Kirstin Bunge, Marko J. Fuchs, Danaë Simmermacher, and Anselm Spindler, eds.

The Concept of Law (lex) in the Moral and Political Thought of the "School of Salamanca." Leiden: Brill, 2016. Pp. 282. Hb, \$150.

One important point should be considered before reading this multi-language volume; while the title and the statement of the editors evoke a range of figures commonly associated with the term "School of Salamanca," the majority of the contributions are written about Jesuits, such as Francisco Suárez, Juan de Salas, Tomas Sánchez, and Gabriel Vázquez, whose affiliation with this particular school is somewhat controversial. As Merio Scattola prudently points out, "Spanish Scholastic" rather than School of Salamanca, is a more appropriate title that captures the now expanded community of discourse, owed in large part to the School of Salamanca whose methods and programs were spread to other universities and religious orders in the Iberian peninsula ("Natural Law Part 1: The Catholic Tradition," in *The Routledge Companion to Sixteenth Century Philosophy*, eds. Henrik Lagerlund and Benjamin Hill [New York: Routledge, 2017], 561–79, here 564). Moreover, when called to specify the horizon of Iberian authors that the editors specify when dealing with the Thomistic idea of *law*, their list splits scholars into two groups according to their "orthodox" Thomism (2). This approach, however, seems anachronistic when applied to sixteenth-century Scholasticism.

These points, despite their importance, do not weaken what is a welcome addition to the field. The overarching rationale of this book is particularly promising. The concept of *lex* in Spanish Scholasticism has a wide field of different applications in the areas of political thought, ethics, psychology, natural philosophy, scripture, and moral theology. Indeed, the editors seem to base the coherence of the volume on the idea that the concept of law, as defined by "certain fundamental features common to all domains of reality," might be seen as a common theme between medieval and modern philosophy (2). The structure of the volume admittedly reflects this, offering a very learned introductory survey on the medieval heritage of the concept of *lex* by Matthias Kaufmann, and three sections that focus on how this concept has been dealt with by the Spanish Scholastics in the fields of political philosophy, ethics, and moral psychology.

However, the book's thesis—that the overarching concept of law was based on the essential features of positive human law, a point shared by the School of Salamanca—may preclude a more inclusive and comprehensive understanding of the concept of law. Indeed, Tobias Schaffner rightly points out in his contribution that the concept of law—as far as it concerns Suárez's thought, at

least—cannot be understood by focusing only on books explicitly devoted to law, such as the many *De legibus*, *De lege*, which were published in the context of the Spanish Scholasticism, but all the theological and philosophical production by Suárez, as literature that must be taken into account. In this vein, the volume may have benefited from including some discussion of cognitive psychology and physics, for instance, as fields part and parcel of developing both this specific thesis and demonstrating the law's consistent application to the natural domain of reality.

Matthias Kaufmann's "Die Referenzautoren der Schule von Salamanca und andere Vorläufer im Mittelalter" opens the volume by providing evidence of Marsilius of Padua's influence in the writings of authors such as Francisco da Vitoria, Luis de Molina, and Francisco Suárez. While historiography has been committed to tracing the recurrence of Aquinas and the *Decretum Gratiani* in the works of the Spanish Scholastics, the presence of Marsilius has yet to be comprehensively analyzed. Indeed, his influence must be assessed through a systematic method of inquiry.

Focusing on Molina's thought, Danaë Simmermacher offers a clear and enjoyable contribution on the significance of law concerning the relationship between the individual and the state. Aquinas's authoritative and theological statement, that law is an "ordinance of reason directed at the common good" (*Summa Theologiae*, I^a–II^{ae}, Quaest. 90, Art. 4, Resp.) has to be harmonized with Molina's claim that the task of law is to obtain the natural moral happiness of every human being. In consideration of this statement vis-à-vis modern philosophers such as Kant or Hegel, the domains of *Moralität* and *Sittlichkeit* are here at stake: given that individual happiness and common good cannot be in conflict from an Aristotelian-Scholastic point of view, on what theoretical underpinning does Molina base their harmony? The answer to this question can be found in Simmermacher's emphasis of the difference between Molina's and Vitoria's interpretation of Aquinas. Vitoria criticizes Aquinas's concept of *bonum commune* as a way to happiness but not equivalent to it, as it leads to claim that the state can achieve its goal (the common good) without the condition of morally good citizens. On the contrary, Molina's idea that the virtuous life is a necessary aim of every citizen seeking to preserve *bonum commune* is predicated precisely on Aquinas. At the core of Molina's statement is an understanding that laws created by rulers to govern the commonwealth depend on the consent and acceptance of the people, a task equally shared by every citizen of the state.

Simmermacher inquires into the consequences and the real meaning of this statement, concluding that the mutual dependence between common good and individual well-being, and the balance between imperativeness and negotiation of a law, sketch Molina's profile as "moderately voluntaristic" (54),

thereby identifying another Jesuit theologian/philosopher inclining to Scotist theories rather than Thomist ones.

In his engagingly argued chapter, Benjamin Slingo points out that the debate between Salas and Suárez over the origins of political power represents a major crisis in the history of Aristotelian and Thomistic political thought, and the cul-de-sac in which their arguments culminate are prodromic of the social contract theories of the seventeenth century.

The political substance of marriage and the household in late-Scholastic political thought is the topic of Christoph Haar's remarkable contribution. His analysis offers a mature and clear survey on the development of the concept of the household from Aristotle, through Aquinas, to the late Jesuit Scholastic Sánchez. Indeed, this is a new perspective on a neglected aspect of political thought in the history of Scholasticism. The chapter, which one hopes will be expanded into a monograph project, offers interesting conclusions about the political nature of marriage as "spousal friendship" (92) against parental, hierarchical function, and the "parapolitical" (82) role of the household as a "building block" essential to the political community as understood by Sánchez. In honoring the *fil rouge* that connects the chapters in this section of the volume, Haar highlights the link between the household and the common good as, according to Sánchez, the spousal relationship that fosters political virtues and thus reinforces the stability of the political community.

Paula Oliveira e Silva provides a brilliant comparative study on the concept of *ius gentium*, as understood by the School of Salamanca and the theologians at the Portuguese Jesuit universities of Coimbra and Évora. Oliveira e Silva is inclined to endorse Luciano Pereña's thesis on the "existence of a collective project" (123) that links the School of Salamanca and these Portuguese universities; however, as a caveat, she correctly points out that a significant amount of primary sources (particularly, manuscripts and codices of the courses held in Coimbra and Évora) have been unexplored thus far, and their studying might shed light to this end. The dialectic between natural and positive law, which is another main issue addressed by the chapters of this section, is taken into account by Oliveira e Silva whose concern is around the status of *ius gentium*, a hot topic in the Iberian theological and political scenario in the age of colonialism.

Another section explores the concept of *lex* in moral philosophy. Echoing the editors' claim that late Spanish Scholasticism stands on the threshold of modern philosophy, Isabelle Mandrella claims that Gabriel Vázquez's doctrine on natural law—as based *exclusively* on reason—anticipates Immanuel Kant's moral thought. In an engaging chapter, Tobias Schaffner challenges the historiographical tradition that held Suárez as adhering to a legalistic concept of ethics—a misinterpretation of, and a belief that is in conflict with, Aquinas's

“ethics of goods” (152). Schaffner bases his argument on the fact that the idea of *exitus* and *reditus* is critical to Suárez’s thoughts, a notion shared by Aquinas and Neoplatonists on the movement of creation. Schaffner agrees that Suárez departs from Aquinas’s definition of law, by excluding counsels from the semantic field of *lex*. Nonetheless, the exclusion is a deliberate move to provide a narrow definition of the law in order to affirm moral consistency of good acts, which cannot be obligatory or legally prescribed per se.

While Dominik Recknagel provides a precise assessment of Grotius’s emergency law as historically linked to the debates and theories of the late Spanish scholastics, Anselm Spindler compares Vitoria’s and Suárez’s concepts of natural law and concludes that their different understanding of Aquinas’s general concept of law leads to two very different theories on the laws of morality. Vitoria follows a rationalistic interpretation of natural law while Suárez identifies natural law as “the product of divine legislation,” thus leaning to voluntarism (196).

The last section of the volume, a shorter section compared to the aforementioned chapters above, deals with moral psychology. Both of the two chapters that form this section focus on Suárez and investigate the psychological origins of moral deliberations and actions. Alejandro Vigo provides evidence for a more prudent attitude toward Suárez’s presumed “voluntarism” in his presentation of the many nuances that dwell in Suárez’s notion of motivation and moral judgment. At the same time, Mauricio Lecón accurately investigates the ontology of human action, describing the psychological processes underpinning its agency. His argument is primarily rooted in Suárez’s texts. However, less room is left for the now overwhelming secondary literature on Suárez, which has been enjoying even more attention by scholars over time.

In conclusion, this volume is highly commendable, for both specialists and those who are seek an introduction to late Jesuit Scholastic thinkers on the concept of *lex*. A wide readership will find every single chapter very interesting from the perspective of a global readership. However, those chapters written in German (Kaufmann, Mandrella, Recknagel, and Vigo) might fail to get as many readers as the volume’s English counterparts. Despite this minor detail, the editing work of this volume is accurate and each chapter is well composed and positioned to help facilitate the public’s deeper understanding of what the concept of law (*lex*) meant on the eve of modernity.

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