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


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 i: 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–iiae, 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),...