, ed. B. CARLOS BAZAN, Leon. 24,1, Rome 1996, p. 3–12; *ST I*, q. 76, art. 1, ed. Leon. 5, p. 208–210; on the unicity of substantial form, see, e.g., *ST I*, q. 76, art. 3–4, ed. Leon. 5, p. 220–224. In the huge literature on the topic, the still classic study is B. CARLOS BAZÁN, « The Human Soul: Form and Substance? Thomas Aquinas' Critique of Eclectic Aristotelianism », *Archives d'histoire doctrinale et littéraire du Moyen Âge*, 64 (1997), p. 95–126.

⁴⁴ In fact, AQUINAS seems to state quite unambiguously that substantial forms are equal to one another; see *ST I–II*, q. 52, art. 1, ed. Leon. 6, Rome 1891, p. 330–332, esp. 331a–b: « Si igitur aliqua forma, vel quaecumque res, secundum seipsam vel secundum aliquid sui, sortiatur rationem speciei, necesse est quod, secundum se considerata, habeat determinatam rationem, quae neque in plus excedere, neque in minus deficere possit. Et huiusmodi sunt calor et albedo [...] et multo magis substantia, quae est per se ens [...] Duobus igitur modis potest contingere quod forma non participatur secundum magis et minus. Uno modo, quia participans habet speciem secundum ipsam, et inde est quod nulla forma substantialis participatur secundum magis et minus ». (I was led to this text by ROBERT, « La latitude de l'humanité », p. 49.)

hylomorphic link – the tightest of links in all of the natural world – ensures that there is some kind of reciprocal influence, with body inequalities providing occasions for soul inequalities. This is just what it means for the soul to be the substantial form of the body; without the reciprocal influence of body and soul, the soul wouldn't be the substantial form we know it to be. Even though Cajetan himself, as far as I can see, never makes this point, nevertheless this Thomistically inspired metaphysical reason for holding the 'unequal souls' view seems to me to be a plausible way to explain why Cajetan thought that Aquinas's words in this passage of the *Summa theologiae* must also support this view.⁴⁵

In any event, this view of Cajetan's is taken as a particular threat by Franciscus Toletus in his *De anima* commentary. In q. 18 of Book Three, Franciscus asks whether intellective souls are equal among themselves. He begins by concisely laying out what is really at issue: are human souls in their own right equal to each other in terms of intrinsic substantial perfection or not.⁴⁶ His treatment is built up around four « conclusions »:

Conclusion 1: In their substance all intellective souls are of equal perfection (*animae omnes intellectivae sunt in substantia sua aequalis perfectionis*; ed. 1575, fol. 162ra)

Conclusion 2: Souls do not differ numerically through diverse commensurations to diverse bodies (*animae non differunt numero per diversas commensurationes ad diversa corpora*; fol. 162vb)

Conclusion 3: Rational souls differ numerically entirely in and of themselves and intrinsically and not through a respect to something else (*animae rationales se ipsis prorsus differunt numero intrinsece, non per respectum ad aliud*; fol. 163ra)

Conclusion 4: Rational souls have unequally perfect operations on account of the diversity of bodily organs, for an organ is the soul's instrument (*animae*

⁴⁵ CAPREOLUS, II *Sentences*, d. 32, q. 1, ed. PABAN, PÈGUES, p. 360a, on the other hand, comes close to formulating this reason explicitly: « Ex quibus potest talis ratio colligi. Formae naturaliter proportionatae suis susceptivis, secundum inaequalitatem susceptivorum habent inaequalitatem inter se. Sed animae humanae sunt huiusmodi formae naturaliter suis susceptivis proportionatae, et recipiuntur in susceptivis inaequalibus et inaequaliter dispositis. Igitur, etc. ». In short: substantial forms work this way; rational souls are substantial forms; rational souls work this way. The closest Cajetan comes to this line of argument is the text in fn. 36 above.

⁴⁶ FRANCISCUS TOLETUS, *In De anima*, III, q. 18 (Venice 1575, fol. 161va–163va; *vol. I, fol. 157vb–159vb = An animae intellectivae sint inter se aequales*). Venice 1575, fol. 161va–b: « Non hic de aequalitate in quantitate sermo est [...] Sed de aequalitate in perfectione, an una sit ita perfecta sicut altera. Est autem perfectio duplex. Una accidentalis [...] Altera est perfectio substantialis et intrinseca, secundum quam una substantia vel unum ens altero perfectius est secundum se ipsum. Et de hac est quaestio: an una anima sit secundum se altera perfectior ».

rationales non habent operationes aequaliter perfectas propter diversitatem corporis organorum, est enim organum animae ipsius instrumentum; fol. 163rb)

Just from these conclusions, it is clear that Franciscus's treatment includes in Conclusion 1 a rejection of what we have seen to be Cajetan's 'unequal souls' view. The *quaestio* also contains a pointed denial that the body or matter plays any role at all in the individuation of rational souls. As Franciscus tells us in Conclusion 3: rational souls differ from one another *se ipsis* or « in and of themselves » and not through a relation to anything else, particularly, as he shows in Conclusion 2, not to the human body. Finally, in Conclusion 4 he tells us that any differences between how well human souls operate – how well they digest, move around, sense the world, think – is exclusively on account of the organs through which those operations are, to one extent or another, carried out; these differences have to do with the body alone, not with the soul.

Conclusion 2 is in fact of special significance in the context of the present article for at least four reasons. First, it is the place in Franciscus's work that Báñez criticizes in **Case 4**, above. Second, in rejecting that a soul's individuation has anything at all to do with its commensuration to its body, Franciscus says explicitly that he is going against the apparent view of Thomas Aquinas as found in the *Summa contra Gentiles* II, q. 81 (see the text in **Case 4**). Third, in elaborating his Conclusion 2, Franciscus makes a tacit but clear reference to Cajetan's theory that souls are unequal on account of their commensuration to bodies, Franciscus writing: « the commensuration is the same as the soul's substance, indeed it is this soul's substance, as they write ». We saw above that Cajetan held the commensuration to be intrinsic to the soul like an individual difference and to be in fact the very same as the ingenerable and incorruptible soul.⁴⁷ So, without mentioning Cajetan explicitly, Franciscus nonetheless lets his readers know that, in rejecting that souls differ numerically due to their diverse commensurations to diverse bodies, he was rejecting Cajetan in particular. The combined effect of rejecting Aquinas explicitly and Cajetan tacitly undoubtedly persuaded Báñez that this spot in Franciscus's *De anima* commentary deserved dedicated response, if the opportunity arose, and hence we have **Case 4**. Fourth and last, in Conclusion 2, after offering four of his own arguments as to why commensuration cannot be the principle of individuation of rational souls, Franciscus refers the reader to John Duns Scotus for further arguments,⁴⁸ thereby at least suggesting sympathy with the Franciscan's outlook.

⁴⁷ FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 163ra: « Illa commensuratio est idem cum animae substantia, immo est huius animae substantia, ut ipsi dicunt ». Compare this esp. to the italicized text from Cajetan in fn. 39 above, as well as the text in fn. 40 and 42.

⁴⁸ FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 163ra: « Haec argumenta sufficient ad huius conclusionis probationem. Scotus enim aliis utitur argumentis non spernendis, quae

Human souls for Franciscus, then, are of equal substantial perfection, with all operational differences between them arising from the bodies that channel their life activities. And human souls are distinct in and of themselves, not through any connection or commensuration to the body. And both Conclusions 1 and 2 are singled out by Domingo Báñez in his *De generatione* commentary as worthy of mention and rejection, in **Case 1** and **4**, respectively. Here I focus on Franciscus's Conclusion 1 and Báñez's response (= **Case 1**).

Franciscus's claim in Conclusion 1 is that substantially speaking, all rational souls are of equal perfection. As the text at the parallel columns in **Case 1** shows, Franciscus does not hide his disdain for anyone who might hold the opposite view and he is not shy about pinpointing the problem child in the Thomistic tradition: Cajetan. Franciscus says:

Be aware that it is the common opinion that souls are equal in substantial perfection, for there is a dispute about this. And Cajetan in Part 1, q. 85, art. 7, dissents from [the common opinion], thinking souls to be unequal, such that one is more perfect than another [...]. And Cajetan thinks this to be St. Thomas's view. Now, to some, St. Thomas in this article [of the *Summa*] could perhaps seem to hold that, but that is not the case, and St. Thomas is explained differently by other Thomists, certainly when it comes to perfections that accrue as accidents to (*accidit*) [the soul], whether from the body's first natural disposition or later from some accidental changes to the body [...]. Thus, in order that we lay down what is to be maintained on this issue, here is a first conclusion: in their substance all intellectual souls are of equal perfection. This conclusion is against Cajetan, whose view I consider dangerous and in no way to be maintained.

The view Franciscus introduces here as erroneous is, in extremely basic form, the view we saw Cajetan defend above: individual human souls are created unequal on the basis of the unequal perfections of the bodies they are to be infused into. Remarkable is that Franciscus goes out of his way to make this *Cajetan's* error: it was Cajetan who broke with the common opinion, mistakenly attributing to Aquinas a view that other Thomists could see the Angelic Doctor did not hold. After claiming that Cajetan's view is dangerous and untenable, Franciscus goes on to say that it is rash (*temeraria*) and that some of its implications are « completely stupid » (*stultissimus*), « ridiculous », « impious », and « absurd ». Franciscus left to

praetermitto ». Franciscus may be thinking of Scotus's rejection of quantity or matter being a principle of individuation, in *Ordinatio* II, d. 3, pars 1, qq. 4–5, Vatican 1973 (*Opera Omnia* 7), p. 421–474, 490–494. Scotus did play an important role in Jesuit scholasticism. For some general views on that role, see, e.g., JACOB SCHMUTZ, « L'héritage des Subtils. Cartographie du scotisme de l'âge classique », *Études philosophiques*, 1 (2002), p. 51–81, esp. p. 69–73, with references to further literature; more specifically on Franciscus, see TROPÍA, « Francisco de Toledo », e.g. p. 258.

no one's imagination that he thought Cajetan's 'unequal souls' view was as wrong as could be.

Franciscus presents some nine arguments against the 'unequal souls' view. Thus, according to Franciscus, if the perfection of the body was a contributing factor to the perfection of the soul, then we would expect souls to vary in their substantial perfection throughout their life, more perfect when the body is at its prime, less so earlier and later in life.⁴⁹ Clearly, Franciscus did not think much of Cajetan's claim that once a soul's perfection is fixed upon creation, it stayed fixed, not admitting of more or less.⁵⁰ Indeed, Franciscus's question rather seems to be for Cajetan: the perfection of the soul is fixed to the dispositions of *which* body? The infant body, or the geriatric body, or the body at its height?⁵¹ Further, Franciscus argues, there are stupid and foolish people; are those people really as substantially imperfect in their soul as they appear to be in their embodied state? Are their souls genuinely not as able to exercise rationality or will as other souls are?⁵² That would seem to be an implication of Cajetan's view (Franciscus, recall, thinks that the inequality in the way people can exercise essential operations like sensing and thinking arises on account of the bodily organs, *not* on account of substantial differences between their rational souls, differences themselves occasioned by unequal bodily sensory dispositions, as Cajetan would claim). Moreover, Franciscus argues further, if it were the case that human souls are

⁴⁹ FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 162ra–b: « Tertia ratio est: si anima esset perfectior pro corporis perfectione, sequeretur quod eadem anima mutatur et modo minus, postea magis esset perfecta essentialiter et substantialiter, quod est impossibile. Sed probo sequelam, quia corporis perfectio mutatur, est enim imperfectissimum cum anima inducitur, postea magis et magis perficitur, acciditque mutari complexiones et dispositiones, oportebat ergo animam etiam mutari, quae iuxta corpus perficitur ». See also *ibid.*, fol. 162va–b, where Franciscus, noting how our mental acuity changes on a near daily basis, writes: « Quare manifeste colligitur ex diversa hac dispositione corporis et organorum provenire, nisi velles stultissime dicere, etiam in eodem mutari animae substantialem perfectionem, quod est impossibile, aut quotidie pro dispositione corporis infundi meliores vel peiores animas in eodem homine, quod est plusquam ridiculum et error stultissimus ».

⁵⁰ See at and around fn. 39 above.

⁵¹ These sorts of issues are well known also from treatments of the Resurrection, when all humans will get back numerically the same body they had during their Earthly lives, and the question becomes: which version of that body do they get back? The body at which stage of life?

⁵² FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 162va: « Praeterea septimo, quia si ex dispositione corporis licet colligere maiorem vel minorem perfectionem substantialem individuorum animae, et ideo aliquid habeat animam ingeniosiore et melioris intellectus altero, sequitur quod cum aliqui a natura nascantur stulti et fatui, illi habeant animam stultam et fatuam. Immo, cum numquam per totam vitam utuntur nec uti possent ratione, sequitur quod habeant animam impotentem ratione uti et plane irrationalem, quod est error. Et praeterea, cum numquam utuntur ratione, ita etiam nec libertate, quae ex electione et deliberatione rationis pendet. Unde sequeretur animam etiam illam carere libero arbitrio et voluntate, quod asserere est etiam impium et error ».

unequal in terms of substantial perfection, then that must also be the case with all other substantial forms, such that one substantial form of fire would be more perfect substantially than another on the basis of the dispositions of the matter from which it was educed. This might even hold for items from other categories, such that one of two equally intense whitenesses would be essentially more perfect than the other. Franciscus considers other substantial forms or equally intense qualities being unequal in substantial or qualitative perfection to be absurd, and hence rational souls being unequal is also absurd.⁵³

We can even see how Franciscus engages with some of the details that Cajetan put in place to explain his 'unequal souls' view. Thus, Franciscus argues that, were the soul's substantial perfection to be linked to the perfection of the body, then the body would give being to the soul (*daret esse animae*), for otherwise the body could not *cause* a more perfect soul. But, it is God who causes the soul, by directly creating it, and hence the soul cannot receive substantial perfection from the body.⁵⁴ In answer to an argument like this one from Franciscus, Cajetan had drawn a distinction, i.e. his claim that the body did not *cause* differences in the soul's perfection, but rather the body offered (God) an *occasion* to create souls that differ in perfection.⁵⁵ To a claim just like that one, Franciscus offers a dilemma: « either God creates a more perfect soul on account of a more perfect body, or he makes a more perfect body on account of a more perfect soul. » The first horn of the dilemma is simply not seemly (*non decet*), according to Franciscus, since God would then be adjusting the cause to the instrument (*esset ordinare iam causam ad instrumentum*). Just as « the scribe does not exist on account of the pen, but the pen on account of the scribe », so the soul is not on account of the body, and God's adjusting the cause to fit the effect would be to get the order between them precisely wrong. For Franciscus, the body is like an instrument of the soul, and

⁵³ FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 162rb–va: « Praeterea sexto: si hoc in animabus hominum concederet substantiali differre perfectione, idem deberet concedere in omnibus formis omnium specierum, cum eadem sit ratio. Unde fieret ut una forma ignis esset substantialiter perfectior altera, quod dispositione materiae, et aquae et aeris etc. Et ita etiam in omnibus aliis mixtis animatis et inanimatis. Immo etiam in accidentibus numero sub eadem specie differentibus, sequeretur esse substantialiter seu essentialiter et intrinsece perfectiora, ut una albedo aequae etiam intensa cum altera [...] Aut, si hic non, cum sit absurdum, ergo nec in specie animarum rationalium ». Franciscus deals briefly with the general question of substances admitting more or less in his *De generatione* I, q. 4: *An substantia suscipiat magis et minus* (see the question list in the Appendix below).

⁵⁴ FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 162rb: « Quarta ratio est si iuxta corpus magis perfectum anima est perfectior, sequeretur quod corpus daret esse animae, et ex ipsius potentia educeretur. Non enim aliter posset animam perfectiorem causare. Sed hoc falsum est, immo anima in se prius natura habet esse per creationem quam sit in corpore. Aut etiam, si simul natura infunderetur, tamen a solo Deo efficienter producitur. Non ergo sumit substantialem perfectionem a corpore ».

⁵⁵ See at and around fn. 37 and 41 above.

hence the soul is like a cause in relation to the body. The second horn of the dilemma is just as hopeless according to Franciscus: God brings about bodies through the activity of necessary secondary causes, with which God concurs, while He freely and directly creates souls; hence if He made a more perfect body on account of a more perfect soul, He would be restricting his own freedom by bending to the necessity of those necessary secondary causes.⁵⁶

Franciscus, then, finds Cajetan's 'unequal souls' view to be philosophically and theologically bankrupt. Hence, for Franciscus rational souls are created by God as equal to one another in substantial perfection; the differences that we observe in human beings around us in terms of various life activities, including intelligence, arise on account of the varied quality of the bodies and the organs that we have, but those differences are, so to speak, only skin deep. The souls themselves are equal in perfection. This leads Franciscus to suggest that the body is a type of instrument in relation to the cause that is the rational soul, a rather more Platonic sounding view of the soul-body relation than it is likely Cajetan (or Aquinas) would accept.

For Domingo Báñez, in his *De generatione* commentary, the really central element in Franciscus's treatment of this issue is the attack on Cajetan. Báñez deals with the issue in book I, q. 8, of his commentary, where he tackles the problem of whether, and which, qualities can undergo intensification and remission. Báñez comes to talk about rational souls and their substantial (in)equality by way of an initial argument against qualities being able to be intensified or remitted, an initial argument concerning separated souls. Now, Franciscus, in his *De anima* III, q. 18, had also brought up separated souls in an initial argument in favor of the 'unequal souls' view that Franciscus associated with Cajetan and would himself reject. Briefly: if individual human souls were not substantially unequal, then, when separated from their bodies, they would lose all distinguishing marks and, as a consequence, their individuation.⁵⁷ Thus, according to this argument, the degrees of individual substantial perfection postulated by the 'unequal souls' view work as a principle of individuation even for the separated soul. Franciscus rejects this

⁵⁶ FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 162rb: « Respondebunt quod ita est, tamen Deus est qui pro corpore perfectior animam creat perfectiorem. Sed contra hoc est manifesta ratio, nam, vel Deus creat animam perfectiorem propter corpus perfectius, vel facit corpus perfectius propter animam perfectiorem. Non primum, quia illud esset ordinare iam causam ad instrumentum, et perfectius ad imperfectius, quod non decet. Non enim scriba propter calamus, sed calamus propter scribam est. Nec est illud secundum, quia corpus praeparat per causas secundas necessarias concurratque cum ipsis ad modum ipsarum, at animas libere et immediate creat; non ergo ordinat quod necessarium est in id quod liberum est, esset enim liberum restringere, si vellet ».

⁵⁷ FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 161vb: « Tertio: si omnes animae sunt aequales in sua substantia, sequeretur quod separatae a corpore non possent distingui inter se, quia non habent per quid distinguantur, cum per omnia sint aequales ».

argument by affirming that (as we saw above) human souls are distinct from one another in and of themselves.⁵⁸ So, before Báñez, separated souls were already a part of the discussion about the (in)equality of human souls' substantial perfection. Báñez, in his initial argument, claims that if a quality could undergo intension and remission, i.e. increase or decrease in perfection, then *any* form, even a substantial form like the human soul, when it goes from being more to less perfect, would increase and decrease, and hence « admit of more or less », against the famous Aristotelian dictum; but the human soul is less perfect when it is separated from its body than when conjoined, so it goes from more to less perfect and, on the logic of the argument, would admit of more and less; therefore, to avoid challenging the Aristotelian dictum, *no* form can undergo intension or remission, increase or decrease.⁵⁹ In his reply, Báñez claims that the perfection involved in the separated soul's being less perfect than the conjoined has to do with its various « states » (*status*) and this is a merely accidental perfection, a change akin to the change that takes place when a child becomes an adult, the accidents change but the essence remains the same; but the kind of perfection that would need to be involved in the rational soul admitting more or less would involve a change in essential perfection, and as long as the essence remains unchanged, as here, there is no more or less. In this reply, moreover, Báñez echoes one of the distinctions we have seen Cajetan advanced: admitting more or less is only at issue when there is some movement or change, an increase or a decrease, but essentially speaking when the human soul goes from conjoined to separated, no such movement or change occurs.⁶⁰

⁵⁸ FRANCISCUS TOLETUS, *In De anima*, III, q. 18, Venice 1575, fol. 163rb: « Ad tertium diximus animas se ipsis differre, et quamvis non se ipsis different, nihil argumentum concluderet, quia possent differre penes diversa corpora, in quibus sunt vel fuerunt. Sed melior est prior solutio ».

⁵⁹ DOMINGO BAÑEZ, *In De generatione et corruptione* I, q. 8, Salamanca 1585, p. 54b: « Arguitur quarto. Admisso quod maneat eadem forma, adhuc tamen videtur quod nulla qualitas intendatur. Nam maxime hoc esset, quia eadem numero forma modo magis, modo minus perficitur. Sed hoc non sufficit, alias substantia susciperet magis et minus. Nam anima rationalis non habet tantam perfectionem quando est separata atque quando est coniuncta, ut expresse asserit Sanctus Thomas in infinitis pene locis suae doctrinae [...] Et confirmatur, nam ex eo quod una anima sit perfectior alia, non dicitur quod substantia suscipit magis et minus, neque quod intenditur, ergo neque una qualitas dicitur intendi aut remitti, aut suscipere magis et minus ex hoc quod una est perfectior alia ».

⁶⁰ DOMINGO BAÑEZ, *In De generatione et corruptione* I, q. 8, Salamanca 1585, p. 61b: « Ad quartum respondetur negando minorem, et ad probationem quod illa minor perfectio quam habet anima separata est imperfectio status, non essentiae. Ad hoc vero ut suscipiat magis et minus, oporteret ut essentia perficeretur. Hanc vero habet consistentem in indivisibili, licet ex diverso statu separationis vel coniunctionis competat ei diversa perfectio accidentalitatis, qualis etiam competit homini puero vel viro, et tamen non dicitur suscipere magis vel minus propter talem variationem, quia essentia manet immota. Ad confirmationem respondetur quod ut aliquid suscipiat magis et minus, non sufficit quod sit alio perfectius, sed quod habeat vel habere possit

And this gives Báñez an opening to mention the topic of the (in)equality of rational souls. He will not deal with it in detail, he tells us, because this isn't the right place and he will explain the issue fully in the commentary on the *De anima* that he is currently working on and will soon release.⁶¹ But he tells us that there are two views on the issue. Some thinkers – like Henry of Ghent and Durand of St.-Pourçain and even members of the late scholastic Dominican Thomistic school like Paul Soncinas (d. 1494) and Domingo de Soto – maintained the 'equal souls' view that no human soul is intrinsically more perfect than another, but differences in how well human beings function arise from extrinsic sources like the dispositions of their body's organs.⁶² There's another view, however – held by the greatest number of Thomists, including Cajetan, Capreolus, Francis Silvester de Ferrara (d. 1528),⁶³ and indeed as it seems to Báñez by Thomas Aquinas himself, as well as by figures outside the Dominican Thomist tradition like Peter Lombard (d. 1160), Bonaventure (d. 1274), Richard of Mediavilla (d. c. 1308), and Giles of Rome (d. 1316) – that « one soul is more perfect than another not only extrinsically but also intrinsically, by an individual substantial perfection ».⁶⁴

Recall that Franciscus had presented Cajetan, in holding the view that human souls could be unequal, as going against the common opinion. Franciscus went out of his way to associate what he considered a dangerous, rash, and untenable view

perfectius esse quam antea habebat ». For Cajetan on 'admitting more and less', see above at and around fn. 38.

⁶¹ DOMINGO BAÑEZ, *In De generatione et corruptione* I, q. 8, Salamanca 1585, p. 61b: « Utrum vero anima separata sit perfectior coniuncta et utrum una anima sit perfectior alia, non est huius loci disputare, habent enim propriam sedem in libris *De anima*, ubi nos illas explicabimus. Habemus enim prae manibus iam commentarios elaboratos in illos quos prope diem, Deo dante, in lucem edemus ». The *De anima* commentary that Báñez refers to here is, as far as we know, lost: see SOLANA, *Historia de la Filosofía Española*, tomo tercero, p. 191 and fn. 30; GARCÍA CUADRADO, *Domingo Báñez (1528–1604)*, p. 47.

⁶² DOMINGO BAÑEZ, *In De generatione et corruptione* I, q. 8, Salamanca 1585, p. 61b–62a: « Breviter tamen pro nunc adverte quod in hac quaestione ultima sunt duae opiniones. Altera asserentium quod una anima non sit perfectior alia in se et intrinsece, bene tamen extrinsece propter diversam corporis dispositionem et meliores vires sensitivas et alias qualitates extrinsecas. Hanc opinionem sequitur Henricus [...] Durandus [...] et inter discipulos D. Thomae eam tenent Soncinas [...] et Magister Soto [...] » For SONCINAS, see *Quaestiones metaphysicales acutissimae* VIII, q. 26, Lyon 1579, p. 198b–199b; for DE SOTO, see *In categorias*, Cap. 5 (*De substantia*), q. 2, ad 5, Venice 1574, p. 376–377. They do indeed both reject that souls can be unequal in substantial perfection.

⁶³ On Capreolus's view, see above fn. 30 and 45. For FRANCIS SILVESTER DE FERRARA, author of the first commentary on the entire *Summa contra Gentiles*, see that commentary, I, cap. 3, ed. Leon. 13, Rome 1918, p. 10a.

⁶⁴ DOMINGO BAÑEZ, *In De generatione et corruptione* I, q. 8, Salamanca 1585, p. 62a: « Altera sententia est multorum discipulorum Divi Thomae, qui existimant quod una anima est perfectior altera, non solum extrinsece sed etiam intrinsece, perfectione substantiali individuali tamen. Hanc sequuntur Caietanus [...] Capreolus [...] Ferrarensis [...] et eam videtur tenere expresse Divus Thomas [...] Hanc sententiam etiam multi sequuntur qui non sunt ex schola Divi Thomae, imprimis Magister *Sententiarum* [...] et Divus Bonaventura [...] Richardus [...] Aegidius [...] »

with Cajetan and with Cajetan in particular. What Báñez is clearly doing in his text is trying to counteract Franciscus's strategy. Cajetan is presented by Báñez as part of a viable and vibrant tradition that held the 'unequal souls' view, a tradition that included not just Dominican luminaries like Capreolus and Francis Silvester but also important theologians outside the order, not to mention, in Báñez's rather cautious claim, probably Thomas Aquinas himself. That Báñez is reacting specifically to Franciscus's attack on Cajetan is clear, because immediately after presenting the two different views on the issue of the (in)equality of human souls, Báñez brings up the *novus philosophus* and his recent claim that the 'unequal souls' view was held by Cajetan and not by Thomas Aquinas at all (see the parallel texts in **Case 1** above). Báñez then makes clear where and how far Franciscus went wrong:

This censure of Cajetan is not worthy of a Christian author, since it labels as rash and dangerous a view that a lot of extremely consequential authors think true and at least plausible; but you can't do this without inflicting grave injury. Thus, briefly, for the time being, I say that neither of these views involve anything rash or dangerous, indeed both views are plausible, and to assert the contrary (no matter who asserts it) is to do injury to men of consequence. But which of the views is more true and agrees better with St. Thomas's teaching we will explain in the [*De anima* commentary] mentioned above.⁶⁵

Franciscus's attack on Cajetan was, in a word, underhanded. That is the point that Báñez wants to make. That Franciscus chose to reject the view that Báñez clearly prefers, must be for Báñez a minor point, since he claims here explicitly that both views – the 'equal souls' and the 'unequal souls' – are tenable. This is a topic on which there is no decisively incorrect answer, according to Báñez. So, the real problem with Franciscus lies rather with his unequivocal rejection of the 'unequal souls' view. To claim that either of these views was rash and dangerous was simply going too far, and for Báñez this was made clear by the fact that there was no consensus on the correct response to this issue, with some major late scholastic figures opting for the 'equal souls', and some opting for the 'unequal souls' view. By attacking the 'unequal souls' view in such an uncompromising way, Báñez considered Franciscus to be soiling the name of all those thinkers, inside and

⁶⁵ DOMINGO BAÑEZ, *In De generatione et corruptione* I, q. 8, Salamanca 1585, p. 62a: « Haec censura contra Caietanum indigna est autore Christiano, quoniam notat temeritatis et periculi sententiam quam tot et tam graves autores reputant veram aut saltem probabilem; hoc autem sine gravi iniuria fieri non potest. Quare breviter pro nunc dico quod neutra istarum opinionum habet aliquid temeritatis vel periculi, sed ambae opiniones sunt probabiles et contrarium asserere (quicumque illud asserat) est inferre iniuriam gravissimis viris. Quae autem sit verior et conformior doctrinae Divi Thomae in loco citato exponemus ». On the « loco citato », i.e. the *De anima* commentary, Báñez mentions here, see fn. 61 above.

outside of the Thomistic tradition as Báñez understood it, who had supported that view in good faith and for respectable philosophical reasons. And that in turn, finally, leads us to the place of Cajetan: Franciscus had covered up the fact that Cajetan was in august company, joined in his view by many other figures. Not only was Cajetan's view not rash or dangerous, it was not even exclusively Cajetan's view, although you would certainly get the opposite impression from reading Franciscus. For Báñez, this was simply an inappropriate *ad hominem* attack, not worthy of a Christian author. It is, then, perhaps no surprise that in his *Summa theologiae* commentary, published in 1588, and in which Báñez, while describing this very issue in much the same way as in his *De generatione* commentary, actually mentions Franciscus by name, the Dominican writes:

This censure of Cajetan is not worthy of a Christian author. And that is why I do not believe that it comes from that otherwise learned and pious man [Franciscus Toletus], but I think that it was inserted into his writings by some ignorant and audacious person.⁶⁶

From his perch in Salamanca, Báñez was in this passage quite heavily criticizing by name a former Salamanca colleague, now active in Rome, close to the papacy and the heart of the Jesuit order. Without the plausible deniability of anonymity provided by the *De generatione's novus philosophus* epithet, here Báñez chose to open up the possibility that someone snuck into Franciscus's work the unbecoming attack on Cajetan and others for holding the perfectly acceptable view that human rational souls are intrinsically unequal to each other.

Conclusion

What can this limited examination of Báñez's *novus philosophus* as well as Cajetan's, Franciscus Toletus's, and Báñez's one-way discussion on the (in)equality of human souls allow us to say about Dominican-Jesuit relations and about the discussion of the rational soul? Most obviously, we now have more evidence on the interaction between Jesuits and Dominicans in the late sixteenth century in the form of the anonymous criticism of Franciscus by Báñez in his *De generatione* commentary. Báñez, probably the premier Dominican thinker of his day, was reading and responding to the work of Jesuit contemporaries even outside the confines of the *De auxiliis* controversy. In the study here of Báñez's critique of Franciscus as found in **Case 1**, we see a psychological discussion about just what it means for the

⁶⁶ DOMINGO BAÑEZ, *Super Summam theologiae*, I, q. 85, art. 7, ed. Salamanca 1588, col. 1057: « Haec tamen censura contra Caietanum indigna est autore Christiano. Quapropter non credam illam esse huius viri alias docti et pii, sed existimo insertam esse eius scriptis ab aliquo imperito et audaci ». For more on Báñez's *Summa* commentary treatment, see fn. 9 above.

rational soul to be the substantial form of the human body and just how deep any human cognitive deficiencies go, staying at the level of the body or going all the way down to the rational soul itself. As much as the dispute as traced here was about philosophical arguments concerning hylomorphism and the human soul, it was also very much about the different intellectual traditions among the Dominicans and the Jesuits, perhaps especially different views of authority. It is widely recognized now that while Thomas Aquinas was a figure of enormous intellectual authority to the Jesuits, he was not a figure of *overwhelming* intellectual authority.⁶⁷ We see that reflected in Franciscus Toletus, who in **Case 4** is willing to disagree outright with Thomas, and who in his III *De anima*, q. 18, conclusion 2, appeals to Scotus for arguments (and Scotus appears as a source for Franciscus also in **Case 5**). The Dominicans examined in the present study were clearly not interested in expressing explicit differences with Aquinas, and this may mark a significant divergence from the Jesuit attitude. On the other hand, it was perfectly permissible for Dominicans to *interpret* Aquinas, and there was a good deal of room for disagreement about those interpretations, witness the fact that Báñez had no misgivings about Dominican Thomists Paul Soncinas and Domingo de Soto holding the ‘equal souls’ view in contradistinction to Capreolus, Cajetan, and other Dominicans, including Báñez himself. For Báñez there was room enough for Dominicans to disagree widely on issues of interpretation such as the soul’s inequality. In fact, this is the point that Báñez was taking pains to make in his attack on the *novus philosophus*: Franciscus Toletus could hold what he wanted concerning the (in)equality of rational souls, but he couldn’t claim that the position he opposed was prohibited. The Dominican Báñez accused the Jesuit Franciscus of being too doctrinaire, too closed-minded. And in the center of this dispute was Cajetan, with Franciscus going out of his way to paint Cajetan’s rash and dangerous ‘unequal souls’ view as the source of all problems on this issue, and Báñez showing that, even if you disagree with Cajetan, there was nothing remotely heretical or even particularly unusual about his view. The centrality of Cajetan is perhaps the most prominent aspect of the part of the Dominican-Jesuit altercation over the (in)equality of the human soul investigated here.

⁶⁷ See, e.g., MARCUS HELLYER, *Catholic Physics. Jesuit Natural Philosophy in Early Modern Germany*, University of Notre Dame Press, Notre Dame, Ind. 2005, esp. p. 77–100 passim; CRISTIANO CASALINI, « The Jesuits », in LAGERLUND and HILL (eds.), *The Routledge Companion to Sixteenth-Century Philosophy*, p. 159–188, esp. p. 167–169. For translations into French of some of the important contemporary documents along with commentary, see JACOB SCHMUTZ, « Les normes théologiques de l’enseignement philosophique dans le catholicisme romain moderne (1500–1650) », in JEAN-CHRISTOPHE BARDOUT (ed.), *Philosophie et théologie à l’époque moderne, Anthologie – tome III*, Cerf, Paris 2010, p. 129–150, esp. p. 138–139 (Dominicans), p. 142–146 (Jesuits).

Postscript

I only discovered after the present note was already in proofs that William A. Wallace, when discussing the text that I call **Case 2** here, had suggested that Báñez's *novus philosophus* « is undoubtedly Toletus »; see Wallace's *Prelude to Galileo. Essays on Medieval and Sixteenth-Century Sources of Galileo's Thought*, D. Reidel, Dordrecht – Boston 1981, p. 190 fn. 47 (and see the index there for several other mentions of Báñez's *De generatione et corruptione* commentary).

Appendix

I find that lists of the questions contained in scholastic philosophical or theological works are both interesting and useful, even when the works in question are available in early modern printings (and even in our age of widely available digital reproductions). Below I give question lists for Franciscus Toletus's works of Aristotelian natural philosophy dealt with in this article, his *Physics*, *De generatione*, and *De anima* commentaries. With the exception of the *De generatione* question list, exclusively the question titles are provided, with no indication of Franciscus's long, intricate, and often fascinating literal commentaries on Aristotle's text (this is the reason for gaps in the foliation between *quaestiones*). In the question list for the *De generatione* commentary – the smallest of the three – I have also noted Franciscus's commentaries on the text and not just the questions, simply to give the reader an idea as to how one of Franciscus's works of philosophical commentary looks as a whole. I have noted the questions that were the object of Báñez's criticisms in **Cases 1–5** above.

I have used what I believe to be the *editio princeps* of the relevant work: Venice 1573 for the *Physics* and *De generatione*, Venice 1575 for the *De anima*, all published by the famous Iunta family of printers. I have also noted in italics the folios on which each question is found in the Cologne 1615 edition (reprinted 1985).⁶⁸ I have been able to correct some errors in both editions (whether the main text or in *tabula quaestionum*), but I have in general done so silently; I have not recorded foliation errors in the editions. Just from the question lists below, one can see notable features of the works. For example, the largest question in the *De generatione* commentary is book I, q. 15, dealing with 'reaction', the much discussed physical phenomenon of, e.g., a heat source itself being cooled through its heating something cold.⁶⁹ Moreover, the largest questions in the *Physics* and *De anima* commentary are devoted to such standard medieval scholastic issues as the eternity of the world (*Physics* VIII, q. 1, q. 2), the Averroistic question of the unicity of the intellect (*De anima* II, q. 2; cf. III, q. 10), and whether it can be proved that the rational soul is immortal (*De anima* III, q. 16).

⁶⁸ See fn. 5–6 as well as 10 above for information on the printings of these works.

⁶⁹ For some literature on the issue, see JOHN L. RUSSELL, « Action and Reaction before Newton », *The British Journal for the History of Science*, 9 (1976), p. 25–38; work by Stefano Caroti and Johannes M.M.H. Thijssen cited in THIJSSSEN, « Late-Medieval Natural Philosophy: Some Recent Trends in Scholarship », *Recherches de la théologie et philosophie médiévales*, 67 (2000), p. 158–190, esp. p. 175, 181, 182, 184.

Franciscus Toletus, *Commentaria una cum quaestionibus in octo libros de Physica auscultatione*

Liber I (1r–43r; 1r–43r)

- 1) An rerum naturalium sit scientia (4rb–va; 4rb–va)
- 2) De subiecto philosophiae naturalis (4va–6ra; 4va–6ra)
- 3) An quilibet artifex demonstret per quodlibet genus causae (8rb–9rb; 8rb–9rb)
- 4) An ad rei perfectam cognitionem opus sit omnes eius causas cognoscere (9rb–10ra; 9rb–10ra)
- 5) An universalia sint nobis notiora singularibus (10vb–13va; 10vb–13va)
- 6) An eadem sint nota nobis et natura (13vb–14va; 13va–14rb)
- 7) An substantia secundum se sit divisibilis (18rb–19ra; 18ra–19ra)
- 8) An totum distinguatur realiter a partibus (19va–21ra; 19rb–20vb)
- 9) An res naturales habeant certos limites quantitatis (24vb–26ra; 24va–25vb)
- 10) An terminus quantitatis rerum naturalium sit semper intrinsecus (26ra–27ra; 25vb–26vb)
- 11) An principia sint contraria (28vb–29rb; 28va–29ra)
- 12) Utrum materia sit (32vb–33va; 32va–33ra)
- 13) An materia sit substantia (33va–35rb; 33rb–35ra)
- 14) An potentia sit de essentia materiae (35rb–36ra; 35ra–vb)
- 15) An aliquid sit in materia manens in mutatione (36rb–37rb; 35vb–37ra)
- 16) An materia sit ingenerabilis et incorruptibilis (37rb–38ra; 37ra–vb)
- 17) An materia appetat formam (38ra–b; 37vb–38ra)
- 18) Quae sint nomina materiae (38rb–vb; 38rb–va)
- 19) An aliquid formae praefuerit in materia (40vb–42rb; 40va–42ra)
- 20) An materia sit causa corruptionis an forma (42rb–va; 42ra–b)
- 21) An privatio sit principium naturale (42va–43rb; 42rb–vb)

Liber II (43v–77v; 43r–77r)

- 1) An definitio naturae sit bona (46ra–47rb; 45vb–46vb)
- 2) An omnia entia naturalia dicantur naturalia a principio intrinseco activo motus (47va–49rb; 47ra–48vb)
- 3) An motus coeli sit naturalis (49rb–50rb; 48vb–49vb)
- 4) An physica a mathematicis distinguantur (52va–54ra; 52ra–53vb)
- 5) An physicus consideret materiam primam (54rb–va; 53vb–54rb)
- 6) An ars imitetur naturam (54va–55va; 54rb–55ra)
- 7) An tantum sint quatuor genera causarum (58ra–60vb; 58ra–60rb)
- 8) An causae particulares aliquid efficiant (60vb–62vb; 60rb–62rb)
- 9) An sint fortuna et casus (66va–68va; 66ra–68ra)
- 10) An quae nec semper nec frequenter sunt, sint a casu (68va–69vb; 68ra–69rb)

- 11) An sit fatum (69vb–70va; 69rb–70ra)
- 12) An natura agat propter finem (74va–75vb; 73vb–75rb)
- 13) An monstra sint in natura (76ra–77ra; 75rb–76va)
- 14) An finis sit causa et principium (77rb–vb; 76va–77rb)

Liber III (78r–103v; 78r–103r)

- 1) An motus sit per se in aliquo praedicamento et in quo praedicamento. An videlicet sit qualitas fluens vel fluxus ipse qualitatis et via, an sit actio vel passio, vel quid aliud (83ra–86ra; 82va–85va)
- 2) An actio sit in agente et quae ipsa res sit actio (86rb–87rb; 85vb–86vb)
- 3) An motus distinguatur a suo termino (87rb–88ra; 86vb–87va)
- 4) An physici sit de infinito tractare et de quibusdam aliis dubiis de infinito circa textum Aristotelis (90rb–91vb; 89vb–91rb)
- 5) An unum sit indivisibile. An vero in infinitum etiam possit dividi (100ra–101ra; 99rb–100rb)
- 6) An numeri multiplicatio procedat in infinitum (101ra–103ra; 100rb–102rb)
- 7) Utrum sit corpus actu infinitum (103ra–vb; 102ra–103rb)

Liber IV (104r–150v; 103r–149v)

- 1) Circa aliqua dubia quae in textibus praecedentibus occurrunt (108ra–109rb; 107ra–108rb)
- 2) An locus sit aequalis locato (112rb–113ra; 110vb–111va)
- 3) An locus sit superficies continentis (116va–119ra; 115ra–117vb)
- 4) An locus formaliter sit superficies (119ra–120rb; 117vb–119ra)
- 5) An locus sit immobilis (120rb–121ra; 119ra–vb)
- 6) An res incorporeae sint in loco (121ra–va; 119vb–120rb)
- 7) An ultima sphaera sit in loco (121va–122va; 120rb–121vb)
- 8) De concordia quadam scitu digna omnium opinionum de loco (122vb–124vb; 121vb–123va)
- 9) An si esset vacuum, motus esset in non tempore (129rb–130ra; 128rb–129ra)
- 10) An sit vacuum (130vb–131va; 129vb–130va)
- 11) Quid sit condensatio et rarefactio, et ex quibus causis et quomodo fiat, ex quo constabit an sine vacuo esse possint (133rb–134ra; 132rb–133ra) [= **Case 5**]
- 12) An formae intenduntur additione partium gradualium (134rb–136vb; 133ra–135vb)
- 13)⁷⁰ An tempus sit numerus motus secundum prius et posterius (141va–143va; 140va–142va)

⁷⁰ Labelled q. 12 in both editions.

- 14)⁷¹ An sit unicum nunc in toto tempore (143vb–144rb; 142va–143ra)
15)⁷² An omnia entia sint in tempore (147ra–vb; 145vb–146va)
16)⁷³ An tempus sit ens rationis vel reale (148ra–149ra; 146vb–147vb)
17)⁷⁴ An tempus sit unum numero (149rb–150rb; 148ra–149ra)

Liber V (151r–166r; 149v–165r)

- 1) An generatio sit motus (152vb–153va; 151va–152rb)
- 2) An unitas specifica motus sit tantum a termino ad quem (158vb–160rb; 157va–159ra)
- 3) An unitas numeralis motus sumatur ex tribus, videlicet ex unitate numerica termini, mobilis, et temporis (160rb–161vb; 159ra–160vb)

Liber VI (166v–192r; 165r–191r)

- 1) An continuum ex indivisibilibus partibus componatur (169vb–171va; 168va–170rb) [...] Dubia quaedam, praecipua an ex indivisibilis continuum componatur (171va–178va; 168va–175rb)
- 2) De dubiis quibusdam circa textum Aristotelis: utrum omne quod movetur, tardius et velocius moveri possit, etc. (178va–179vb; 175va–176va)
- 3) Circa intelligentiam textus 32 Aristotelis: an omne mutabile sit divisibile, et an mutatio esse possit in non tempore (181rb–182va; 178ra–179rb)
- 4) An detur primum et ultimum in motu (188rb–190rb; 185ra–187ra)

Liber VII (192v–208v; 191r–205v)

- 1) An utraque ratio Aristotelis necessario concludat qua probatur omne quod movetur ab alio moveri (196ra–197ra; 192vb–194ra)
- 2) An movens et motum simul sint (198rb–199va; 195ra–196va)
- 3) An ad qualitates tantum tertiae speciei sit alteratio (201ra–200va; 197vb–199rb)
- 4) An comparatio tantum sit in specie ultima (205ra–206va; 202ra–203rb)
- 5) An regulae hae universaliter habeant verum (207vb–208vb; 204va–205vb)

Liber VIII (213r–249v; 205v–245v)

- 1) An mundus cum motu et tempore habuerit initium (212vb–217rb; 209rb–213vb)
- 2) An potuerit mundus esse ab aeterno (217rb–221vb; 213vb–218va)
- 3) An Deus sit causa libera, an vero agat ex necessitate naturae (221vb–224rb; 218va–221ra)

⁷¹ Labelled q. 13 in both editions.

⁷² Labelled q. 14 in both editions.

⁷³ Labelled q. 15 in both editions.

⁷⁴ Labelled q. 16 in both editions.

- 4) Utrum animal a se ipso moveatur (227va–228va; 224ra–225ra)
- 5) An sit unum primum movens immobile (235ra–236rb; 231ra–232rb)
- 6) An Deus sit causa efficiens mundi, etiam per Aristotelem (236rb–237ra; 232rb–233rb)
- 7) Utrum Deus sit ubique secundum Aristotelem (244va–245va; 240rb–241va)
- 8) An Deus sit virtutis infinitae (246ra–249vb; 242ra–245vb)

Franciscus Toletus, *Commentaria una cum quaestionibus in libros de Generatione et corruptione Aristotelis*

Prologomena horum librorum (1ra–4ra; 246ra–vb)
Cap. 1, commentaria (2ra–4ra; 247ra–248vb)

Liber I (1r–61v; 246r–306v)

- 1) An si generatio non esset possibilis, alteratio posset esse, et de aliis circa textum difficultatibus (4ra–5ra; 248vb–250rb)
Cap. 2, commentaria (5ra–8va; 250rb–253rb)
Cap. 3, commentaria (8va–b; 253rb–va)
- 2) An quod simpliciter generatur, ex non-ente generetur (8vb–10rb; 253va–255ra)
Cap. 3, commentaria (10rb–vb; 255ra–vb)
- 3) An generatio unius sit corruptio alterius (10vb–12rb; 255vb–257ra)
Cap. 3, commentaria (12rb–13va; 257ra–258va)
- 4) An substantia suscipiat magis et minus (13va–14vb; 258va–259vb)
Cap. 4, commentaria (15ra–va; 259vb–260rb)
- 5) An generatio ab alteratione distinguatur (15va–16rb; 260rb–261ra)
- 6) An alteratio sit motus continuus (16rb–17va; 261ra–262va) [= **Case 2**]
- 7) An in corruptione fiat resolutio usque in primam materiam (17vb–19vb; 262va–264va) [= **Case 3**]

Tractatus de augmentatione (19vb–53ra; 264va–297va)
Cap. 5, commentaria (19vb–24rb; 264va–269ra)

- 8) An augmentatio sit generatio (24rb–25va; 269ra–270ra)
- 9) An in augmentatione eadem viventis forma numero maneat (25va–27va; 270rb–272rb)
- 10) An quod augeatur, eius quaelibet pars augeatur (27va–28vb; 272rb–273va)
- 11) An augmentatio sit motus continuus (28vb–30ra; 273va–274vb)
- 12) An nutrimentum sit simile nutrito (30ra–31va; 274vb–276rb)
Cap. 6, commentaria (31va–33ra; 276rb–277vb)
Cap. 7, commentaria (33rb–34va; 277vb–279rb)
- 13) An simile agat in simile (34va–37vb; 279rb–282rb)

- 14) An idem agat in seipsum (37vb–40rb; 282rb–285ra)
 - 15) An omne agens dum agit, repatiatur (40rb–46ra; 285ra–290va)
 - Cap. 8, commentaria (46rb–49vb; 290vb–294rb)
 - Cap. 9, commentaria (49vb–50va; 294rb–295ra)
 - 16) An indivisibile possit alterari (50vb–53ra; 295ra–297va)
Tractatus de mixtione (53rb–61vb; 297va–306rb)
 - Cap. 10, commentaria (53rb–55rb; 297va–299va)
 - 17) An elementa maneant formaliter in mixto (55rb–59rb; 299va–303va)
 - 18) An elementa maneant in mixto secundum suas qualitates (59rb–60va; 303va–304vb)
 - 19) An mixtio sit possibilis (60va–61vb; 304vb–306rb)
- Liber II** (62r–94v; 306v–339v)
- Cap. 1, commentaria (62ra–63rb; 306va–307va)
 - Cap. 2, commentaria (63rb–64va; 307va–309rb)
 - 1) An quatuor qualitates sint elementorum formae substantiales (64va–65va; 309rb–310ra)
 - 2) An sint tantum quatuor primae qualitates (65va–66vb; 310ra–311va)
 - 3) An inter has qualitates duae sint activae, duae passivae (66vb–67va; 311va–312ra)
 - Cap. 3, commentaria (67va–68rb; 312rb–313ra)
 - 4) An tantum quatuor sint elementa (68rb–70rb; 313ra–315ra)
 - 5) An terra sit maxime sicca, aqua maxime frigida, aer maxime humidus, etc. (70rb–72va; 315ra–317ra)
 - 6) An elementa habeant utramque qualitatem in summo (72va–74ra; 317ra–318vb)
 - 7) An qualitates elementorum symbolae sint eiusdem speciei (74ra–75rb; 318vb–320ra)
 - Cap. 4, commentaria (75rb–76ra; 320ra–vb)
 - 8) An quodlibet elementum ex quolibet immediate generari possit (76ra–78ra; 320vb–322vb)
 - 9) An symbola facilius mutantur (78ra–vb; 322vb–323vb)
 - 10) An ex duobus elementis fiat tertium (78vb–79va; 323vb–324va)
 - Cap. 5, commentaria (79va–81vb; 324va–326vb)
 - Cap. 6, commentaria (81vb–83rb; 326vb–328va)
 - Cap. 7, commentaria (83rb–84rb; 328va–329ra)
 - Cap. 8, commentaria (84rb–va; 329ra–va)
 - 11) An detur mixtum ad pondus aequale (84va–87vb; 329va–332vb)
 - Cap. 9, commentaria (87vb–89ra; 333ra–vb)
 - Cap. 10, commentaria (89ra–90rb; 334ra–335rb)
 - 12) An motus solis sit inferiorum mutationum causa (90rb–92rb; 335rb–337rb)
 - Cap. 11, commentaria (92rb–93vb; 337rb–338va)

- 13) An corruptum naturaliter idem numero reparari possit (93vb–94vb; 338vb–339vb)

Franciscus Toletus, *Commentaria una cum quaestionibus in tres libros Aristotelis de Anima*

Quaestiones prooemiales (1r–8r; 1r–8r)

- 1) An de anima possit esse scientia (1rb–2vb; 1ra–2va)
- 2) An physici sit tractare de anima (2vb–5ra; 2va–4vb)
- 3) An liber de anima antecedit librum de animalibus (5ra–6ra; 5ra–6r)
- 4) An anima sit subiectum huius libri (6ra–vb; 6ra–vb)

Liber I (8r–37r; 8r–35v)

- 5) An scientia animae alias vincat nobilitate et certitudine (8va–9vb; 8va–9vb)
- 6) An accidentia faciant ad cognitionem substantiae (13ra–15rb; 13ra–15ra)
- 7) An dialecticus definiat per formam (18rb–19vb; 18ra–19va)
- 8) An physicus definiat per materiam (19vb–20rb; 19va–20ra)
- 9) An anima rationalis per se moveri possit (28vb–30va; 27vb–29vb)

Liber II (37r–115r; 36r–112v)

- 1) An anima sit substantia (40va–42rb; 39rb–40vb)
- 2) An definitio animae sit univoca, sive (quod in idem recidit) an sit anima assistens et una in omnibus hominibus, an sit informans et in singulis diversa (42rb–50rb; 40vb–48vb)
- 3) An demonstratio definitionis animae sit a priori (52vb–54ra; 51rb–52va)
- 4) An anima sit in toto corpore, an vero in aliqua tantum eius parte (54ra–55vb; 52va–54rb)
- 5) An omnis anima sit indivisibilis (55vb–58vb; 54rb–57ra)
- 6) An sint tantum tria animarum genera (60va–62va; 58va–60vb)
- 7) An in uno viventi sint plures animae (62va–65va; 60vb–63vb)
- 8) An potentia et actus per obiecta distinguantur et definiantur (68va–70va; 66va–68va)
- 9) An potentiae animae realiter inter se et ab anima distinguantur (70va–73rb; 68va–71rb)
- 10) An potentiae vegetativae inter se realiter distinguantur (73rb–74rb; 71rb–72rb)
- 11) An generare simile sibi sit naturalius et perfectius opus viventis inter omnia opera vegetativae (74rb–75va; 72rb–73vb)
- 12) An sensus sit potentia passiva (77va–79vb; 75va–77vb)
- 13) An sensus erret circa sensibile proprium (80rb–81rb; 78rb–79rb)

- 14) An sensibile commune propriam sensui imprimat speciem (81rb–82va; 79rb–80rb)
- 15) An sensibilia communia sensu exteriori percipiuntur (82va–83rb; 80va–81rb)
- 16) An oculus sit sensorium visus (85va–87ra; 83va–85ra)
- 17) An color sit motivus perspicui in actu, ubi de natura coloris, quid sit, etc. (87rb–88vb; 85ra–86va)
- 18) An lumen sit corpus (88vb–91va; 86va–89va)
- 19) An sonus sit qualitas praeter motum (94rb–95ra; 92ra–vb)
- 20) An sonus sit in corpore sonante, an in corpore intercepto, scilicet in aere vel aqua (95ra–va; 92vb–93rb)
- 21) An sonus sit realiter in medio usque ad auditum (95va–96vb; 93rb–95va)
- 22) An echo sit idem numero cum sono priori (96vb–97rb; 94va–95ra)
- 23) De vocis natura et causis, ac significatione (97rb–va; 95ra–b)
- 24) An homo tactu vincat animalia omnia, non tamen olfactu (98vb–100ra; 96va–97va)
- 25) An odorum scientia bene per sapes tradatur. Ubi et de natura odorum (100ra–va; 97va–98rb)
- 26) An sensorium olfactus sit processus mamillaris (100vb–101ra; 98rb–va)
- 27) An odor sit realiter in medio (101ra–102rb; 98va–99vb)
- 28) An gustus differat a tactu (103rb–104ra; 109vb–110va)
- 29) An dulce et amarum sint extremi sapes. Ubi de natura saporis ac de eius speciebus agitur (104ra–vb; 101va–102rb)
- 30) An caro sit tactus sensorium (106va–108ra; 104ra–105rb)
- 31) An in tactu sit medium externum necessarium (108ra–109va; 105rb–106vb)
- 31) An tactus sint plures (109va–110vb; 106vb–108ra)
- 32) An sint species sensibiles (111vb–112vb; 109ra–110ra)
- 32) An species sint divisibiles. Ubi de earum tota natura agitur (112vb–115rb; 110ra–112rb)

Liber III (115v–183v; 113r–179r)

- 1) An tantum sint quinque sensus exteriores (117vb–119ra; 114va–116ra)
- 2) An sensus exteriores indigeant medio (119ra–vb; 116ra–vb)
- 3) An sensus exterior percipiat suam sensationem (122va–123va; 119ra–120rb)
- 4) An vehemens sensibile destruat sensum (123va–124ra; 120rb–vb)
- 5) An sensus communis sit in corde (124rb–126rb; 120vb–122vb)
- 6) An phantasia seu imaginatio distinguatur a sensu communi, ubi et de numero sensuum internorum, ipsorum organis et operationibus (128vb–130rb; 125rb–127ra)
- 7) An in parte sensitiva sit aliquid rationis (130va–131vb; 127ra–128rb)
- 8) An formicae et apes habeant imaginationem, ubi et de imaginationis gradibus et perfectionibus (131vb–132va; 128rb–129ra)

- 9) An intellectus secundum se sit pura potentia (134va–136va; 131ra–133ra)
- 10) An intellectus possibilis sit potentia animae vel (quod in idem recidit) an intellectus possibilis sit informans an substantia separata (136va–138rb; 133ra–135vb)
- 11) An intellectus se ipsum intelligat (138rb–140vb; 135vb–137ra)
- 12) An singulare sensibile intellectu percipi possit (142rb–143va; 138va–140ra)
- 13) An sit intellectus agens (144va–147ra; 140vb–143rb)
- 14) An intellectus agens sit substantia separata (147ra–148rb; 143rb–144va)
- 15) An rationalis anima sit immortalis secundum Aristotelem (148va–152ra; 144vb–148rb)
- 16) An secundum philosophiam anima rationalis sit immortalis (152rb–159vb; 148vb–156ra)
- 17) An anima rationalis producat a virtute seminali seu (quod in idem recidit) an educatur de potentia materiae (160ra–161va; 156rb–157vb)
- 18) An animae intellectivae sint inter se aequales (161va–163va; 157vb–159vb) [=Case 1, 4]
- 19) An compositio intellectus sit unicus ipsius actus (164vb–165vb; 161ra–vb)
- 20) An ‘quid est’ sit obiectum primum intellectus (165vb–167ra; 161vb–163ra)
- 21) An sint species intelligibiles necessariae (168va–170ra; 164va–166ra)
- 22) An intelligere sit pati formaliter (170ra–171ra; 166ra–167ra)
- 23) An intellectus in corpore distincte percipiat intelligentias (171ra–172va; 167ra–168vb)
- 24) An sit bona divisio potentiarum in rationalem et irrationalem (174vb–175vb; 170va–171vb)
- 25) Quod sit instrumentum motus animalium. Ubi etiam tria alia dubia de potentiis motivis tractantur (177rb–178va; 173ra–174rb)
- 26) An appetitus sit potentia animae. Ubi quid et quotuplex appetitus, ac de eius passionibus (179rb–180rb; 175ra–176ra)
- 27) An sit alius appetitus praeter naturalem et sensitivum (180rb–181va; 176ra–177rb)