In *Opus septipartitum* Summenhart sets out to review economic contracts in a theological forum or court of conscience (*pro foro conscientie atque theologico*). His theory of individual rights also carries a theological emphasis. The concept of an individual right depicted the right-holder as a moral agent in a framework in which any right ultimately derives from God. In the theory of the species of dominion, individual species are viewed from a distinctively religious or theological perspective. The moral analysis, which is the primary subject matter in *Opus septipartitum*, is also meant to be juridically valid. The economic contractual transactions that Summenhart analyzes are defined by positive human legislation. As a response to this contextual aspect, the third part of Summenhart’s theory of rights consists of discussion that adjusts his theological theory to this juridical framework.

Primarily, Summenhart connects the realm of private property to his theory through a detailed exposition of the four property titles generally recognized in medieval jurisprudence: the right of use or *usus*, usufruct (*usufructus*), ownership (*proprietas*), and possession (*possesio*). In Questions 12 through 14, Summenhart gives these juridical titles an interpretation that, on the one hand, is plausible within the juridical discourse, but on the other hand reflects his own concept of individual rights. Summenhart’s guide to juridical terminology is the Italian Dominican Antoninus of Florence (1389–1459) and his *Summa theologica* written c. 1458. While Summenhart does not make explicit his dependence on Antoninus’s *Summa*, his extensive use of the chapter *De dominis temporalibus* in Antoninus’s work leaves no doubt as to his source. Summenhart uses Antoninus’s exposition as a disposition, on which to build his own discussion. Occasionally, Summenhart quotes passages from Antoninus directly and sometimes reaches different conclusions than Antoninus. In some parts, Summenhart’s discussion is based on his own theory of rights and exceeds the source text in length and in detail.1

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1 For Antoninus’s discussion of the four property titles, see Antoninus of Florence, *Summa theologica*, part III, chap. 3, sig. F2v.
In Antoninus’s *Summa* the discussion of the four property titles was preceded by a discussion of the justification of private property. Summenhart does the same in Questions 8 through 11. What is common to both writers is the conviction that before a moral theorist can discuss property rights, it is appropriate to show that private property can be considered a licit arrangement. While Antoninus’s discussion is a concise survey (in which he precisely follows the exposition of the Franciscan John de Ripa), Summenhart provides a detailed inquiry that reflects his own theory of the species of dominion. Although Antoninus’s text provides structure for his discussion, Summenhart develops new lines of argument and explicates his own concept of natural law-based justification of private property.2

4.1. Justification of private property

Summenhart begins his discussion in Question 8 by asking “whether dominions of things were ever undivided (*indistincta*)?” Summenhart clarifies this question by pointing out that the notion of “undivided dominion” does not mean that there is a single dominion possessed equally by all men. He refutes this interpretation of the community of all by pointing out that dominion is an accident (a relative accident), and an accident that exists in one subject is never the same as an accident existing in another subject. This argument is technical, but it conveniently shows that Summenhart thinks of dominion in individualistic terms. According to him, the notion of “undivided dominion” means that “if one has dominion of a thing, then everyone else also has dominion of the same thing.”3 In this sense, his inquiry addresses

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2 For Antoninus’s discussion of the origin of property, see Antoninus of Florence, *Summa theologia*, part III, chap. 3, sig. F2r.

3 *Opus septipartitum*, q. 8, sig. D4v: “Utrum rerum dominia fuerint aliquando indistincta? Solutio questionis stat in tribus suppositionibus et quinque conclusionibus. Prima suppositio. Titulus questionis, scilicet dominia rerum aliquando fuisset indistincta potest intelligi dupliciter. Uno modo quod fuerint inrimece indistincta, et hoc modo ea fuisset indistincta esse ea sic se habuisse quod unus habuisset illud idem dominium quod unus habuisset illud idem dominium quod alii habuisissent, et hoc modo nunc quam dominia rerum fuerunt indistincta, quia nunc quam accidens existens in uno subjecto est idem cum accidente quod est in alio subjecto. Modo dominium quod habet unus est accidens saltem respectivum, ergo illud non erit idem cum dominio existenti in alio subjecto, scilicet distinguitur numero sicut et subjecta. Alio modo quod fuerint indistincta extrinsecus, et sic domina aliquando fuisset indistincta est ea sic se habuisse,