

Leopoldo J. Prieto López-José Luis Cendejas Bueno,  
**Introduction to *Projections of Spanish Jesuit Scholasticism on  
British Thought. New Horizons in Politics, Law and Rights***

in

Leopoldo J. Prieto López-José Luis Cendejas Bueno (eds.),  
*Projections of Spanish Jesuit Scholasticism on British Thought.*

*New Horizons in Politics, Law, and Rights*

(Jesuit Studies Series n. 36, ISBN 978-90-04-51607-6)

Leiden-Boston, Brill, 2023, pp. 1-60.

# **Introduction: Projections of Spanish Jesuit Scholasticism on British Thought. New Horizons in Politics, Law and Rights**

*Leopoldo José Prieto López and José Luis Cendejas Bueno*

## **The Scholastic tradition in the History of Philosophy**

There is clearly a need for further study into the themes addressed in this collection; themes which have been largely overlooked by the large works and treatises on modern thought or, in the majority of cases, only referred to tangentially. Hence, the aim of this work is none other than to remedy this neglect, focussing on a series of questions we consider to be essential for a true understanding of the development of modern philosophy, especially interested in mankind and liberty. Furthermore, there is also a pressing need to further explore aspects of moral philosophy and political and legal thinking, both in Spain and Britain. There has been limited study of the nexus between the two nations and the vibrant exchange of humanist thought within a common Christian tradition beyond religious differences and political rivalries at the dawn of the Modern era.

Scholastic philosophy is above all a *tradition*, rather than a specific set of content. A tradition is always the foundation of a science. Without tradition, without the systematic cooperation between authors over time, there can be no science. An *ex novo* science is impossible. The human intellect is too limited and reality too complex for a single thinker to undertake the herculean task of constructing a science. No one understood this fact better than Leibniz, for whom only the cooperation between ancients and moderns in a form of scientific concord could produce a *certain perennial philosophy* (*perennis quaedam philosophia*). The expression *perennial philosophy* is from Leibniz himself, although it is often associated, not without reason, with Scholastic

philosophy.<sup>1</sup> Leibniz himself suggested as much when he praised Thomas Aquinas and the Scholastics in general in his *Discourse on Metaphysics*, saying “our moderns do not do sufficient justice to St. Thomas [Aquinas] and to the other great men of that period”, since “there is in the theories of the Scholastic philosophers and theologians far more solidity than is imagined”.<sup>2</sup> In short, given that science is only possible through collective effort over time, books, libraries, academies, universities, scientific association, etc. are the essential means of human cooperation in the search for truth and the construction of the sciences.

As we shall see, Scholastic philosophy is a tradition of thought founded principally, but by no means exclusively, in Aristotle. The complete works of Aristotle were received late in the West, between the 12<sup>th</sup> and 13<sup>th</sup> centuries. The first works were those on logic, known as *logica vetus*. Thus, the true foundations of the Scholastic tradition, drawing on Porphyry (232-304), Marius Victorinus (300-382) and Boethius (480-525), all thinkers in the Platonic tradition, were based on logic as the *art of reasoning*. In effect, after Plotinus, his disciple Porphyry adopted the Aristotelian doctrine of categories, repropounded in logical form in the *Isagogé*. In this way, primarily via Porphyry, Aristotle became the major authority of Neo-Platonism of the 3<sup>rd</sup> and 4<sup>th</sup> centuries AD.<sup>3</sup> Within Christian philosophy, after initial rejection by the early Fathers of the Church in the 2<sup>nd</sup> century, especially Tatian (120-180) and Athenagoras (133-190), Aristotle was progressively accepted, particularly through the writings of Marius Victorinus on

---

<sup>1</sup> Cf. Letter from Leibniz to Remond, August 26, 1714, in C. J. Gerhardt, *Philosophischen Schriften von G. W. Leibniz*, Bd. III, Weidmannsche Buchhandlung, Berlin 1887, pp. 624-625: “En faisant remarquer ces traces de la verité dans les anciens, ou (por parler plus generalement) dans les anterieurs, on tireroit l’or de la boue, le diamant | de sa mine et la lumiere des tenebres, et ce seroit en effect *perennis quaedam Philosophia*. On peut meme dire, qu’on y remarqueroit quelque progrès dans les connoissances. Les Orientaux ont eu des belles et grandes idées de la Divinité; les Grecs y ont adjouté le raisonnement et une forme de science. Les Peres de l’Eglise ont rejetté ce qu’il y avoit des mauvais dans la Philosophie des Grecs. Mais les *Scholastiques* ont taché d’employer utilement pour le Christianisme ce qu’il y avoit de passable dans la Philosophie des Payans. J’ay dit souvent, *aurum latere in stercore illo scholastico barbariei* [the gold lies hidden in the rust of scholastic barbarism]; et je souhaiterois qu’on put trouver quelque habile homme versé dans cette Philosophie Hibernoise [Irish] et Espagnole, qui eut d’inclination et de la capacité pour en tirer le bon. Je suis assureé qu’il trouveroit sa peine payée par plusieurs belles et importantes verités”. Cf. also C. B. Schmitt, “Perennial philosophy. From Agostino Steuco to Leibniz”: *Journal of the History of Ideas* 27 (1966) 505-532; H. J. de Vleeschauwer, *Perennis quaedam philosophia: exégèse et antécédents d’un texte leibnizien*, University of South Africa, Pretoria 1968; E. Terzaga, “Philosophia perennis. Comentario a la carta a Rémond del 26 de agosto de 1714”, in Q. Racionero (ed.), *G. W. Leibniz: analogía y expresión*, Madrid, 1995, pp. 485-492.

<sup>2</sup> G. W. Leibniz, *Discours de metaphysique*, en C. J. Gerhardt, *Philosophischen Schriften von G. W. Leibniz*, Bd. IV, Weidmannsche Buchhandlung, Berlin 1880, p. 435. Own translation.

<sup>3</sup> Cf. G. Movia, “Aristotelismo”, in *Enciclopedia filosofica*, vol. I, Bompiani, Milan 2006, p. 710.

Aristotelian logic and the translations and commentaries by Boethius of parts of Aristotle's *Organon*, previously referred to as *logica vetus* (consisting principally of *Categories*, the *Peri hermeneias*, with the habitual addition of the *Isagogé* by Porphyry).<sup>4</sup> During the Christian medieval period, at the origins of what may be called the first Scholasticism, Scotus Eriugena (810-877) synthesised certain ideas from the logic of Plato and Aristotle. Later, between the 9<sup>th</sup> and 11<sup>th</sup> centuries, further Aristotelian notions would be received (especially those related to substance and accidents) from the work *Categories*, which Berengar of Tours (1000-1088) would use to explain the mystery of the Eucharist. Subsequently, the Latin translation of the other works on logic by Aristotle (the so-called *logica nova*, consisting of *Prior Analytics* and *Posterior Analytics*, the *Topics* and *Sophistical Refutations*), principally through the work of James of Venice (? – after 1147, a Venetian educated in Constantinople), leads to a resurgence in the study of Aristotle's works on logic, particularly the well-known controversy of universals in which Peter Abelard (1079-1142), "the Aristotle of Gaul" was prominent. In this way, Latin translations (initially from Arabic and then directly from Greek) of the complete *corpus aristotelicum* as well as Greek and Arabic commentaries from the 12<sup>th</sup> and 13<sup>th</sup> centuries made possible the full discovery of Aristotle, one of the determining factors in the development of the first Scholasticism.

Nevertheless, the assumption of Aristotle on the part of Christian philosophy and theology was never full nor lineal but rather developed along a dual process of reception and rejection or, according to Movia, as a history of "polemics, condemnations and rehabilitations".<sup>5</sup> Furthermore, this older Scholasticism combined Aristotelian ideas with those of Plato, Augustine, Avicenna, etc. A particular alluvium Aristotelianism -so to speak- was born from the leading figures of that tradition. Hence, for example, the Aristotelianism of William of Auvergne (1190-1249), secular master of Paris, was in accordance with that of Avicenna; the Aristotelianism of the Franciscan Alexander of

---

<sup>4</sup> After the closure of the Platonic academy in Athens (529) by order of the Emperor Justinian, the centre of Greek philosophy moved to Syria and Persia. There, over the course of the 7<sup>th</sup> to 9<sup>th</sup> centuries, by means of translations into Syrian and Persian, the works of Aristotle and a number of commentaries became known to the Arabs. Al-Farabi (872-950), Avicenna (980-1037) and Averroes (1126-1198) would subsequently carry Muslim philosophy to its greatest heights. Through the Arabs, Hebrew philosophers also became acquainted with Aristotle, especially Avicbron (Ibn Gabirol, 1021-1058) and Maimonides (1138-1204).

<sup>5</sup> G. Movia, "Aristotelismo", p. 711.

Hales (1185-1245) adopted Augustinian features; the Aristotelianism of another Franciscan, Robert Grosseteste (1175-1253), harmonised with Neo-Platonism; that of Buenaventura de Bagnoregio (1217-1274), Franciscan master of Paris, joined the Augustinian and Neo-Platonism traditions. There is also, of course, the Dominican Thomas Aquinas (1224-1274), whose well-known Aristotelian orientation incorporated a number of doctrines from Neo-Platonism, Augustine and Avicenna, following in the steps of his Dominican teacher Albertus Magnus (1193-1280). Cristina d'Ancona has produced a most valuable work which reveals the deep Neo-Platonist roots of Aquinas.<sup>6</sup> In contrast to the Aristotelianism of Thomas Aquinas and Albertus Magnus we also find the figure of Siger of Brabant, principal author of *Latin Averroism*. An alternative system to Thomas Aquinas was developed by the Franciscan Duns Scotus (1266-1308). Finally, after a radical critique of Aristotelianism by the Franciscan William of Ockham (1280/1288-1349), early Scholasticism and its eclectic Aristotelianism would undergo a profound transformation and reorientation.

Thus, we find two decisive aspects of Scholasticism, one of form and the other of content. As its origins in logic indicate, the former refers to Scholasticism as above all a method of argument and reasoning. Abelard's *sic et non*; the *rationes necessariae* of Anselmo; the *quaestio* of Thomas Aquinas are all institutionalised procedures within the search for the truth. The second aspect, content, refers to the fact that Scholasticism is a multivarious and heterogenous tradition that is by no means exclusively Aristotelian. It contains to no small degree, in addition to an Aristotelian architecture, many elements from Platonism and Neo-Platonism, Augustine and the early Fathers of the Church, Avicenna, Avicbron and Maimonides, and above all, the Bible. In any case, within early Scholasticism, despite the constant attempts to reconcile Plato and Aristotle, the difficulty of this endeavour led to tensions and crisis in the early 13<sup>th</sup> century between Augustinian theologians and those of Aristotelian persuasion, particularly the most extreme versions of the Latin Averroism. The multiple condemnations of Aristotle throughout the 13<sup>th</sup> century indicate that far from being a homogenous school, Scholasticism was a reflection of the greatly varied and multifaceted traditions of medieval Christian thought, riven with tensions and disagreements. These

---

<sup>6</sup> Cf. Cristina D'Ancona (a cura di), *Tommaso D'Aquino: Commento al Libro delle Cause*, Rusconi, Milano 1986. Cf. also by the same author *Recherches sur le Liber de causis*, Librairie philosophique J. Vrin, Paris 1995.

condemnations of Aristotle gave rise within the heart of Augustinian and Franciscan thought to the philosophy of Duns Scotus, an *in toto* alternative to the thinking of Thomas Aquinas.

In the intense struggle between Platonic Augustinianism and a more or less naturalist Aristotelianism are the origins of the great trends of the 14<sup>th</sup> century, particularly Scotism and Ockhamism, which in turn give rise to the so-called second Scholasticism and ultimately to some extent to the rise of modern philosophy. Specifically, the 14<sup>th</sup> century would see two powerful theoretical visions which would shape the future history of philosophy:

a) a new vision of man and God offered by Scotus, for whom man was not the *animal rationale*, but rather the *animal liberum*<sup>7</sup>. As opposed to the characteristic dominance of the intellect in Greek thought, particularly in Aristotle, Scotus raises the aspect of human will as the centre of human life. The precedence of will over intellect and goodness over truth, often referred to as *voluntarism*, logically takes an interest in the issues of praxis and human freedom.

b) a new vision of reality and the world, particularly by Ockham and his school. In the opinion of Ockham, the real is always concrete and in this sense, individual. Here we have the origins of *Nominalism*. However, there is no *Scientia* in the individual, but only *experientia*, according to the old classic principle: *De individuo non est scientia*. Thus, accompanied by a recognised scepticism of human cognitive faculties and of the broad philosophical categories (substance and cause), Ockham renounces metaphysics and predominantly turns to logic (especially the logic of the probable, as opposed to demonstrative logic as made abundantly clear by Michalski<sup>8</sup>) and physics, which, by the hand of Buridan and the Nominalists of Paris and Oxford (the *Calculators*), moves

---

<sup>7</sup> The expression *animal liberum* is taken from the article by Alfonso García Marqués, “El hombre como *animal liberum*”, in R. Alvira (ed.), *El hombre: immanencia y transcendencia*, vol. II, Servicio de publicaciones de la Universidad de Navarra, Pamplona 1991. The expression appears to have been taken from Gerold Prauss, who in his book *Kant über Freiheit als Autonomie* (V. Klostermann, Frankfurt 1983) regards this decisive change of the Greek definition of man from *animal rationale* for *animal liberum*, as found in Kant and Rousseau, as a determining feature of modernity. In this regard, cf. A. Llano, “Subjetividad moderna y acción trascendental”, in R. Alvira (coord.), *Razón y libertad*, Rialp, Madrid 1990, pp. 63-74, p. 64.

<sup>8</sup> Cf. K. Michalski, *Les sources du criticisme et du scepticisme dans la philosophie du XIV<sup>e</sup> siècle*, Imprimerie de l'Université, Cracovie 1924. Also by the same author *Les courants philosophiques à Oxford et à Paris pendant le XIV<sup>e</sup> siècle*, Imprimerie de l'Université, Cracovie 1921.

towards experimental physics, as revealed by the youthful writings of Galileo. Thus, metaphysics begins an inexorable decline.

This brings us to the so-called second Scholasticism, dominated by the aforementioned intellectual currents of the 14<sup>th</sup> century (Scotism and Ockhamism). While this second Scholasticism is not solely Spanish it reached a level of development in Spain that surpassed that of other countries. We have seen that Leibniz referred to Scholasticism as *philosophie espagnole*. This late Scholasticism would show a certain disinterest in the speculative sciences, except in the case of Suárez, John of St. Thomas (Juan Poinsot) and others. Francisco de Vitoria, who established theological studies in Salamanca in the 16<sup>th</sup> century, is called the *Christian Socrates*. His attention is drawn, not to metaphysics nor speculative theology, but to ethics, law, politics and economics. Not by chance, Vitoria's time at the University of Paris, dominated by Voluntarism and Nominalism, inspired in him an unmistakable interest in human praxis. This is a key term: *praxis*, arising from human will and freedom and dealing always with the concrete, that is, with human actions.

Of course, Salamanca of the 16<sup>th</sup> and 17<sup>th</sup> centuries was not a *School*, nor was Scholasticism, paradoxical as this may seem. Scholasticism is above all, as mentioned above, a rational method of argument and discussion, accompanied and undergirded by a Christian orientation (Biblical and Patristic) oscillating between Aristotelianism and Augustinian Platonism. Consider the intense *disputa de auxiliis* of the late 16<sup>th</sup> and early 17<sup>th</sup> centuries between Dominicans and Jesuits, between a medieval order and a modern, Renaissance one. The new winds were blowing in favour of liberty, championed by the moralist theologians of the recently founded Company of Jesus.<sup>9</sup> These theologians would make their own form of Scotism, which became very widespread at the time as clearly demonstrated, for example, in Francisco Suárez and a great deal of the works of the *Cursus Conimbricensis*, a series of Commentaries on the principal works of Aristotle, prepared under the inspiration of Pedro de Fonseca, by Manuel Gois,

---

<sup>9</sup> Cf. R. Maryks-J. A. Senent (eds.), *Francisco Suárez (1548-1617): Jesuits and the Complexities of Modernity*, Leiden-Boston, Brill, 2019; C. Casalini (ed.), *Jesuit Philosophy on the Eve of Modernity*, Leiden-Boston, Brill, 2019.

Sebastião Couto, Baltasar Álvares and Cosme Magalhães, all Jesuits of the University of Coimbra.<sup>10</sup>

Neither would the young University of Alcalá, associated through its constitutions to the *modus parisiensis*, create a School. In fact, the contrary was the case, as illustrated by Epigraph 43 of its *Constituciones*, the university created “three Chairs”, as many as “the paths which follow the schools in these times, namely, the Holy Doctor, Scotus and the Nominalists” (*in Theologica facultate tres cathedrae magistrales iuxta illas tres vias in scholis his temporibus frequentatas, videlicet Doctoris sancti, et Scoti, et Nominalium*), as an example of the “common tolerance” which should be practiced within the Church.<sup>11</sup> Furthermore, the unequivocally practical orientation the Constitutions of Alcalá sought to give theology are again starkly present in Epigraph 43, stating that these Theological Chairs would teach “moral issues, that is, the ethics, politics and economics of Aristotle”<sup>12</sup>.

In the early 16<sup>th</sup> century, Martín Luther sparked the Protestant Reformation. It must be noted that the Reformation was not far removed from the great movements of the 14<sup>th</sup> century mentioned above, as demonstrated by the theoretical affinity between Nominalist theology, in particular that of Gabriel Biel (1410-1495), and that of Luther (1483-1546) and Calvin (1509-1564), both very close to the exaltation of the divine will cultivated by Voluntarism in the theology of the time with the hypothesis of absolute divine omnipotence. *Conciliarism*, receiving considerable impulse from Ockham’s political works, was notable in two great theologians of Paris of the moment, John Major (1467-1550) and Jacques Almain (1480-1515), both teachers of Vitoria in Paris, who revived the theses of Pierre d’Ailly (1351-1420) and Jean Gerson (1363-1459), Chancellor of the University of Paris.

In concordance with the so-called *anthropological turn* taking place in the culture of 14<sup>th</sup> century Europe, from Scotus onwards, theology came to be regarded less as a speculative field of knowledge than a practical science looking to the salvation of man.

---

<sup>10</sup> C. Casalini, *Aristotle in Coimbra: The Cursus Conimbricensis and the education at the College of Arts*, London-New York, Routledge, 2017. For a systematic presentation of the *Commentarii Collegii Conimbricensis Societatis Jesu*, cf. Mario. S. de Carvalho, *Cursus Conimbricensis*, <http://www.conimbricenses.org/encyclopedia/cursus-conimbricensis/>

<sup>11</sup> Cf. L. Prieto, “La filosofía en las Constituciones de la Universidad de Alcalá de Henares”: *Revista de Hispanismo Filosófico* 25 (2020) 147-162, 156.

<sup>12</sup> Cf. L. Prieto, “La filosofía en las Constituciones de la Universidad de Alcalá de Henares”, 158.



Ockham himself did not consider theology a science but rather an exhortation to lead a life of piety in keeping with the teachings of the Gospel of Christ, with a pre-Protestant connotation. Theology would run through these courses until the irruption of the Protestant Reformation, the fundamental doctrines of which rested on two principles: the idea of man as a morally bankrupted being whose salvation is only possible through divine mercy (that is, through grace and faith) through the extrinsic redemption by Christ without any true interior regeneration. Here we see the doctrines of Luther and Calvin, who as epigones of Augustine of Hippo, diminished or eliminated human freedom and exalted divine grace. A clear sign and symptom of the Augustinian radicalisation of Luther, and particularly relevant to Protestant theology of grace, is the negation of human liberty expressed in *De servo arbitrio*, contested by Erasmus (1466-1536) in his *De libero arbitrio*.

Within the Catholic sphere, a similar conception of grace and freedom is partially present in the *jansenist* theology. Jesuit theology, by contrast, presents a much more optimistic and, we believe, balanced and accurate view of human nature and the human psyche. Thus, human freedom and its counterpart, human responsibility, are the two pillars of the Jesuit anthropology, ethics and politics. In the face of the most rigorous Protestant positions, above all Calvinism, there was also a gradual reaction within the more reflexive elements of the reformed confession (Calvinism) inspired largely by the humanist ideas of Erasmus and certain aspects of the Catholic faith, especially of the Jesuits, which preserved the freedom and grace, understanding that both instances converge without cancelling each other. This more reflexive strain became evident in Dutch Arminianism, which in turn stimulates the rise of the theology of the *latitude men*, the British latitudinarian theology, particularly present in Anglicanism.<sup>13</sup>

Arminianism rose as a response to the dogmatism and intransigence of Dutch Calvinism. After the schism in the *Synod of Dordrecht* (1618-19), Arminianism came to represent the new orientation of the intellectual currents of Protestantism, according to John Tulloch, in his old but still fundamental work on the matter.<sup>14</sup> Arminian ideas had a profound echo in Britain from the start. John Hales (1584-1656), who participated

---

<sup>13</sup> In this regard, cf. Mario Sina, *L'avvento della ragione. 'Reason' e 'above Reason' dal razionalismo teologico inglese al deismo*, Vita e Pensiero, Milano 1976.

<sup>14</sup> Cf. J. Tulloch, *Rational theology and Christian philosophy in England in the seventeenth century*, Blackwood, Edinburgh-London 1874, vol. I, p. 19.

as a British emissary in the Synod of Dordrecht, was sympathetic to Dutch Arminianism and regretted its condemnation. Hales manifested a spirit akin to the Dutch Arminians founded on Erasmian humanism, emphasizing the characteristic Arminian optimism about the moral and rational capacity of man to achieve salvation. Some years later, Jeremy Taylor (1613-1667), another theologian of similar inspiration, would take a stand during the English civil war and Puritan revolution in favour of freedom and against the rigorous Calvinism of the *Assembly of Westminster* (1643-1653) which renewed a strict pre-destinationism and denied freedom of conscience.

It should be noted that, although generally anti-Aristotelian and reformed (here the two big differences with Spanish philosophers and theologians), the great British authors of the moment were also often theologians, a leading exemplar being Locke (1632-1704). This was also the case of Grotius (1583-1645) who, while Dutch, and thus very interested in the issues of Spain, took on the same Arminian theological ideas, common among liberal English and Dutch Calvinists. These British reformed theologians, as with Spanish theologians, were profoundly interested in practical questions concerning moral theology, law, politics, commerce and economics. Of course, as previously suggested, with regard to freedom and grace, Arminianism was closer to the Spanish Scholastics than the rigorist Calvinism (*Gomarism* or *supralapsarianism*). Despite obvious differences, there is a clear affinity between the doctrine of grace and freedom of the Arminian theologians (especially Arminio, Episcopius and Van Limborch, but also in Grotius and Locke) and the scholastic theology of authors such as Suárez, Molina, Lessius, etc., all Jesuit theologians. In this sense, there is no doubt of the affinity between Jesuit theology and the Arminian emphasis on human freedom and responsibility. In fact, Arminius would be accused by the intransigent Calvinists of being a crypto-Catholic and philo-Jesuit.

Although largely dealing with questions of logic and metaphysics, we cannot fail to mention the recent work of the brilliant American researcher, Jason Rampelt, who has studied the philosophical, theological and scientific trajectory of the English mathematician and theologian John Wallis.<sup>15</sup> Rampelt notes that Wallis studied at *Emmanuel College* (Cambridge), the Puritan seminary in England, where he not only

---

<sup>15</sup> J. Rampelt, *Distinctions of reason and reasonable distinctions. The academic life of John Wallis (1616-1703)*, Brill, Leiden-Boston 2019.

followed the *cursus studiorum* of the Scholastics, that is, logic, ethics, physics and metaphysics, but also “consulted the schoolmen on such points”.<sup>16</sup> The 1637 catalogue of the *Emmanuel College* Library gives us a precise idea of the type of philosophical teaching imparted there. Apart from a solid collection of works by Thomas Aquinas and a number of editions of Aristotle, especially *Physics* with a commentary by Averroes, there were a large number of works by the late Scholastics, including no less than nine works by Francisco Suárez, including *Disputationes metaphysicae*.<sup>17</sup> Guided and encouraged by Benjamin Whichcote, a Cambridge Platonist and one of Wallis’ tutors at *Emmanuel College*, and himself immersed in profound study of the late Scholastics, Wallis carefully studied several of these works. Furthermore, making use of the personal library of Richard Holdsworth, *master* at *Emmanuel College* in 1637, Wallis had access to the works of Scotus, Ockham, Albertus Magnus and a number of commentaries on *Liber sententiarum* by Peter Lombard. It is not surprising therefore that Wallis himself referred to Scholasticism as “then [the philosophy] in fashion in University”.<sup>18</sup> Following the trend, Wallis wrote various youthful works in the Scholastic manner, most notably *Thesis tertia: quantitas non differt realiter a re quanta*, written in 1639, but not published until 1642. Although in this *thesis* Wallis takes a position contrary to Suárez, the aim is to contest the Catholic doctrine of transubstantiation, the theme (and the title itself) emulate *Disputatio metaphysica* 40, 2, entitled “Utrum quantitas [...] sit res distincta a substantia materiali”. However, the philosophical question where the influence of Scholasticism on Wallis is most clearly seen is in Suárez’s doctrine of *distinctiones rationis* (*ratiocinantis* and *ratiocinatae*, that is, with and without fundament *in re* respectively, according to Suárez)<sup>19</sup>, appearing in the first paragraph of the *thesis*. These *distinctiones*, fundamental to the work of the mathematician, allowed Wallis to understand the relation between concepts held in the mind and the things in the world. Through Suárez, who had revived the Aristotelian distinction between *logikós*

---

<sup>16</sup> J. Rampelt, *Distinctions of reason and reasonable distinctions*, p. 33. Cf. Christoph J. Scriba, “The autobiography of John Wallis”: *Notes and Records of the Royal Society of London* 25 (1970) pp. 17-46, p. 28.

<sup>17</sup> J. Rampelt, *Distinctions of reason and reasonable distinctions*, p. 33.

<sup>18</sup> J. Rampelt, *Distinctions of reason and reasonable distinctions*, p. 38. Cf. Christoph J. Scriba, “The autobiography of John Wallis”, p. 29.

<sup>19</sup> On the *distinctiones rationis* in Suárez, cf. *Disputationes metaphysicae* 7, 1, 4 (*distinctio rationis ratiocinantis*) and 7, 1, 5 (*distinctio rationis ratiocinatae*).

(*in anima*) and *physikós* (*in natura rerum*) discourse, Wallis gave great significance to the distinction between logical-linguistic *modus* and ontological *modus* in approaching philosophical problems.<sup>20</sup> Without being fully aware, Wallis thus assumed important aspects of the great *tradition* of Western thought, which united Greeks and moderns through the modest and silent work of the medieval scholastics.

### **Projections of Spanish Jesuit Scholasticism on British Thought: Politics**

But the clearest influence of Spanish Scholasticism on British thought in the 17<sup>th</sup> century was in the field of politics. British political thought in the 16<sup>th</sup> and 17<sup>th</sup> centuries, beyond the absolutist trends among authors associated with the Tudor and especially the Stuart monarchies, was still profoundly rooted in English medieval thinking with affinities to Scholasticism. In fact, a considerable part of the anti-absolutist, republican ideas of the 17<sup>th</sup> century in opposition to the Stuarts before and after the civil war were echoes of what Sidney called *old cause*. The *old cause* was the defence of liberty and justice against a power that had become despotic due to French notions of the divine right of kings imported by the Stuarts and supported by the realists, especially in the wake of the execution of Charles I. The *old cause* was nothing other than the political order derived from the great constitutional principles on which Catholics, especially Jesuits, Calvinists and *Whigs* all agreed. That is, the ideas of liberty and equality *a nativitate* of men, the social and political pact which gives life to the State and the cession (not unconditional) of political power to the ruler and the consequent limits of political power transmitted to the supreme magistrate by the people are unequivocally found within both Scholasticism and Calvinism. These ideas constitute the foundations of English republican political thought throughout the 17<sup>th</sup> century.<sup>21</sup>

---

<sup>20</sup> Cf. J. Rampelt, *Distinctions of reason and reasonable distinctions*, p. 35.

<sup>21</sup> In this regard, cf. J. H. M. Salmon, "Catholic Resistance Theory, Ultramontanism, and the Royalist Response, 1580-1620", in J. Henderson Burns-M. Goldie (eds.), *The Cambridge History of Political Thought 1450-1700*, pp. 219-53, Cambridge, Cambridge University Press, 1991; H. A. Lloyd, "Constitutionalism", in J. Henderson Burns-Mark Goldie (eds.), *The Cambridge History of Political Thought 1450-1700*, pp. 254-297; A. Rivera García, *La política del cielo. Clericalismo jesuita y Estado moderno*, Hildesheim, G. Olms, 1999; D. Wotton (ed.), *Divine right and democracy. An anthology of political writing in Stuart England*, Indianapolis/Cambridge, Hackett P. C., 2003; H. Höpfl, *Jesuit Political Thought. The Society of Jesus and the State, c. 1540-1630*, Cambridge, Cambridge University Press, 2005; F. Baciero, *Poder, ley y sociedad en Suárez y Locke*, Salamanca, Ediciones Universidad de Salamanca, 2008; W. Decock, "Jesuit Freedom of Contract": *Tijdschrift voor Rechtsgeschiedenis* 77 (2009) 423-458; C. Cuttica, *Sir Robert Filmer (1588-1653)*

We will present a succinct bibliography of the projection of Scholastic and Jesuit ideas in England. We would like to thank Professor Francisco Baciero (USAL) for his invaluable contributions in this regard.

It should be noted, firstly, that there is currently no complete bibliography of the influence of Scholastic and Jesuit political ideas in England. Once more, we believe this work sheds valuable light on an important aspect that has been largely neglected in British and Spanish historiography. We insist, there is currently no comprehensive bibliography, although there are abundant references and indications of which we will cite the most important.

As Brian Tierney notes in *Religion, law and the growth of constitutional thought 1150-1650*, the ideological links between British and Jesuit authors throughout the 17<sup>th</sup> century were routinely denounced in the Realist circles of the period, summed up by the complaint of James I himself: “Jesuits are nothing but Puritan-Papists”.<sup>22</sup>

Of course, John Neville Figgis was the most important author in highlighting the reception of Jesuit political thought in Britain, a reception dissimulated by republicans and attacked by the realists. In this article, *On some political theories of the early Jesuits* (1897), Figgis sustained that “the body who popularised these views [about the old theories of the deposing power, of popular rights and of the theory of the original contract] was the Society of Jesus”.<sup>23</sup> The Jesuits were not, Figgis continues, the inventors of such ancient theories, which had also been defended in fact by Calvinist Monarchomachs. But the Jesuits, by defending these ideas longer and with greater insistence, drew much more attention than other authors with similar opinions. “[Such theories] became the common mark of attack to all supporters of kings. The first thought of all believers in the divine right of kings is that to teach the right of resistance in any form is to class oneself with the Jesuits. The deposing power is so vividly pictured as of

---

*and the Patriotic Monarch: Patriarchalism in Seventeenth-Century Political Thought*, Manchester, Manchester University Press, 2012; P. Font, *El derecho de resistencia civil en Francisco Suárez*, Comares, Granada 2018; L. Prieto, “El pensamiento político de Suárez en el *De opere sex dierum* y sus nexos con Filmer y Locke”: *Isegoría* 63 (2020) 583-602; L. Prieto, “Hechos e ideas en la condena del Parlamento de París de la *Defensio fidei* de Suárez: poder indirecto del Papa *in temporalibus*, derecho de resistencia y tiranicidio”: *Relecciones* 7 (2020) 37-53.

<sup>22</sup> B. Tierney, *Religion, law and the growth of constitutional thought 1150-1650*, London-New York, Cambridge University Press, 1982, p. 3.

<sup>23</sup> John N. Figgis, “On some Political Theories of the early Jesuits”, *Transactions of the Royal Historical Society*, New Series, Vol. XI, Longmans, New York-Bombay, 1897, pp. 89-112, p. 93.

the essence of the Society [of Jesus]) that Presbyterians (who held a very similar theory) and other Dissenters are regarded with evident *bona fides* as teaching all that is vital to Jesuitry”.<sup>24</sup> Additionally, within the context of the *Exclusion crisis* and the struggle between *Tories* and *Whigs*, the latter discretely assumed the ideas of the Jesuits in support of their claims. As Figgis clearly states: “From the Society of Jesus the theory [of natural rights and the two pacts, social and political] passed to the English Whigs [...] With the Revolution Whigs the connection of Jesuit doctrines is direct and obvious” .<sup>25</sup> Figgis made similar observations one year later, in 1896, in *The divine Right of the Kings*, especially in chapters VII (*From James I. to the Jacobites*), VIII (*Passive Obedience and the Church of England*) and IX (*Non-Resistance and the Theory of Sovereignty*). In this final chapter, Figgis affirms: “The Jesuits are regarded as *par excellence* the teachers of the doctrine of resistance. All the special tenets of the Society go for nothing beside this one striking fact, that its members deliberately weaken the bonds of allegiance and argue that under certain conditions a nation may resist and even depose its sovereign. Now the Dissenters teach the same doctrine, and therefore they may without injustice be dubbed Jesuits in disguise”.<sup>26</sup>

Wolfgang von Leyden also dealing with moral philosophy, categorically affirmed in relation to the sources of Locke’s *Essays on the Law of nature*: “As regards Suárez, there is reason to believe that Locke was acquainted with his *Tractatus de Legibus ac Deo Legislatore*, which provides a comprehensive and at the same time detailed exposition of medieval doctrines of natural law”.<sup>27</sup> Subsequently, in a critical analysis of the fundamental arguments of *Essays on the Law of nature*, von Leyden affirmed in relation to *voluntarism* within the notion of natural law in Locke: “There can be little doubt [...] that in his attempt to reach a position midway between the two theories, Locke was influenced by Culverwell. Both men [Culverwell and Locke] have derived their

---

<sup>24</sup> John N. Figgis, “On some Political Theories of the early Jesuits”, p. 94

<sup>25</sup> John N. Figgis, “On some Political Theories of the early Jesuits”, p. 94

<sup>26</sup> John N. Figgis, *The divine right of the kings*, 2<sup>o</sup> ed., Cambridge Univ. Press, Cambridge, 1914, p. 180. Cf. also Figgis, John N., *From Gerson to Grotius (1414-1625)*, Cambridge, at the University Press, 1907 (specially the chapters V, VI and VII: *The Monarchomachi*, *The Jesuits*, *The Netherlands Revolt*).

<sup>27</sup> Wolfgang von Leyden, “Introduction” to John Locke: *Essays on the Law of Nature*, Oxford University Press, Oxford-New York, 1954, pp. 36-37.

notions from Grotius or, more likely, from Suárez, who had reviewed at length all the scholastic opinions on this question”.<sup>28</sup>

Reiterating an opinion similar to that of Figgis on the debt of 17<sup>th</sup> century English republicans to the Jesuits, Mark Goldie noted that “a powerful part of Tory polemic was the insistence that Whig doctrines were derivative of Roman Catholic theory [...] Much of Royalist pamphleteering against Presbyterianism consisted of the assertion that the effects of Popery and Presbytery were in practice similar: they were anarchic, for they stripped the crown of authority and awarded it to Pope or People. This empirical comparison [...] became a sophisticated proof of common theoretical roots”.<sup>29</sup> Shortly thereafter, Goldie returned to this question and, referring to the pamphlet by John Nalson *The Present Interest of England or a confutation of the Whiggish conspiratours* (1683) affirmed that: “In 1683 Nalson showed the general debt of Whigs to Mariana and Suárez”.<sup>30</sup> Finally, and referring specifically to Locke, the leading intellectual of the *Whig* party, Goldie concludes: “there is no doubt that the source of Locke’s theory lay in the natural rights doctrines of Suárez and the neo-Thomists and ultimately with the voluntarism of the fourteenth century theologians”.<sup>31</sup>

Other contemporary authors have also suggested the presence of Jesuit thought in general (and that of Suárez in particular) within Locke and throughout 17<sup>th</sup> century English political philosophy. For example, Quentin Skinner affirms: “the concepts in terms of which Locke and his successors developed their views on popular sovereignty and the right of revolution had already been largely articulated and refined over a

---

<sup>28</sup> Wolfgang von Leyden, “Introduction”, p. 51. Von Leyden goes on to say: “However, the possibility cannot be ruled out that the case for the voluntarist notion of law as the expression of God’s absolute will was derived by them from Protestant sources, for both Culverwell and Locke were brought up Calvinists and the voluntarist theory has passed from the Nominalists to the Reformers and played a prominent part in Calvinist’s theology” (p. 51).

<sup>29</sup> Mark Goldie, “John Locke and Anglican Royalism”: *Political Studies* XXXI (1983) pp. 61-85, p. 71.

<sup>30</sup> Mark Goldie, “John Locke and Anglican Royalism”, p. 73. Cf. also M. Goldie, “The roots of true Whiggism 1688-1694”: *History of political thought* I/2 (1980) pp. 195-236. On the pamphlet alluded to by Goldie, cf. John Nalson, *The present interest of England, or, A confutation of the Whiggish conspiratours anti-monyan principle shewing from reason and experience the ways to make the government safe, the king great, the people happy, money plentiful, and trade flourish*, London, Printed for Thomas Dring, 1683. At the high point of the work, Nalson affirms: “For the plain Truth is, they [the Whigs and the others English protestants] kept out the *Pope*, but kept in *Popery*, the rankest and most mischievous Doctrines and Practices of the worst of Men of that Religion. What *Mariana*, *Allen*, *Suárez*, and other traitorous *Jesuits* had writ concerning the Depositing and Murdering of Princes, they Aced; and from these Authors, they borrowed Arguments to justifie their *Rebellion* and the blackest of Crimes” (p. 20).

<sup>31</sup> Mark Goldie, “John Locke and Anglican Royalism”, p. 75. Cf. also Simone Goyard-Fabre, *John Locke et la raison raisonnable*, Librairie Philosophique J. Vrin, Paris, 1986, pp. 54 & 182.

century earlier [...] A generation before Locke produced his classic defence of the people's right to resist and remove a tyrannical government, Oliver Cromwell had already found it quite sufficient [...] to reassure himself about the lawfulness of executing Charles I by engaging in 'a long discourse' about 'the nature of the regal power, according to the principles of Mariana and Buchanan'".<sup>32</sup>

Johann P. Sommerville also offers an abundant analysis of the reception of Jesuit ideas and doctrines by English authors. Apart from the work "From Suárez to Filmer: a reappraisal", which deals with the polemic between Filmer and Suárez and Bellarmine,<sup>33</sup> subsequently taken up by Locke against Filmer in his *Two Treatises of Government*, of particular interest is *Politics and Ideology in England 1603-1640* where Sommerville examines the intense debates held in the British Parliament in 1628 regarding the delicate subject of royal authority in the imposition of taxes. In those parliamentary sessions of 1628, both the realists and the republican-parliamentarians abundantly referred to the Suárez's doctrines on the conditions and moral legitimacy of the imposition of taxation on the part of the king, as set forth in chapters XIII-XVIII of Book V of *De legibus*, entitled *De varietate legum humanarum, et praesertim de odiosis*.<sup>34</sup>

### **Projections of Spanish Scholasticism on British Thought: Law, Rights and Economics**

---

<sup>32</sup> Quentin Skinner, *The Foundations of Modern Political Thought*, Cambridge University Press, Cambridge, 2013, first edition of 1978, vol. II, "The Age of Reformation", p. 348.

<sup>33</sup> Johann P. Sommerville, "From Suarez to Filmer: a reappraisal": *The Historical Journal* 25/3 (1982) pp. 525-540.

<sup>34</sup> Cf. Johann P. Sommerville, *Politics and Ideology in England 1603-1640*, London, Longman, 1986, pp. 76-77: "In England, the king justified his unorthodox levies - for example the Forced Loan of 1627 - precisely on the grounds that they were for the public good. Defending the Loan, Roger Manwaring was able to show that such anti-absolutists as David Paraeus and Francisco Suárez had admitted that taxation did not always require the consent of the taxed. When Robert Mason and John Pym attacked Manwaring's ideas in the Parliament of 1628, they did not challenge this contention. Instead, they denied that his reasoning applied to England. They placed particular emphasis upon the contractual ideas of Suárez, claiming that Manwaring had distorted the Spaniard's theory [...] Both Mason and Pym quoted Suárez's work at length and in Latin. Both approved of his ideas, despite the fact that he was a Spaniard and a Jesuit. In the Parliament of 1628 even the Duke of Buckingham found it convenient to pay lip-service to the authority of Suárez". In the new edition of this work, entitled *Royalists and Patriots. Politics and Ideology in England 1603-1640* (Harlow, Essex, Pearson Education, 1999) refers to note 51, p. 77 as the source of these parliamentary sessions; see R. C. Johnson, M. F. Keeler *et al.*, eds., *Proceedings in Parliament 1628*, 6 vols. (1977-83), vol. V, p. 649. Also consult the oldest records available, *Historical Collections of [...] Remarkable Proceedings in Five Parliaments, beginning the Sixteenth Year of King James, anno 1618, and ending the Fifth Year of King Charls, anno 1629*, by John Rusworth, London, printed by J. A. for Robert Boulter, 1682, pp. 588 et seq., particularly pp. 595-605, presenting Mr. Pym's Speech at the delivery of the Charge against Dr. Manwaring. Latin quotations from *De legibus* by Suárez are found primarily in pages 602-603.



Next we proceed to make a brief bibliographical overview of some of the works that explore the evolution of legal and economic ideas in both countries. This combined consideration of legal and economic issues is in keeping with the historical development of both disciplines. It is important to remember that what we now call economics, in its Greek origins, referred to the household governance of things and people,<sup>35</sup> while chrematistics, the specific art or ‘*techne*’ of acquiring wealth, has become virtually synonymous with modern notion of economics.<sup>36</sup> In Greek thought, continued throughout the Scholastic tradition, what would be considered contemporary economic issues (that is, ideas related to commerce, money, prices, credit, production, etc.) were approached in their relation to virtue and justice, thus, as an aspect of law. Fundamental to this view of economics was the *Summa Theologiae* of Thomas Aquinas, which drew on the secular source *par excellence*: Roman Law,<sup>37</sup> which Aquinas endeavoured to conciliate with the notions of justice contained in Aristotle’s *Ethics* and *Politics*. These sources, both assumed and critiqued, constitute the foundations of the legal and economic thinking of the Scholastics and, largely through their influence, those of modern English thought.

Thomas Aquinas addressed the issues of justice and law in parts I-II of the *Summa* (in the *Prima Secundae*, questions 90 to 108, or *De legibus*) and in parts II-II (*Secunda Secundae*, containing the *De iustitia et iure*, cc. 57 to 79). Francisco de Vitoria and the Scholastics who taught theology in Salamanca took Aquinas as a reference, dealing with these questions following the same order as in the *Summa*. Not so with, for example, Luis de Molina or Francisco Suárez. In addition to Vitoria, of whom manuscripts by his students are preserved, commentators on the *Secunda pars* of the *Summa Theologiae*, included Domingo de Soto (writing in 1553, the treatise *De iustitia et iure* separate from the rest of the commentaries on *Summa*), Mancio de Corpus Christi, Bartolomé de

---

<sup>35</sup> A meaning which has not entirely vanished but is rarely currently used. Thus, Rousseau, in the 18<sup>th</sup> century would affirm that “Le mot d’Économie ou d’Oeconomie vient de οἶκος, maison, et de νόμος, loi, et ne signifie originairement que le sage et légitime gouvernement de la maison, pour le bien commun de toute la famille. Le sens de ce terme a été dans la suite étendu au gouvernement de la grande famille, qui est l’État. Pour distinguer ces deux acceptions, on l’appelle dans ce dernier cas, économie générale, ou politique; et dans l’autre, économie domestique, ou particulière”, *Discours sur l’économie politique*, 1758, §1. The expression ‘domestic economy’ would be a redundancy since *domus* is the Latin equivalent of οἶκος.

<sup>36</sup> José Luis Cendejas, “Economics, chrematistics, oikos and polis in Aristotle and St. Thomas Aquinas.” *The Journal of Philosophical Economics* 10, no. 2 (2017): 5-46.

<sup>37</sup> Jean Marie Aubert, *Le droit romain dans l’oeuvre de saint Thomas*. Paris: Vrin, 1955.

Medina, Domingo Báñez, Luis de León, Juan de Guevara, Pedro de Aragón, Gregorio de Valencia, Luis de Molina, Francisco Suárez or Gabriel Vázquez, among others.<sup>38</sup>

In doctrinal terms, perhaps the most influential contribution of Scholastic legal thought is the concept of *dominium*. In affirming human *dominium* over God's creation for all mankind, and the reasons which justified its division, Scholasticism established a theory on the origin of property which, largely through the mediation of John Locke, would become predominant in the future. The reasons proposed by the Scholastics for the division and segregation of things from an original community of goods laid solid foundations to sustain the predominance of private over communal property.

The legitimacy of dominion over things (i. e. property) as well as over people (civil government, in Lockean terms) is based on the notion of natural or innate subjective rights. Without this prior development of a subjectivist conception of law<sup>39</sup> it is difficult to imagine that Suárez or Locke could have elaborated a coherent explanation of their *pactist* understanding of political power or a theory of the origin of property. The notion of subjective natural rights was the necessary foundation for the doctrinal explanations of the transition from a state of natural liberty to a civil status, and from communal property to private property.<sup>40</sup> We will not here offer an extensive explanation of the historical development of this conception of rights but merely point to two fundamental and well-known milestones. The first is linked to the medieval polemic regarding the significance and extent of evangelical poverty initiated by the Franciscans and which gave rise to an important reflection on the nature of *ius* and *dominium*. The Franciscans opted for a stricter vow of poverty than other religious orders and so lacked both

---

<sup>38</sup> Simona Langella, *Teología y ley natural, estudio sobre las lecciones de Francisco de Vitoria*. Madrid: Biblioteca de Autores Cristianos, 2011, p. 34; Avelino Folgado, "Los tratados De Legibus y De Iustitia et Iure en los autores españoles de los siglos XVI y XVII." *La Ciudad de Dios* 172 (1959): 275-302; José Barrientos, "Los tratados 'De Legibus' and 'De Iustitia et Iure' en la Escuela de Salamanca de los siglos XVI y XVII." *Salamanca: Revista de estudios* 47 (2001): 371-415; from the same author, *Repertorio de moral económica (1526-1670). La Escuela de Salamanca y su proyección*. Pamplona: Eunsa, 2011.

<sup>39</sup> Michel Villey, *La formation de la pensée juridique moderne*. 4th ed. Paris: Éditions Montchrestien, 1975; Richard Tuck, *Natural law theories*. Cambridge: Cambridge University Press, 1989; B. Tierney, *The Idea of Natural Rights*. Grand Rapids, MI: William B. Eerdmans, 1997.

<sup>40</sup> Annabel S. Brett, *Liberty, right and nature. Individual Rights in Later Scholastic Thought*. Cambridge: Cambridge University Press, 1997; Alejandro Guzmán Brito, *El derecho como facultad en la Neoescolástica española del siglo XVI*. Madrid: Iustel, 2009; Francisco Baciero, "El concepto de derecho subjetivo y el derecho a la propiedad privada en Suárez y Locke." *Anuario filosófico* 45, no. 2 (2012): 391-421. 1; José Luis Cendejas and María Alférez, *Francisco de Vitoria sobre justicia, dominio y economía*. Pozuelo de Alarcón: Editorial Universidad Francisco de Vitoria, 2020.

individual and corporate property, emulating to some extent the original state of innocence in which all property was held in common (*communis omnium possessio*). The order lacked all *ius domini* and enjoyed only the use *de facto*. It was thus understood that property remained in the hands of the benefactors of the order or of the Pope. John XXII<sup>41</sup> decided to dispense with this legal artifice given that the order evidently maintained in fact *ius fruendi* and *ius utendi*; otherwise the Franciscans would be acting contrary to law. In response, Ockham<sup>42</sup> affirmed that the order lacked all *potestas*, which included the right of use, and so could legally demand nothing. Thus, Franciscans had a right of use (*usus facti*), without dominion, by virtue of *ius poli* (i. e. positive divine right).<sup>43</sup>

On the basis of this polemic, Villey<sup>44</sup> attributed the conceptual origin of the notion of subjective right to Ockham. However, Tierney<sup>45</sup> places the origins of rights within canonical jurisprudence, replete with subjective rights, from which Ockham had adopted it. The theory of subjective rights is found among the Nominalists Jean Gerson and Konrad Summenhart<sup>46</sup> whom Francisco de Vitoria frequently cites. In effect, it is in Paris that Vitoria is influenced by both Thomism and by Nominalism,<sup>47</sup> manifested in his interest in moral and legal questions. Inspired and empowered by the voluntarism of the Nominalists, theologians adopted and developed their conception of law, now not only Franciscans but also Dominicans such as Francisco de Vitoria and Domingo de Soto, ultimately influencing, largely through the Jesuits, the modern iusnaturalists. The figures

---

<sup>41</sup> Bulls *Quia nonnunquam* and *Ad conditorem canonum* of 1322.

<sup>42</sup> In his *Opus nonaginta dierum*, 1333.

<sup>43</sup> For more on this controversy see the following works published in *Cauriensia* 11: Carlos A. Casanova, "Guillermo de Ockham y el origen de la concepción nominalista de los derechos subjetivos." (2016): 113–40; Genara Castillo. "Dominio y uso en la noción de pobreza de San Buenaventura en la Apología pauperum." (2016): 141–56; Manuel Lázaro and M. Idoia Zorroza. "Bases del uso, dominio y propiedad en la escuela franciscana: La relación con la realidad creada en El Francisco de San Buenaventura." (2016): 197–220.

<sup>44</sup> *La formation de la pensée juridique moderne*.

<sup>45</sup> *The idea of natural rights*.

<sup>46</sup> A. Guzmán Brito, *El derecho como facultad*. Also J. A. Tellkamp, "Ius est idem quod dominium: Conrado Summenhart, Francisco de Vitoria y la conquista de América." *Veritas* 54, no. 3 (2009): 34-51. Konrad Summenhart (1450/60-1502) was a Dominican who taught at the Tübingen University and authored a manual of contracts in the style of the School of Salamanca, entitled *Opus septipartitum de contractibus* (Haguenau, 1500).

<sup>47</sup> "toned down and eclectic" according to Ricardo García Villoslada, *La Universidad de París durante los estudios de Francisco de Vitoria (1507-1522)*, Universitatis Gregoriana, Roma, 1938. See also in Juan Belda, *La Escuela de Salamanca y la renovación de la teología en el siglo XVI*, Biblioteca de Autores Cristianos, Madrid, 2000. Paris was home to the nominalists John Maior (influenced by Gerson), Jacques Almain, the Coronel brothers or Juan de Celaya, teacher of Francisco de Vitoria.

within this process, in addition to Vitoria,<sup>48</sup> are the jurist Fernando Vázquez de Menchaca,<sup>49</sup> the Jesuits Luis de Molina, Francisco Suárez, Juan de Lugo and the Flemish Jesuit Leonardus Lessius among others, and, in a second stage, Protestant iusnaturalists such as Hugo Grotius,<sup>50</sup> Samuel Pufendorf and John Locke.

The second important milestone in the formation of the modern theory of subjective rights came, as noted earlier, by the hand of Francisco de Vitoria, who gave the definitive impulse to this conception. It may be noted that Vitoria discovered what would later come to be called human rights, which for Vitoria arose from natural law, from the mere fact of being human and thus created in the likeness of God. Vitoria revitalised the question of dominion in response to the “recently discovered” natives of Americas (*De Indis recenter inventis*, 1539). In *De Indis*, Vitoria endeavoured to determine if the natives were “owners of their private goods and belongings and if there were true princes and lords of other *Indians* among them”. The affirmative response was based on the fact that dominion is an aspect of natural law, not supernatural, and thus cannot be lost through infidelity or sin. In recognising the American peoples as subjects having rights, Vitoria recognised, as a logical further step, the existence of a universal political community which includes all peoples, a *communitas totius orbis*, and of a corresponding universal common good, made patent in *De Indis* and also in *De iure belli Hispanorum in barbaros* (1539). In addition to these *Relectiones* (or conferences), Vitoria expounded on the theory of dominion, commenting on the q. 62 of the *Secunda Secundae* relating to restitution, despite the fact that Aquinas makes no mention of dominion in this question. For Vitoria dominion is the faculty to use a thing based on rights or reasonably instituted laws<sup>51</sup> through which dominion and *ius* coincide. The

---

<sup>48</sup> José Luis Cendejas, “Derecho subjetivo, naturaleza y dominio en Francisco de Vitoria.” *Cauriensia* 15 (2020): 109–37.

<sup>49</sup> Prior to both, and Grotius and Pufendorf, Vázquez de Menchaca had revitalised the concept of natural freedom that would end up prevailing in Modernity (*Controversiarum usu frequentium libri tres*, Barcelona, 1563; and *Controversiarum illustrium aliarumque usu frequentium*, Venecia, 1564). See Francisco Carpintero, *La ley natural, Historia de un concepto controvertido*, Madrid: Encuentro, 2008, 152 et seq.

<sup>50</sup> See Guzmán Brito (2009), chapter 8 commenting on the influence of Vitoria, Soto, Molina, Suárez and Lessius on Grotius with regards to the concept of subjective rights, and for a bibliography of this issue.

<sup>51</sup> Following Summenhart (*De contractibus*, q. I, tr. I). In turn, Summenhart, to whom Vitoria attributes the definition, is following Gerson. Guzmán Brito (*El derecho como facultad*) indicates that the definition by Vitoria of rights as *facultas* synthesises in a single definition the two Gerson’s concepts of *ius* and *dominium*: “Ius est potestas vel facultas propinqua conveniens alicui secundum dictamen rectae rationis”, “Dominium autem est potestas vel facultas propinqua assumendi res alias in sui facultate vel usum licitum

progressive predominance of a subjectivist conception of rights took place precisely by means of the identification of *ius* and *dominium*.

A later elaboration of *ius*, understood as subjective rights, was provided by Luis de Molina and, especially, Francisco Suárez.<sup>52</sup> In the second interpretation of *ius*, Suárez defined it as “the moral faculty (*facultas moralis*) of each over what is theirs and over what is owed them”. In England, Locke assumed the existence of subjective natural rights and, while not using this expression, enumerated them explicitly. According to natural law,<sup>53</sup> Locke affirmed, all men are “equal and independent, no one ought to harm another in his life, health, liberty or possessions”. Man is endowed with these rights as creatures of God, to whom we belong.<sup>54</sup> Ultimately, it is from God that inalienable natural rights are derived, protected through the establishment of civil government. The constitutive principle of civil government lies in the need to safeguard innate rights, the *dominium* which all men receive from the Creator over their own person and belongings. In addition to this concept of rights, Suárez influenced Locke in his notions of law, in the understanding of the origins of the political community, in the concepts of natural law and natural rights, and in his theory of property. The influence of Suarez on Locke in these issues is analysed in the corresponding chapters and bibliography of the present book.

In formulating his juridical and political ideas, Locke was also influenced by other authors,<sup>55</sup> classified by Schumpeter<sup>56</sup> as “Protestant Scholastics”, who in turn were strongly influenced by the Catholic Scholastics. Thus, Grotius (*Mare liberum*, Leiden, 1609; *De iure belli ac pacis*, Paris, 1625) occupies a central place in the reception and transmission of notions of *ius naturale* and *ius gentium* of the Spanish Scholastics to universities in central and northern Europe. This process would culminate with Samuel Pufendorf, founder of an entirely secularised iusnaturalism. In his works, Grotius often

---

secundum iura vel leges rationabiliter institutas”.

<sup>52</sup> See *De Legibus* I, 2, 5. Also Baciero, “El concepto de derecho subjetivo”.

<sup>53</sup> Since its origins in Greek thought, the content and meaning of natural law has not remained invariable. An analysis of its evolution, although part of the process of the transmission of ideas commented here, lies beyond the scope of the present Introduction. See M. B. Crowe, *The changing profile of the natural law*, The Hague: Martinus Nijhoff, 1977, and also F. Carpintero, *La ley natural*.

<sup>54</sup> *Second Treatise* II, 6.

<sup>55</sup> See la Introduction de Wolfgang von Leyden a “*John Locke, Essays on the Law of Nature and associated writings* (Oxford: Clarendon Press, 1954). Among Locke’s sources, Scholastic or by their influence, are in addition to Suárez, Richard Hooker (*Of the laws of Ecclesiastical Politie*, 1604), Grotius and Hobbes.

<sup>56</sup> J. A. Schumpeter, *History of Economic Analysis*, Routledge, London, 1954, 116.

cites Vitoria, Vázquez de Menchaca and Diego de Covarrubias among other Spanish Scholastics.<sup>57</sup> In *Mare liberum*, he sets forth a number of fundamental rights clearly drawn from Vitoria, such as the right to communicate and engage in commerce with other peoples and the right of free navigation of the seas; the origins of what today is known as International Law.<sup>58</sup>

As mentioned above, themes of an economic nature formed part of legal theory, understood as being related to justice. The new economic order unfolding in the 16<sup>th</sup> century with the expansion of European trade rested on the possibility of accumulating property through the free transmission of goods and rights. As a consequence, the study of the nature of contracts (in *De Contractibus* and similar treatises initially included in the *De iustitia et iure*) following the Romanist classification, and the consideration of usury, occupied a central place and served as an inspiration for the reflections of the Scholastics including Francisco de Vitoria, Cristóbal de Villalón, Luis de Alcalá, Saravia de la Calle, Tomás de Mercado, Francisco García, Bartolomé Frías de Albornoz, Luis de Molina, Juan de Lugo and Leonardus Lessius, among many others. The Romanist principle of free consent, the foundation of contractual validity, was reinterpreted and expanded by a theological voluntarism that spread throughout the late medieval period.<sup>59</sup> Clearly the economic analysis of the Scholastics followed the same path, spreading from its origins in Spain to central and northern Europe by the hand of the iusnaturalists mentioned previously. This phenomenon was extensively analysed by Schumpeter in Chapter 2 of Part II of his monumental work *History of Economic Analysis* entitled “The Scholastic Doctors and the Philosophers of Natural Law”. This chapter presented a complete revision of the history of economic thought prior to Adam Smith as it located the origins of economic analysis in Moral Philosophy rather than in Mercantilism as had been habitual until its publication and even later.

---

<sup>57</sup> See León Gómez Rivas, *La Escuela de Salamanca, Hugo Grocio y el liberalismo económico en Gran Bretaña*, Pozuelo de Alarcón: Editorial Universidad Francisco de Vitoria, 2021.

<sup>58</sup> Present within Roman Law. According to *Institutiones*, by natural law running water, the sea, rivers and ports where ships may land are common. By natural law there are things common to all (*res communes omnium*) which, by their nature, are not appropriable and are excluded from legal transfer such as the air, running water, the sea and its shores (*Digesta* 1.8.2, *Institutiones* 2.1.1) and public things such as rivers or ports (*Institutiones* 2.1.2).

<sup>59</sup> Wim Decock (*Theologians and Contract Law. The Moral Transformations of the ‘Ius Commune’ (ca. 1500-1650)*, Leiden: Nijhoff, 2013) analyses from the perspective of natural law how contracts for mutual benefit are agreed and how these are understood as a mutually accepted promise which, for the parties, occupies the place of law.

However, the ‘rediscovery’ of Scholastic economics, including Spanish economic thinking, began much earlier. In this regard, the author Grice-Hutchinson has pointed to the following works:<sup>60</sup> Wilhelm Endemann’s *Studien in der romanisch-kanonistischen Wirtschafts und Rechtlehre bis gegen Ende des siebenzehnten Jahrhunderts*<sup>61</sup>, André E. Sayous’ article “Observations d'écrivains du xviième siècle sur les changes”<sup>62</sup>, J. Laures in *The political economy of Juan de Mariana*,<sup>63</sup> and the Jesuit B. W. Dempsey’s article “The historical emergence of the quantity theory”.<sup>64</sup> With regards to the situation in Spain, prior to Schumpeter’s *History*, there is the article by A. Ullastres “*Martín de Azpilcueta y su comentario resolutorio de cambios. Unas ideas económicas de un moralista español del siglo XVI*”,<sup>65</sup> and the speech by J. Larraz on his induction into the Real Academia de Ciencia Morales y Políticas titled *La época del mercantilismo en Castilla, 1500-1700*.<sup>66</sup>

In line with this new perspective, economic thought was based on Aristotle, rediscovered in the medieval period thanks to Latin translations of the 12<sup>th</sup> and 13<sup>th</sup> centuries. The economic thought, following the model of the *Summa* of Thomas Aquinas, was embodied in the treatises *De iustitia et iure* and similar ones of the scholastic doctors, mainly Spanish of the 16<sup>th</sup> and 17<sup>th</sup> centuries. From there, it had passed to the Protestant iusnaturalists Grotius, Pufendorf and Locke, receiving it from these hands Francis Hutcheson, Smith's teacher at the University of Glasgow, already in the midst of the Scottish Enlightenment.<sup>67</sup> According to Schumpeter, the pretention of the universal validity of the analysis of the Scholastics and the iusnaturalists, the formulation of universal principles derived from natural law, essentially an outline of an

---

<sup>60</sup> See Marjorie Grice-Hutchinson, “Los economistas españoles y la *Historia del Análisis Económico* de Schumpeter.” *Papeles de Economía Española* 17 (1983): 172-185.

<sup>61</sup> Berlin: J. Guttentag, D.Collin, 1874, 1883.

<sup>62</sup> *Revue Economique Internationale* 4 (1928): 291-320.

<sup>63</sup> New York: Fordham University Press, 1928.

<sup>64</sup> *Quarterly Journal of Economics* 50, no. 1 (1935): 174-184.

<sup>65</sup> *Anales de Economía* 1, no. 3-4 (1941): 375-407, and *Anales de Economía* 2, no. 5 (1942): 51-95.

<sup>66</sup> Madrid: Aguilar, 1943, 1963.

<sup>67</sup> The influence of the iusnaturalism of Grotius, Pufendorf and Locke on the Scottish Enlightenment (among others, Hume, Carmichael, Hutcheson and Smith) are analysed by Richard F. Teichgraber, *Free trade and moral philosophy. Rethinking the sources of Adam Smith’s Wealth of Nations*, Durham: Duke University Press, 1986; and in Arild Saether, *Natural Law and the Origin of Political Economy. Samuel Pufendorf and the History of Economics*, London: Routledge, 2017. See also Odd Langholm, “Economic freedom in scholastic thought.” *History of Political Economy* 14, no. 2, (1982): 260-283; and Jeffrey T. Young and Barry J. Gordon, “Economic justice in the natural law tradition: Thomas Aquinas to Francis Hutcheson.” *Journal of the History of Economic Thought* 14 (1982): 1-17.

authentic economic theory, are the fundamental origins of economic science. Among the Spanish Scholastics, in a list that was subsequently expanded substantially, Schumpeter points to Martín de Azpilcueta, Domingo de Soto, Juan de Medina, Tomás de Mercado, Luis de Molina, Juan de Lugo and Juan de Mariana. Further works which have followed the line of research pointed to in Schumpeter's *History* include works by De Roover<sup>68</sup> and especially Marjorie Grice-Hutchinson.<sup>69</sup> From these initial contributions there has been a growing number of studies into the economic thinking of Spanish Scholasticism,<sup>70</sup> and numerous works<sup>71</sup> agree with the historical sequence proposed by Schumpeter. Of particular note among these works is that of Murray N. Rothbard<sup>72</sup> who traces the influence of Scholastic economic thinking beyond the Scottish Enlightenment to the origins of the Austrian School of Economics in the late 20<sup>th</sup> century.<sup>73</sup>

Nevertheless, the analysis of the lines of continuity of the economic thought of Spanish authors among British authors is far from complete. The aim of this book is to contribute to identifying the nature of these lines of continuity between the thinking of leading Jesuit doctors, especially Francisco Suárez (in addition to Juan de Mariana or the Dominican Francisco de Vitoria), and British authors, principally John Locke and later

---

<sup>68</sup> Among others, the article "Scholastic economics: survival and lasting influence from the sixteenth century to Adam Smith." *Quarterly Journal of Economics* 69, no. 2 (1955): 161-190.

<sup>69</sup> *The School of Salamanca: Readings in Spanish Monetary Theory, 1544-1605*, Oxford: Clarendon Press, 1952. An important work on the continuity of thought linking Spanish Scholasticism economic thought, not only with Britain but also with the rest of Europe, is *Early Economic Thought in Spain, 1177-1740*, London: Allen & Unwin, 1978.

<sup>70</sup> A bibliographical overview can be found in José Luis Cendejas "Síntesis bibliográfica del pensamiento económico de la escolástica española." *Revista Fe y Libertad* 3 (2020): 331-358.

<sup>71</sup> We may cite the following works: Barry J. Gordon, *Economic analysis before Adam Smith: from Hesiod to Lessius*. London: MacMillan Press, 1975; Karl Pribram, *A History of Economic Reasoning*, Baltimore, MD: Johns Hopkins University Press, 1983; Louis Baeck, *The Mediterranean Tradition in Economic Thought*. London: Routledge, 1994; Luis Perdices, ed., *Historia del pensamiento económico*. Madrid: Síntesis, 2008; the works of Luis Perdices, Pedro Tedde, Ángel García Sanz, Marjorie Grice-Hutchinson, Francisco Gómez Camacho, Oreste Popescu, Nicolás Sánchez-Albornoz, Antonio Miguel Bernal, Victoriano Martín and Gonzalo Fernández de la Mora included in the second volume of the collection *Economía y Economistas españoles* by Enrique Fuentes Quintana (Barcelona: Galaxia Gutenberg, 1999). See also Francisco Gómez Camacho, *Economía y filosofía moral: la formación del pensamiento económico europeo en la Escolástica española*, Madrid: Síntesis, 1998; Alejandro Chafuen, *Faith and Liberty: The Economic Thought of the Late Scholastics*, Lanham: Lexington Books, 2003; André A Alves and José M. Moreira, *The Salamanca School*, New York: Bloomsbury, 2013; Abelardo del Vigo, *Cambistas, mercaderes y banqueros en el Siglo de Oro español*, Madrid: Biblioteca de Autores Cristianos, 1997, and by the same author, *Economía y ética en el siglo XVI*, Madrid: Biblioteca de Autores Cristianos, 2006.

<sup>72</sup> *Economic Thought before Adam Smith: An Austrian Perspective on the History of Economic Thought*, Cheltenham, UK: Edward Elgar, 1995.

<sup>73</sup> Murray Rothbard, "New light in the prehistory of the Austrian School". In *Foundations of Modern Austrian Economics* by Edwin G. Dolan, 52-74. Kansas City: Sheed & Ward, 1986.



authors such as Hilaire Belloc in the 20<sup>th</sup> century (chapter by Díaz Vera). The recognition of universal, innate rights, understood as subjective rights, was a ground-breaking notion when Francisco de Vitoria produced his *Relectiones De Indis* and *De iure belli*, but had become commonplace when Suárez theorised on the same idea. This doctrine reached Locke as a coherent body of thought which he accepted in its fundamentals. The chapter by J. L. Cendejas analyses the place of the concept of subjective right (*dominium*) in arguments on the hypothetical basis of civil government and property rights from a primal state of nature. In Suárez there is also a glimpse of the modern concept of citizenship (chapter by Velasco) based on the jurisdiction of *ius civile*, or the recognition of the legitimacy of a ruler's power to impose taxation as a legitimate legislator as opposed to the medieval tradition based on the consent of the taxpayer (chapter by Gómez Rivas). In this regard, Scotus' voluntarism that underlies Suárez's concept of law makes its influence felt here: for Suárez, legitimate government is fundamentally a legitimate legislator. The two final chapters of this book deal most directly with economics. The first (chapter by Font) offers a comparison of the monetary theories of Juan de Mariana with analogous arguments by Locke. The second (chapter by Ale and Zorroza) focuses on the innovations of Locke regarding the origins of property which, from a contemporary perspective, can be considered as an early theory of entrepreneurship. Further and more detailed commentary on these contributions will follow.

### **The contributions of this book**

In the remainder of this Introduction, we go on to present the contents of this book following an epistemological order of subjects: first historiography (Del Pino), then natural philosophy and history of philosophy (Castilla), then ethics (Schwartz), political philosophy (Baciero, Gómez and Prieto) and, finally, law and economics, fields of knowledge, as said, that Scholasticism usually presents together under the perspective of justice (Cendejas, Díaz Vera, Gómez Rivas, Velasco, Font, Alé and Zorroza).

In his paper "**Traces of José de Acosta (1590) in Scottish Enlightenment Thinkers (William Robertson, 1777)**", **Fermín del Pino-Díaz (CSIC)** addresses the interesting and little studied question of the reception of the work of the Jesuit José Acosta (1540-1600)

in the Scottish Enlightenment, especially in William Robertson's *History of America* (1777). Del Pino's work primarily focuses on the work of José de Acosta as a fundamental anthropological and ethnographic source received by the Presbyterian historian and clergyman William Robertson (1721-1793). Later, Del Pino addresses interesting aspects of the work of Francisco Javier Clavijero (1731-1787), also a Jesuit and enlightened, in some way a continuator of Acosta.

Del Pino uses the precise expression *Traces of José de Acosta* in the title of his contribution to imply that the subject matter of his contribution is not a body of ideas established and passed on by the Jesuit to the Scotsman, but rather certain characteristics and intellectual courses of action which, in the form of traces of Acosta, are perceived in Robertson's work. The word *trace* means vestige, sign, mark, indication. Del Pino's work focuses on analyzing the intellectual marks left by Acosta on Robertson.

The first mark or trace is found in an environmental or collective sense, not only in William Robertson, but also in several Scottish authors, all of whom were dominated by an active interest in the Spanish chronicles of the Indies. Among such authors, Robertson naturally stands out, as he repeatedly acknowledged the Spanish origin of the documents in his work on America. The importance of Robertson's relationship with the Spanish archives is clear from the Preface to his *History of America*, in which he includes an extensive twelve page-long *Catalogue of Spanish Books and Manuscripts*.

The constant search of this author, dominated by his characteristically enlightened interest for critically refined information obtained from reliable sources, brings us to Robertson's documentary method, so typical of the Scottish school. Following this method, Robertson wrote his *History of America* with a supporting book, letter, or manuscript on each specific topic at hand at all times. Robertson expresses his view on the importance of this method in the first note of his book. Indeed: "The historian [...] is credited in proportion to the opinion which the public entertains with respect to his means of information and his veracity. He who delineates the transactions of a remote period, has no title to claim assent, unless he produces evidence in proof of his assertions. Without this, he may write an amusing tale, but cannot be said to have composed an authentic history". Robertson is thus a rare, almost unique case (with the exception of the work of A. von Humboldt) in the European Enlightenment in terms of his determined will to conduct adequate research on the New World in Spanish

documents. As Del Pino says, the number of books and manuscripts offered in the aforementioned *Catalogue* is overwhelming.

Thus, Robertson's first source is the work of José de Acosta, especially his *Historia moral y natural de las Indias* [The Natural and Moral History of the Indies] (Seville, 1590). Robertson appreciates above all the wealth of information and critical veracity used by Acosta in his descriptions and explanations. The wealth of information in *Historia natural y moral de las Indias* (Sevilla, 1590) was based on reliable sources, such as Acosta's own American experience (fourteen years in Peru and two in Mexico) and other sources and reliable accounts used by him. In addition to the historical merits, Acosta looked for philosophical (that is, scientific) explanations and interpretations of natural and ethnographic phenomena which contributed to the success of this work and its dissemination throughout Europe.

Here are the reasons for the admiration that Robertson felt for José de Acosta. He sometimes doubts texts by other Spanish authors, but never those by Acosta, to whom he turns for confirmation when there is information that he considers questionable or difficult to accept. Acosta thus receives praise from Robertson as a scientifically accurate author regarding history. Indeed: "Acosta, one of the most accurate and best-informed writers concerning the West Indies". And he also receives praise from the Scotsman regarding philosophical matters, that is, explanations concerning natural phenomena: "Acosta is the first philosopher, as far as I know, who endeavoured to account for the different degrees of heat in the old and new continents, by the agency of the winds which blow in each [...] M. de Buffon adopts this theory". Even more emphatic is the recognition expressed in these words by Robertson: "The *Natural and Moral History of the New World*, by the Jesuit Acosta, contains more accurate observations, perhaps, and more sound science, than are to be found in any description of remote countries published in the sixteenth century".

The work by **Francisco Castilla Urbano (Universidad de Alcalá de Henares), "Natural history: from José de Acosta's model to Francis Bacon's proposals"**, is devoted to the study of Bacon's well-known proposal regarding natural history that is produced inductively based on observation and experience. It is a lesser-known fact that, for this purpose, Bacon turned to some sources from naturalists of his time, which include the works of the Jesuit José de Acosta, in particular *Historia natural y moral de las Indias*

(1590). We are informed of this by the editor of Bacon's works, Robert L. Ellis, when in the preface to Bacon's *Historia ventorum* he states: "Acosta, who was provincial of the Jesuits in Peru, published in 1589 his *De Natura novi Orbis* which contains an account of the climatology of America, and especially of Peru. In the following year he published a larger work, entitled *Historia Natural y Moral de las Indias*, of which the first two books are a translation of the *De Natura novi Orbis*. This second work seems to have become very popular it was translated into Latin, French, Italian, and German. Most of the statements which Bacon derives from Acosta may be found in the *De Natura novi Orbis*, but there are some which show that he used the *Historia Natural y Moral* either in the original or in some translation" (Preface to the *Historia ventorum*, *The Works of Francis Bacon*, vol. III, p. 195). Thus, *Historia natural y moral de las Indias*, translated and published in English in 1604 by Edward Grimstone, became immediately known to Bacon, who in his *The Advancement of Learning* (1605) already showed signs of appreciation for it.

However, the large amount of information that Bacon takes from Acosta is not represented by the low number of citations and references by the Englishman in relation to the Jesuit's work. This is highlighted by Castilla in the opening epigraph of his work *Acosta's Works in Bacon*. Thus, for example, in *Novum Organum* (1620), which includes many ideas and issues raised by Acosta, Bacon rarely cites the Jesuit's work, in any case much less so than he uses it. Only when addressing the issue of tides (regarding which Bacon, taking Acosta's information, states that high and low tides are simultaneous on the coasts of Florida and Spain and not successive), does Acosta's name appear (cf. *Novum Organum*, II, XXXVI). This same course of action is repeated in *Historia ventorum*, "where Bacon cites Acosta on pages 42, 58 and 70. But above all, the *Historia ventorum* draws a great deal of data from the *Natural History* without any citation on Bacon's part". In any case, "with or without due reference", "Bacon's other works similarly draw on Acosta's *History*". Castilla's work provides abundant information on the dependence of Bacon's other works on Acosta's *Historia natural y moral de las Indias* (particularly *Descriptio Globi Intellectualis*, *Sylva Sylvarum*, *De Fluxu et Refluxu Maris*, and even *History of the Reign of King Henry VII*). This dependence was echoed by William A. Wright, editor of Bacon's works in the nineteenth century, who pointed out that Acosta's work was the source of many statements in Bacon's works.

According to Castilla, Bacon's attraction to the work of Acosta is due to "the interest of its contents, the novelty of its methodological approach and the enormous prestige it had acquired". For Bacon's project, the vast amount of natural information provided by Acosta was of great value. Moreover, a method such as that used by Acosta in his *History*, in which "he contrasts his own and other people's experiences, Biblical and classical texts, giving priority to experience when the ideas of these traditions ran counter to observable reality", would only arouse Bacon's interest.

In the tradition of natural history, the most important sources were Aristotle and Pliny, without dismissing frequent references to Plato, Seneca and Augustine. Additionally, in relation to the most important of these authors, Aristotle, there was an update taking place in Acosta's time that considered not only ethical and political debates on slavery, just war, etc., but also natural questions related to cosmology, geography, minerals, botany, fauna, etc. Of course, Acosta follows Aristotle, the echo of whom can be heard from the very first pages of *Historia natural y moral de las Indias*. The reason why Acosta decided to write his *History* reveals his Aristotelian background. In effect, as Acosta states, although many authors have written about the New World and the new and strange things discovered there, "hitherto I have not seen any other Author which treats of the causes and reasons of these novelties and wonders of nature, or that hath made any search thereof" (To the reader). The emphasis placed by Acosta on the search for causes, although it coincides in part with Bacon's new epistemological style, shows to what extent the *Historia natural y moral de las Indias* depends on the Aristotelian notion of *epistémé*, understood as rigorous knowledge that is not so much descriptive of phenomena, but explanatory or causal regarding such. Thus, in the first lines of Acosta's *History* we have critical and renewed acceptance of the epistemological program of the Stagirite regarding the causal study of the natural and moral, that is, human, phenomena discovered in America.

In any case, despite Acosta's Aristotelianism and Bacon's well-known anti-Aristotelianism, "the distance between the two is reduced in practice since Acosta has no difficulty in correcting those erroneous explanations of the works of nature that resulted from following 'ancient and received philosophy'". Regarding this, Castilla firmly concludes as follows: "There can be little doubt that Bacon esteemed Acosta's work for its resort to experience, its correction of Aristotle in view of new knowledge,

and its systematic configuration and justification of its contents”.

Although during the Renaissance it was common to cite Pliny's *Natural history* as much or more than those of Aristotle, it is the latter who provides the foundations for those natural histories that were written in this time. Pliny's work was comprehensive and encyclopedic in scope, describing and synthesizing the natural knowledge attained in Antiquity, but it still remained a far cry from the “reasoned science” of Aristotle, whose Works “provided the main source for the concepts addressed by sixteenth-century naturalists and which, of course, influenced Acosta, although the Jesuit cited Pliny often, as did Bacon”. Acosta believed that he had found in Aristotle's science a scientific paradigm still valid for solving the problems that the New World posed to the naturalists of his time. Acosta's partial corrections to certain shortcomings and errors of Aristotle do not, however, deprive him of the necessary confidence in his scientific methodology. Acosta does not renounce the fundamentals of Aristotelian knowledge. As Castilla says, “the common procedure is to follow the Stagirite, to respect him and, where he is mistaken, to excuse him”. In short, Acosta corrects the errors he finds in Aristotle when he himself can provide empirical evidence to the contrary. Bacon's attitude towards the Stagirite is quite different. Bacon frequently denounces his thought, considering it sophistic, charlatanic and the origin of the innumerable subtleties of Scholasticism. Nevertheless, from an Aristotelian such as Acosta, of whose esteem we are already aware, Bacon had no qualms about taking a great deal of information and data as the basis for the scientific induction required in his project on natural history. Bacon's “incoherence” (the term used by Castilla) goes beyond Acosta and even reaches the Jesuits, whose contribution to the development of science he acknowledges. Indeed, Bacon was very aware that the philosophical education of the Jesuits, as set out in their *Ratio Studiorum*, consisted of a renewed form of Aristotelianism, and yet he speaks highly of them: “We see the Jesuits, who partly in themselves and partly by the emulation and provocation of their example, have much quickened and strengthened the state of learning” (*The Advancement of Learning*, I, VI, 15, 50).

Finally, Castilla draws some conclusions from the relationship between Acosta's *Historia natural y moral de las Indias* and Bacon's work. The most important conclusion is that what unites both projects is the common interest in the natural information that

observation and experience of the New World can provide. In this regard, a common empiricism is the connection between Acosta and Bacon. In contrast, what separates them is the different attitude towards Aristotle's philosophy and its different epistemological premises.

The article by **Daniel Schwartz (Hebrew University of Jerusalem)**, “**De Quincey’s Kantian Casuistry**”, presents the issue of casuistry and its revaluation in the work of Thomas de Quincey (1785-1859), one of Britain's most important Romantic writers in the nineteenth century. Known as an essayist and translator, “De Quincey had a vast range of multiple interests which included, in addition to literature and poetry, philology, history, theology, political economy and philosophy”. In particular, midway between the theological and philosophical interests referring to morality is the invitation to return to casuistry, on which De Quincey wrote a long essay entitled “Casuistry”, which appeared in *Blackwood’s Edinburgh Magazine* in two installments in 1839 and 1840. In the opening lines, De Quincey states: “It is remarkable [...] that Casuistry has fallen into disrepute throughout all Protestant lands. This disrepute is a result partly due to the upright morality which usually follows in the train of the Protestant faith” (*Casuistry*, I, 455). Faced with such disrepute, Schwartz states, “De Quincey sought to rehabilitate the science of casuistry which had been vilified, particularly in Pascal’s *Lettres Provinciales*, becoming an almost irredeemably pejorative term, the designation of a form of deviant inquiry closely associated with the Jesuits”. In particular, Schwartz continues, “the purpose of De Quincey’s essay was to show the importance of case-based moral inquiry as the correct method for the ‘*practical* treatment of morals’. De Quincey believes that casuistry is not only an important method for the treatment of morals, it is “absolutely indispensable” (*Casuistry*, I, 455).

Schwartz, a renowned researcher on the ethics of the late Middle Ages and Renaissance, has an interest in De Quincey's proposal for the renewal of casuistry. His article aims “to explain the motivations behind De Quincey’s interest in casuistry and to suggest a rationale for the type of casuistry that he proposed and practiced”. To do so, Schwartz's paper studies the context of the renewed interest in casuistry in England, which is none other than the *Lake Poets’* (William Wordsworth, Samuel Taylor Coleridge, in particular) revaluation of scholastic philosophy; De Quincey's own criticism of Catholic and Jesuit casuistry; De Quincey's proposal for a renewed casuistry; and, finally, the

reception of some ideas from Kant's *Critique of Pure Reason*, particularly regarding the theory of judgment, which help to understand casuistry and the way in which, according to De Quincey, it should be put into practice.

Thomas de Quincey was not the only one with an interest in casuistry in nineteenth-century Britain. Benjamin Jowett (1817-1893), an Anglican theologian linked to the Tractarian movement and translator of Plato and Aristotle, had also taken an interest in it and, like De Quincey, had also composed a short essay entitled *On casuistry* (in *Theological Essays of the late Benjamin Jowett*, London 1906, pp. 73-100). As Schwartz states, “casuistry was usually taken as a byword of Roman Catholicism and imbricated with Roman Catholic auricular confession and so most of these essays used casuistry as a conduit for attacking the Roman Church”. De Quincey's interest in and support of casuistry is somewhat related to his links with the group of so-called *Lake Poets*. It is true that some nineteenth-century British writers in favor of casuistry came from the Catholic revival of the Church of England, akin to Newman's circle of Tractarians or Oxford Movement. However, it does not follow that there was a link between the *Lake Poets* (and De Quincey with them) and the Tractarians. Nor can it be established that De Quincey's interest in rehabilitating casuistry is connected to possible support for the Oxford Movement. In contrast, it is clear that his relationship with the circle of *Lake Poets* led to his interest in Scholasticism in general, in which casuistry had its logical place. De Quincey's positive attitude towards scholastic philosophy is evident in his work *The Logic of Political Economy*. In a profuse note to this work, De Quincey criticizes the attitude of philosophers, such as Locke and his school, who reject scholastic philosophy as being merely about words and promote an “unsubtilizing understanding” with propensities to physical, tangible and ponderable realities. De Quincey reveals his admiration for the metaphysical aspirations and abstract thought of scholastic philosophy, while criticizing the intellectual tendency in Britain to overvalue the limited dimensions of sensory knowledge. As Schwartz informs us, a similar attitude towards scholastic philosophy is found among the *Lake Poets*, especially Wordsworth and Coleridge.

Nevertheless, although De Quincey highly regards Scholasticism, this does not necessarily mean that he accepts casuistry as it was customarily used by scholastic theologians. For De Quincey, casuistry was a valid and even important moral method,



but the way in which it was used by Catholic moral theologians was flawed. Indeed, the disrepute of casuistry among Protestants was partly due “to a blind and somewhat bigoted reaction of the horror inspired by the abuses of the Popish Confessional”. The great flaw in this use of casuistry was that it illuminated and awakened the guilty recesses in many aspects of people’s lives which would otherwise have remained innocent. “In essence these casuists corrupted the young and innocent by disclosing the possibilities of sins or crimes that would have never otherwise occurred to them”. De Quincey may have had in mind the same sort of reservations Coleridge had when he attacked Antoninus Diana, known as the prince of casuists, as prurient. According to De Quincey, casuistry was, on the other hand, related to the Catholic practice of auricular confession, which entailed the penitent looking closely into his unconscious or semi-conscious thoughts and feelings, placing them under the powerful light of the consciousness. Thus, according to De Quincey, confession creates a guilty familiarity with every form of impurity and sensuality. A final and more profound point of criticism by De Quincey regarding casuistry consists of arguing that, with its use, the Catholic Church conveyed the idea that the “plain and broad highway of morality” is not a safe road; or, in other words, that “upright intention and good sense” are not enough in the moral life. Just as we need an attorney for legal matters, the casuist is the necessary expert in moral matters. However, according to De Quincey, our primary moral duties are “legible to every eye”, and so “moral attorneys” are not needed in daily life.

It is not certain that De Quincey had direct knowledge of the Catholic use of casuistry. On the Catholic side, he cites only Suárez, but he is much better acquainted with Anglican casuists of the period of Charles I, such as Jeremy Taylor and Robert Sanderson. Nevertheless, although De Quincey could have followed Taylor's point of view, according to which “casuistry must be established upon better principles, and proceed in more sober and satisfying methods”, he seems to think that, despite its deficiencies, one must go back to Roman Catholic casuistry, although subjecting it to the required depuration.

In any case, De Quincey believes that properly used casuistry requires the addition of narrative. Issuing a moral judgment requires knowledge not only of the principles, but also of the circumstances. And knowledge of the circumstances is precisely what the narrative provides. Drawing inspiration from Kant, he argues that “in all *practical*

applications of philosophy, amongst materials so imperfect as men [...], inevitably there will arise such dilemmas and cases of opprobrium to the *reflecting intellect*". The *reflecting intellect* is the use of intellect which determines *in concreto* the universal principles of reason. In short, De Quincey's model of casuistry is different from the Catholic and even Anglican model. Although "De Quincey does not explain why he embraces this narrative approach to the practice of casuistry", he seems to suggest that the central issue of casuistry lies in the judgment of subsumption of a special case under the general rule. He specifically states: "Moral casuistics are about determining whether a case falls under a rule". Where the case is necessarily particular and the rule general, "the operation of casuistry is analogous to the structure of the syllogism in which you have a major and a minor proposition [...] The minor is therefore, distinguished from the major by an act of the judgment, viz.: a subsumption of a special case under a rule". De Quincey suggests that, in moral judgment, there is no doubt that conscience (and not law, which is the great difference with Catholic casuistry) supplies the general rule. Therefore, "a casuistry, i.e. a subsumption of the cases most frequently recurring in ordinary life, should be combined with the system of moral principles". From here, De Quincey directly calls upon the *Critique of Pure Reason*, specifically to the theory of judgment set out in *Critique of Pure Reason* B 171-174. Here Kant affirms that judgment is the faculty of subsuming special cases under universal rules. In contrast to intellect, which is the faculty that grasps *in abstracto* the general rules and can be instructed or taught, judgment consists of the ability to "distinguish whether a case *in concreto* belongs [or falls]" under a general rule, for which "examples [*Beispiele*] and actual business [*Geschäfte*] are required (B 173)". Thus, De Quincey found the answer to the nature of casuistry in Kant. Hence, as Schwartz says, "the subsumption of cases, which is the business of casuistry, cannot be done according to rules; it is rather an exercise of judgment". Judgment, according to Kant, is a talent that cannot be taught, but only exercised and sharpened when considering specific examples or cases. Thus, for De Quincey, casuistry is a methodological choice consisting of "multiplying comparable narrative examples" in order to improve moral judgment. In short, "De Quincey's project cannot be reduced to a depuration of Roman Catholic casuistry, eliminating its deviations and outgrowths and avoiding its abuses [...] De Quincey's original insight [...] is that despite the ill selection of cases to which traditional casuists applied their skill,

the casuists were engaged in an intellectual and didactic moral practice that if done soberly was not only salutary but necessary: the practice of coaching the moral judgment of their readers”.

Three papers take a closer look at the increasingly well-known relationship between the political theory of the English republicans and *Whigs* and the political ideas of the Jesuits, especially Suárez. These are the contributions by **Francisco Baciero, Francisco J. Gómez and Leopoldo Prieto**.

We will now present the first of them. The contribution by **Francisco T. Baciero Ruiz (Universidad de Salamanca)**, entitled “**Suárez and Locke. Notes on the diffusion of Suarezian thought in seventeenth century England**”, begins by proposing one of Quentin Skinner’s central ideas, namely, that “the conceptual framework of the political theories of the seventeenth century was bequeathed to it mainly by the Spanish authors of the second scholastic”. Specifically, according to Skinner, “at an intellectual level, the no less important result [of the doctrines of Suárez and Vitoria] was the establishment of a vocabulary of concepts and an accompanying pattern of political argument with Grotius, Hobbes, Pufendorf and their successors all adopt and developed in building up the classic version of the natural-law theory of the State in the course of the following century”. Locke, a renowned reader of Grotius, Pufendorf and also Hobbes, remained within this tradition. In this sense, Ashcraft sees Locke and his political philosophy “more as a lineal descendant of medieval and Reformation political thought than as the founder of modern political theory”. Skinner relates Locke's political theory to the Catholic thought of the Counter-Reformation and, in particular, to Suárez and Bellarmine. Specifically, he states: “The Thomist philosophers of the counter-reformation have often been portrayed as the main founders of modern constitutionalist and even democratic thought. Suárez has been hailed as ‘the first modern democrat’, Bellarmine has been praised for revealing ‘the true sources of democracy’, and the Jesuits as a whole have been credited with ‘inventing the concept of the social contract and exploring for the first time its implications for the theory of justice’. There is of course an element of truth in these claims [...]. If we glance forward, for example, to John Locke’s *Two Treatises of Government*, we find him reiterating a number of the most central assumptions of the Jesuit and Dominican writers”. Goldie and Tully also argued along these lines. In the nineteenth century, John Neville Figgis

held this same idea on several occasions, going so far as to assert that the *Whigs'* theoretical connection with Jesuit political doctrine was direct and obvious. However, even in the seventeenth century, this was already the standard interpretation of Locke's thought, as realist authors and pamphleteers often pointed out, denouncing Locke and the *Whig* party's connection with Suárez and Jesuit political doctrines. In this regard, Baciero opportunely reminds us that "not in vain a solemn public condemnation and burning of Jesuit and Puritans political tracts containing populist doctrines on the origin of government took place at the University of Oxford in July 1683".

Regarding the connection of British republican thought with the Jesuits, an idea is given by the fact that Oliver Cromwell, in a speech commemorating the execution of Charles I, jointly cited the Jesuit Juan de Mariana (in particular, *De rege et regis institutione*) and the Calvinist George Buchanan (author of *De iure regni apud Scotos*) as the foundation of regicide. The Jesuit cited in a poem by Marchamont Nedham in 1647 could perhaps be Mariana, although it could also be Suárez or Bellarmine. It reads as follows: "A Scot and a Jesuit, joined in hand / First taught the world to say / That subjects ought to have command / And Princes to obey".

There is no doubt about the presence of Suárez's thought in seventeenth-century England. *De legibus* (1612) was a work of philosophy of law that is difficult to ignore. In 1628, the British Parliament had argued about the legitimacy of the King levying taxes without parliamentary authorization. As J. M. Sommerville points out, on this occasion, only sixteen years after its publication, the authority of *De legibus* was evidenced by the fact that the work was cited (at length and in Latin) by both absolutists and parliamentarians in support of their respective aspirations. A few years earlier, around 1620, Robert Filmer had, in his *Patriarcha*, critically cited several long passages from *De legibus* (book III, chapter 2) with the intention of relating economic (or family) power to political power. Suárez was the author who, at the beginning of the seventeenth century, had most solidly fought this identification of powers in Filmer's *patriarchalism*, an attempt to provide a theoretical justification for the absolutism of the theory of the divine right of kings.

The impact on English soil of another book by Suárez, this time on political philosophy, the *Defensio fidei* (1613), was even greater. The huge repercussion of this book in England was mainly due to the fact that it was written against King James I, in

support of Bellarmine and at the suggestion of Pope Paul V, following the king's imposition of an oath of allegiance required of all English subjects. The third and sixth books of the *Defensio fidei* asserted doctrines that the absolutist and Protestant court of England at the time could not accept, namely: the indirect power of the Pope *in temporalibus* and the doctrines of the (social and political) compact and of the popular origin of sovereign political power in the third book and the doctrine on the deposition and even slaughter of the tyrant in the sixth book. Such doctrines, considered "seditious" by James I, were immediately retaliated against in England in every possible manner. First, in a liturgical-political act at Saint Paul's Cross, the book was publicly condemned and burned, as the Spanish ambassador in London, the Count of Gondomar, told the King of Spain, Philip III, in a letter dated December 1613. In addition, to confirm the liturgical act, academic sessions of study and discussion against the *Defensio fidei* were convened in Oxford, and included in the book published in 1619 by the Bishop of Salisbury, Robert Abbot, entitled *De suprema potestate regia Exercitationes habitae in Academia Oxoniensi contra Rob. Bellarminum et Francisc. Suarez*. Finally, James I launched an intense diplomatic activity against the *Defensio fidei* firstly addressing King Philip III of Spain in the form of a complaint for having authorized the publication of this book on soil under his jurisdiction and, secondly, and above all, the court and Parliament of Paris, where absolutist and Gallican ideas were very close to the English line of argument. James I was well aware that in France, since the regicide of Henry IV in 1610, all theological and political works by Jesuit authors that dealt with issues similar to the *Defensio fidei* had been condemned. Among these Jesuit authors were Mariana, Bellarmine, Coton and Becan. It was, thus, foreseeable that the condemnation would also reach Suárez's *Defensio fidei*, as it did after the ruling of the Parliament of Paris in 1614.

In addition to the dissemination in English of metaphysical and natural ideas taken from *Disputationes metaphysicae*, Suárez was received most intensely in the field of moral philosophy. In this regard, in the second half of the seventeenth century Thomas Barlow, Provost of Queen's College and director of the Bodleian Library, recommended the works of Jesuit authors for advanced students, especially Suárez's treatise *Opus de virtute et statu religionis* and *Commentaria conimbricensium*. In the late seventeenth century, Suárez and Lessius (along with Grotius, Pufendorf, Cumberland

and Selden) were still recommended at Oxford when studying questions of natural law, with these Jesuits being considered "the best casuists". Suárez's authority in English universities also reached Cambridge, especially *Emmanuel College*, considered the Puritan seminary of England. Nathanael Culverwell, a fellow of *Emmanuel College*, closely studied *De legibus* in his *An Elegant and Learned Discourse of the Light of Nature* (1652), where, in contrast to the intellectualist foundation of natural law of fellow Jesuit Gabriel Vázquez, he prefers the moderately voluntarist position of Suárez, for whom the essence of law is the command of the superior. The prestige Suárez has for Culverwell can be seen in that he goes so far as to take certain theses of Suárez's *De angelis* as his own. J. M. Rampelt has recently shown how Suárez's *Disputationes metaphysicae* were received, especially his theories on *quantitas* (DM 40) and the distinctions of reason (DM 7), in the work of John Wallis, mathematician, theologian and one of the first members of the *Royal Society of London*, also a student of *Emmanuel College*<sup>74</sup>. Wallis was introduced to the study of Scholasticism by Benjamin Whichcote, one of his tutors at *Emmanuel College*, a Cambridge Platonist, who was immersed in a detailed study of late Scholasticism. It should, therefore, come as no surprise that, in this environment, Wallis referred to the philosophy of the scholastics and Suárez as "the philosophy in fashion in University".

Baciero's great contribution to the studies on the reception of Suárez in England, brilliantly published in 2008<sup>75</sup>, is the hypothesis, just as audacious as well founded, according to which the publication of *De legibus* in 1679 in London was promoted by the *Whigs*, interested in giving ideological support to the *Exclusion Bill* that had been proposed by the *Whigs* themselves in Parliament. In this English edition of *De legibus*, all references to Suárez's Jesuit status were concealed. The subsequent printing and posthumous publication of Filmer's *Patriarcha* in 1680 was, thus, nothing more than the Tories' response to the publication of *De legibus*. *Whig* republicanism covertly used Suárez's ideas in its fight against Stuart absolutism.

The last part of Baciero's work analyzes the question of whether Locke knew of or even read Suárez. Although his library does not contain any books by Suárez (unlike

---

<sup>74</sup> Jason M. Rampelt, *Distinctions of Reason and Reasonable Distinctions. The Academic Life of John Wallis (1616–1703)*, Leiden: Brill, 2019.

<sup>75</sup> Francisco Baciero, *Poder, ley y sociedad en Suárez y Locke*, Salamanca: Ediciones Universidad de Salamanca, 2008.

other books by Jesuits), the frequent reproaches aimed at scholastic philosophy, “the standard education provided at Christ Church”, certainly show that he was aware of it, as Richard I. Aaron pointed out when he stated: “The first philosophy which he had learnt was the scholastic”. The presence of *De legibus* in *Essays on the law of nature* is evident, as Wolfgang von Leyden pointed out in the introductory study of this work, together with other sources from Pufendorf, Culverwell, Grotius and Sanderson. In Baciero's opinion, the similarity of the most significant passages of Locke's *Essays on the law of nature* to *De legibus*, in particular its second book, is greater than that found in any of the other works mentioned by von Leyden. In the aforementioned *Poder, ley y sociedad en Suárez y Locke*, Baciero has also argued that it is more than likely that many of the ideas in the second part of Locke's *Two Treatises of Government* are the popularization of the Latin texts contained in *De legibus*, to whose publication the *Whigs* had contributed so decisively.

Baciero recently found a very interesting handwritten entry by Locke in an interleaved Bible belonging to him. The entry contains the Greek citation from Galatians 2:11 and then adds its English translation: “Because he (saint Peter) had been blamed”. Immediately after Locke adds: “Suarez, De leg. l. 9 c. 20”. The text referred to is Gal. 2:11, where the apostle of the Gentiles reproaches Peter for demanding that pagan converts adopt certain Jewish practices, including circumcision. This is precisely what is dealt with in book 9, ch. 20 of *De legibus*, where the question of the First Council of Jerusalem and the decision taken regarding the obligations to be imposed on non-Jewish converts is addressed. Thus, such a handwritten entry is a textual confirmation that Locke was aware of *De legibus* and knew its content very well. In effect, to read and annotate a passage of such minor importance in terms of the fundamental subject matter of *De legibus* and which would have gone unnoticed by most Suárez scholars is conclusive evidence of Locke's thorough knowledge of *De legibus*, a work never publicly mentioned by a cautious Locke. Baciero concludes as follows: “Now, if Locke could have found in the thick *De legibus* tract the aforementioned chapter, and taken advantage of it for the sake of his hermeneutical interests, I think we can be quite sure that he also read and took advantage of the previous books of *De legibus*, very especially of the first three, in which Suárez exposes his comprehensive and systematical doctrine about “law in general”, the law of nature and of nations, and positive human law. The contrary

should be quite absurd, even incredible, in the case of an extraordinary well informed man, deeply interested and personally implied in the political quarrels of his time”.

In the article **“The Usurpation of Spiritual Power and Tyranny: Ribadeneira, Suárez and Persons”**, **Francisco J. Gómez Díez (Universidad Francisco de Vitoria)** studies the response given by three contemporary Jesuits: Pedro de Ribadeneira (1527-1611), Francisco Suárez (1548-1617) and Robert Persons (1546-1610), regarding the origin of the Anglican schism caused by the usurpation of spiritual power by the English crown in the time of the Tudors.

The fundamental works studied in this article are Ribadeneira's *Historia eclesiástica del cisma de Inglaterra* (1588), Suárez's *Defensio fidei* (1613) and Persons' (or rather, a group of Jesuit authors') *A conference about the next succession to the crown of England* (1594). In these books, Gómez discovers a shared position in the solution given to questions of a political and theological nature, such as the popular origin of political power, the primacy of the political community over the prince, the opposition to tyranny, the indirect power of the Pope *in temporalibus* and the defense of freedom of conscience. Specifically, Pedro Ribadeneira accuses Henry VIII and his daughter Elizabeth I of tyranny and usurpation of the spiritual power that belongs only to the Pope, although his underlying purpose seems to be to defend the Society of Jesus, a then recently founded missionary order of considerable originality, already subject to criticism both within and outside the Catholic community. Francisco Suárez, on the other hand, presents an anti-absolutist political doctrine aimed, in particular, against the theory of the divine power of kings and the patriarchalism of James I, and also rejects the oath of allegiance imposed by this king on his subjects. Based on identical political ideas, although more radical than those of Suárez, Robert Persons finally advocates the succession of a Catholic king, English or foreign, to the English crown upon the death of Elizabeth Tudor, daughter of Henry VIII and Anne Boleyn.

Gómez confirms the clash between the ideas of the Anglicans who, in conflict with Rome, seek support in the theory of the divine right of kings and the Catholic theories on the indirect power of the Pope over monarchs regarding temporal affairs. This doctrine held by the Catholics of the time, especially the Jesuits, was unacceptable for the new absolutist State that the Tudors and Stuarts were forging in sixteenth- and seventeenth-century England. In effect, “Henry VIII legitimated the break with Rome by



invoking absolutism, while at the same time, aiming to avoid the tensions of religious discord arising on the continent, seeking to conserve the dogmatic structures of Catholicism, instituting a homogenous English church and suppressing religious dissidents. This policy, pursued by his successors, produced multiple fronts of resistance among Catholics and the various strains of Puritanism, all regarded as traitors by the crown. Within this confluence one can trace the presence of Spanish scholasticism in Anglo-Saxon Protestantism. Thus, we see the influence of Suárez on Locke [...] or the presence of the thesis of Persons among the Puritans". After his excommunication by Clement VII in 1533, Henry VIII intensified his policy of separation and rupture with Rome, in particular with the Act concerning Ecclesiastical Appointments which attributed the appointment of the clergy to the king, the Act of Supremacy of the king as supreme head on earth of the Church of England, and the Treason Act under which anyone who disregarded the religious authority of the king would be punished with death.

This is the context of Pedro de Ribadeneira's *Historia eclesiástica del cisma de Inglaterra* [Ecclesiastical History of the Schism of the Kingdom of England], which is the continuation of Nicholas Sander's *De origine ac progressu schismatis anglicani libri tres*. Ribadeneira's book was presented as a mere translation into Spanish of the aforementioned Latin work, but it was more than that, as Gómez states. After the failure of the Spanish invasion of England in 1593, Ribadeneira added a second original part defending English Catholicism which had been accused of treason. In the prologue, Ribadeneira presents Henry VIII as a tyrant who, moreover, broke the long-standing tradition of the Church in England since it was founded by Augustine of Canterbury. In one of his subsequent works, *El príncipe cristiano* [The Christian Prince] (1603), Ribadeneira intensified his attack on Henry VIII, whom he blamed for religious tyranny: "What prince can be a true king and not a tyrant who does not defend justice? And if justice is to give each according to his own, to Caesar what is Caesar's and God what is God's, how can a prince defend justice by taking from God what is His?". In effect, according to Gómez, Ribadeneira thus denounced "the usurpation of spiritual authority as a means to achieve his dishonest ends, becoming a tyrant, usurping what does not belong to him, impoverishing the kingdom and governing by whim." From the tenor of his words, it is clear that Ribadeneira did not consider necessary the prudence and

moderation that Suárez used a few years later in *Defensio fidei*. In light of the tyranny of the Tudors, Ribadeneira, of course, reiterates the right of the republic to depose the unjust king, especially when he usurps spiritual authority for his own political benefit and seriously violates the religious conscience of his subjects. The third and final book of *Historia eclesiástica del cisma de Inglaterra* centers on the controversy over the accusations launched by the Anglicans against Catholics, both English and foreign, the kings of Spain and France and, especially, against the Jesuits and the seminaries open for the English on the continent.

Suárez's *Defensio fidei catholicae et apostolicae adversus anglicanae sectae errores* (1613), published in response to the oath of allegiance imposed by James I on his subjects as a continuation of the efforts of Cardinal Bellarmine in the same direction, was a treatise on both political theory and the medievalizing ecclesiology of Augustinian inspiration which underpinned the theological theory of the Pope's indirect power regarding temporal affairs. Suárez agrees with Ribadeneira in that the Anglican error was the English king's usurpation of spiritual authority. Such an error inevitably led to schism. In its sixth book, where it is easy to see the positions of Sander and Ribadeneira, Suárez analyzes the oath of allegiance required by James I. Regarding this oath, Suárez affirms that it would have been perfectly lawful if it merely required civil obedience. Nevertheless, it became unlawful when it invaded the religious sphere and imposed spiritual allegiance to the king of England.

In order to judge the lawfulness or otherwise of James I's oath of allegiance, it was necessary to study the foundations of political power (the so-called temporal power) and religious power (the spiritual power). According to Suárez, temporal power is necessary in the political community. This power is natural and originally fully belongs to those who unite and form the political community. Hence, the original form of government is a democracy. However, pursuant to the assignment of power from the political community to the king, a monarchical government is founded. In line with Aristotle, Suárez also accepts as legitimate forms of government, governance by a council of senators (aristocracy) or direct governance by representatives of the people (democracy). In any case, the political community hands over power to the king, such that power can only legitimately be returned to the community given a just and serious cause, not due to the mere will of the subjects. In contrast, spiritual power, of a

supernatural nature, is aimed at the salvation of the soul. It belongs to positive divine law, that is, it comes from the will of Jesus Christ and not from the political community. Such power resides in one, St. Peter and his successors, thus it is monarchical in nature; and it applies to all men, thus it is universal. “Establishing these two fundamentals, Suárez affirms the indirect subjection of temporal power to spiritual authority”, or in other words, “the right of the spiritual authority to control, limit and even depose the temporal ruler”. Spiritual power, on the other hand, is coercive, that is, it is true power and not mere exhortative or advisory authority, as Marsilius of Padua had argued. According to Suárez, spiritual power can legitimately extend to the temporal sphere when spiritual interest requires so (in this sense, it is said to be indirect) and may even demand the repeal of laws and the promulgation of others contrary to those enacted by the temporal ruler. Ultimately, the Supreme Pontiff could go as far as to depose the temporal sovereign, especially if, as a heretic or schismatic, he endangered the salvation of his subjects. Gómez expresses his view as follows: “Despite Suárez’ wish for moderation, an analysis of the policies of James I and the loyalty oath lead to logical and inexorable conclusions. The oath violates the spiritual conscience of his subjects, forcing them to commit perjury and expressly seeking the repression of Catholics, not their political loyalty. The oath is thus a true act of persecution intended to eradicate the Catholic faith in England”. Suárez, nonetheless, softened the tone regarding the issue of tyrannicide. There were express orders from both the Pope and Superior General Acquaviva in this regard. However, “the theoretical thread of his argument [in *Defensio fidei*] could not be more unacceptable to James I who is implicitly identified as a schismatic, a heretic and a tyrant persecuting faithful Catholics”. Thus, Gómez concludes, given this “with this triple conclusion it is impossible not to affirm the right to depose him and equally impossible to avoid the hostility of the English government towards the doctrines and actions of the Jesuits and, by extension, all Catholics”.

The book by the Jesuit Robert Persons, *A conference about the next succession to the crown of England*, published in Amsterdam (1594), was a controversial and topical paper. Indeed, according to Gómez, Persons was not a systematic theologian, but “a polemicist concerned with the political and ethical problems of English Catholics and the Jesuit mission”. Published under the pseudonym of R. Doleman, likely a collective pseudonym for a group of Jesuit authors, the book deals with the succession to be

followed on the English throne upon the death of Elizabeth I. Of course, as expressed in this book, the religious orthodoxy of any aspirant to the English crown was to be preferred over dynastic rights. Persons arrives at this conclusion based on reasons concerning the beginning and end of political power and the consequent relationship between the people and the king (reasons, on the other hand, very similar to those generally used by Jesuit authors of the time). Persons thus maintains that the succession of the legitimate candidate may be altered where there is just cause, such as the faith professed by the candidate for succession to the throne. Non-Catholic aspirants were rejected as illegitimate or inappropriate.

The work clearly reflects the ideas of Jesuit political thought. With Persons having been a pupil of Suárez between 1577 and 1578, it is logical, says Gómez, that his political ideas reflect those of the theologian from Granada in some way. Like Suárez, Persons also believes that political power arises from the union of men in society. The resulting community is superior to the king, to whom power is handed over by virtue of a political compact for the preservation of his life, possessions and liberty. According to Persons, the political compact, to which both parties submit, takes place at the coronation ceremony. In addition, since the act of coronation takes place under the supervision of the Church, the episcopal power will be in charge of safeguarding and guaranteeing the fulfillment of the people's will.

Gómez states that Persons is well acquainted with the works of Ribadeneira, from whom he takes many of his assertions, and also shares Suárez's main theories. However, Gómez continues, "at the same time, there are various elements which make Person's position more radical". In what way were Persons' views more radical than Suárez's? Gómez states that Persons goes beyond what is accepted by Suárez when he states that the political community can restrict or even revoke the power given to the prince. "Here Persons departs from Suárez, because the power of the prince is vicarious, or delegated", states Gómez. As superior to the king, the political community can, in the event it is required for the purposes of defense, recover the assigned power and depose the monarch. Moreover, unlike Suárez, Persons "does not distinguish between a legitimate king who governs tyrannically and a [*usurpator* or] tyrant who has ascended to the throne illegitimately".

In any case, the central idea of *A Conference* insists that no one is king prior to the political compact pursuant to which he receives political power at the coronation ceremony and, therefore, it may be lawful to break the line of succession to the throne. For just as “it may be lawful, honest and advisable not to fulfill an oath when it causes considerable harm or is contrary to the principles of religion, piety, justice, honesty or the public good, it may also be lawful [to terminate the compact] if the terms of the original agreement or compact under which power was granted are not maintained”. Moreover, Persons asserts that such termination may not only be a right, but a duty. Indeed, “when the prince, having sworn to rule justly in accordance with the law, conscience, equity and *religion*, willingly violates this obligation, the Commonwealth is not only released from its oath of loyalty, it is obliged to save itself, to resist persecution and remove the unjust prince if possible. Not to do so may result in the destruction, ruin and public desolation”. Thus, Persons goes much further than Suárez, who exercises extreme caution with regard to deposition.

Moreover, Persons affirms that the most important element of all those present in the political compact between the community and the king, is religion. “Any other deficiency in the prince can be compensated for, but in terms of the true faith, a prince who does not fear God or is not concerned with religion can cause inestimable harm”. Indeed, according to Persons, the principal purpose of the community is not so much temporal happiness, but eternal happiness, which is the goal of religion. “The greatest and principal purpose of any Commonwealth is the service of God and religion, and thus, the principal obligation of the prince”. Therefore, “Persons believes there is an obligation to reject a prince with a different religion from that of the Commonwealth, although he declares himself a Christian, because this endangers the faith of their subjects”. In other words, according to Persons, “a man sins gravely if he helps, consents or assists a man judged to be faithless, heretic, atheist or in religious error to ascend to the throne and govern over Christians”.

Gómez concludes by stating that there are many common elements between Persons and Suárez, along with some fundamental differences, largely due to the radical nature of Persons' ideas. We have already mentioned that, according to Persons, the king's power is “delegated” and, as such, revocable, rather than “transferred”, as Suárez maintains. Hence the note of provisionality in the granting of power to the king as a

distinctive element of Persons' thought. We have also already referred to the fact that, unlike Suárez, Persons does not distinguish between the true king turned tyrant and the usurper. These differences are significant. As Gómez rightly observes, “these two differences considerably reduce, in the work of Suárez, the possibility of dethronement”. Persons’ approach is very different. He states that “invoking the conscience and grave responsibility of all subjects before a new monarch ascends to the throne, opens the door to rebellion”. In conclusion, Gómez notes: “Despite the impossibility of any open reception of Jesuit thought in reformation England, his political theses would influence the consideration of anti-absolutist Anglo-Saxon doctrines of the 17th century”. We believe that Gómez is right, as we will also see in the work of Leopoldo Prieto, which addresses certain aspects of the “silent”, if not concealed, reception of some elements of Suarezian thought by *Whig* political thought, in particular by Algernon Sidney.

In the article entitled “**Suárez and the *Whig* Political Tradition. The Case of Algernon Sidney**”, Leopoldo Prieto (Universidad Francisco de Vitoria) addresses the question of how some of Suárez's ideas were received by the main *Whig* theorists, and in particular by Algernon Sidney.

Prieto begins by stating that after the posthumous publication of Robert Filmer's *Patriarcha* in 1680, a work that was the most mature expression of the absolutism and patriarchalism of the Stuart period, the response given by the three main *Whig* ideologues, namely James Tyrrell, John Locke and Algernon Sidney, was very similar. In view of this, Prieto wonders about the reason for the similarity between *Patriarcha, non monarca*, *Two Treatises of Government* and *Discourses concerning Government*, by Tyrrell, Locke and Sidney respectively. In their struggle against the absolutism of Charles II and its theoretical justification in *Patriarcha*, these republican authors defended the exact ideas that Filmer criticized in such, namely, the original liberty and equality of mankind, the contractual origin of society and government, and the limitation and control of royal turned tyrannical power, especially by means of the deposition, trial and punishment of the tyrant. Filmer, however, attributed these ideas to the scholastic theologians (the Schoolmen) and Calvinists, and more specifically to “both Jesuits and some zealous favorers of the Geneva discipline”, “witness Parsons [Jesuit] and Buchanan [Calvinist]”. Prieto believes that it is precisely in these scholastic and Calvinist sources

that he finds the reason for the similarity among the *Whig* writers. Among these sources, Suárez had a considerable presence and authority. Later focusing more specifically on the scholastic roots of these ideas, Prieto finds a substantial and, moreover, structural coincidence between Suarezian thought and *Whig* thought regarding the fundamental political principles. In effect, both Suárez and the *Whigs* reject the patriarchal absolutism of the Stuarts theorized by Filmer, according to which men are born and are always sons and subjects of the monarch, and state, on the contrary, that men are free and equal, distinguishing for this purpose the power of the father (economic or family power, of a private nature) and the power of the prince (a political or jurisdictional power). Moreover, since all men are born free and equal, only by means of their free will (expressed at least tacitly) can they be subjected to the power of another. As free persons, following the social impulse inherent to their nature, men unite in a social body to help each other regarding the necessities of life and to defend themselves against common enemies. This is a first compact, the social compact. The radical political power belongs to this social body or, in other words, the people hold the sovereign political power. The political community resulting from the social compact must, however, appoint one (or several magistrates) and assign governmental power to him. This is a second compact or contract, this time political in nature, regarding the assignment or transfer of power to the ruler. Finally, if the king, who is ultimately a magistrate invested by the people, exceeds his authority and violates the constitutional compact on the assignment of power, the political community may adopt the necessary measures to restore justice and enforce the compact on the assignment of power and, in exceptional cases, may even go as far as to depose the king.

After analyzing in quite some detail the fundamental political principles of Suárez contained in *De legibus*, *Defensio fidei* and some chapters of the last book of *De opere sex dierum*, Prieto studies the fundamental political principles contained in Algernon Sidney's overlaid *Discourses concerning Government*. The dependence on Suárez that is apparent in the *Discourses* is overwhelming. Let us look at it briefly.

With regard to the liberty and equality of men, Sidney appeals to the authority of the scholastics (in particular Suárez), as "tho the Schoolmen were corrupt, they were neither stupid nor unlearned: They could not but see that which all men saw, nor lay more approved foundations, than, that man is naturally free". In this regard, Sidney

reproaches Filmer for equating Catholics and Puritans “by joining the Jesuits to Geneva, and coupling Buchanan to Doleman [Persons], as both maintaining the same doctrine [of the natural liberty of mankind]”. Sidney argues that such a thing is as absurd as accusing Christians and Turks of agreeing that one and one makes two.

Regarding the second principle, the social compact as the origin of society, Sidney's sources increase. Although clearly inspired by ideas of Aristotelian and, above all, Suarezian origin, the theory of the social compact appears in Sidney, as observed by Prieto, characterized “by that situation of anguish and danger, so frequently referred by British thinkers of the seventeenth century. This idea may be due to their common Calvinist theological foundations, which laid great emphasis on the doctrine of Adam’s transgression (the Fall) and its devastating moral effect on human nature, remaining thereafter as *natura lapsa*”. This anthropological pessimism, present both in Sidney's social compact theory and in the work of Henry Parker, John Milton, Thomas Hobbes and many other seventeenth-century Britons, is of Calvinist origin, the other source proper to British republican thought. Here, unlike Sidney and his Calvinist sources, Suárez maintains “a renewed Aristotelianism in the light of a moderate naturalism and a recognisable Renaissance and Christian optimism”.

In relation to the third principle, the political compact and the transfer of power to the king, Suarezian influences emphatically return to Sidney’s *Discourses*, especially *Discourses* II, 5, 76, where, as Prieto points out “it proclaims, with strong support from Suárez, two principles of enormous political significance: popular sovereignty and the rejection of the notion of the divine right of kings, the two principles on which the whole argument of Book III of *Defensio fidei* by Suárez is built”. Indeed, governmental power rests on society, as a multitude of freely associated men. This is thus popular sovereignty. Furthermore, in the society formed in this way, no one has innate or previous power over others. The prerogative of the king's superiority over his subjects can only be based on the contract for assignment of power stipulated between the whole society and the magistrate. This is an explicit rejection of the thesis of the divine right of kings. Once the society is formed, the political community can, by virtue of the political compact, confer the power to govern upon the king, who “must exercise such power to the precise extent to which it has been granted to him and for the purposes for which it was given to him”.



With the preceding, intensely Suarezian, statements, Sidney establishes the premises for the fourth principle, namely, the limits of political power transferred to the king and legitimate resistance to its unjust exercise. Substantial agreement with Suárez can be observed here yet again in Sidney, although also accompanied by considerable differences. Specifically, if the king's rule does not conform to the limits agreed upon with the people or to the common good, the people, the ultimate and sovereign holders of political power, may judge the king and, if necessary, depose him. So far this is in line with Suárez. However, the way in which Sidney specifically formulates his theory on resistance and rebellion against the tyrant is quite different from Suárez. In contrast to Suárez's much more moderate positions, Sidney's resistance theory is much bolder. According to Prieto, Sidney allows himself to be dominated by a strong sense of justice rather than by calm moral reasoning regarding what is just, as is, in contrast, the case of Suárez, a scholar, theologian and moralist. Suarezian analysis of the tyrant and of the forms of rebellion considered legitimate is detailed, nuanced and cautious. Unlike Sidney, who reserves for the usurper and the king turned tyrant the same ethical-political consideration and the same treatment (lawfulness of any attack by any person for his destruction), Suárez carefully distinguishes between the treatment of the usurper and that of the true king turned tyrant.

Prieto concludes that “reduced to its essential elements, the similarity between the political theories of Sidney and Suárez is evident”. It is not a resemblance regarding any particular feature, but rather a structural resemblance, that is to say, a resemblance in the principles and in the very architecture of their respective theories. Naturally, Prieto stresses that “the similarity of logical and political principles between Suárez and Sidney and other *Whigs*, does not preclude considerable differences between them, due to various cultural, philosophical and theological reasons that separated them”, such as the aforementioned anthropologies of the social compact and the respective theories of resistance against the tyrant.

The chapter by **José Luis Cendejas Bueno (Universidad Francisco de Vitoria)** “**Subjective rights, political community and property in Suárez’s and Locke’s theories of the state of nature**” addresses the relationship between natural law and the topics mentioned in the title. The author subscribes to the hypothesis concerning the influence of the Spanish Jesuit on Locke: “the high degree of congruence between both authors

prevent rejecting Suárez's influence on Locke". In order to verify this, a comparative analysis of the Suarezian works *De Legibus* (1612) and *De Opere sex dierum* (1621) was carried out regarding the *Second Treatise of Government* (1690) in relation to the aforementioned issues. For this purpose, the author takes as a basis two fundamental institutions of natural law: *communis omnium possessio* and *omnium una libertas*,<sup>76</sup> the starting point of scholastic reflection on property and political power, which Locke accepts and develops. Both Suárez and Locke base their thought on a primitive pre-political state (of innocence in Suárez, of nature in Locke) of equal liberty for all (*omnium una libertas*) and common ownership (*communis omnium possessio*), which humanity would have found itself in before the establishment of the founding institutions of the political and legal order, that is, civil government and private property. Locke would thus constitute a link in a legal-political tradition of thought with two aspects that converge in modernity: one that is Roman (*ius naturale*) and another that is Christian (*lex naturalis*, nonetheless of Greco-Roman origin), to which we can add a voluntarism with Scotus' inspired roots already present in Suárez and which in Locke takes on greater prominence through the concept of *political compact*. Despite the presence of elements of continuity with regard to Suárez, through the replacement of the prelapsarian state of innocence with a *status naturae* that does not require any theological reading, and which Locke places in an actual historical time, Locke would have formulated a strictly secular theory on the origins of civil government and private property.

Both Suárez and Locke assume a subjectivist understanding of natural law: "without a subjectivist concept of right it is hard to conceive of any type of political contractualism given that the original compact presupposes a *potestas* that legitimates ceding power to the sovereign (in Suárez) or involves renouncing a rightfully possessed liberty (in Locke)". However, unlike Suárez, for Locke "natural sociability is no longer the founding principle of the political community, but rather it is the need to secure some innate goods that each man has received from the Maker". Despite their similarity, Locke's explicit contractualism, in which natural liberty is renounced in exchange for security, should not be confused with the moral agreement which, for Suárez, underpins the body politic and which may even have taken place in the state of innocence where

---

<sup>76</sup> Gratian's *Decretum*, dist. 1, c. 7.

no good was in danger. Regarding the division of things from the original common property, for Suárez, this is due to concessive natural law and it is quite plausible that it took place in the prelapsarian state. Regarding this matter, Locke seems to take up the argument where Suárez left off, that is, in the discussion on the lawful appropriation of land, which, for both of them, hinges on labor.

**Alfonso Díaz Vera (Airef, Spanish Government)** in the chapter entitled **“Francisco Suárez and the ‘distributist movement’: from Jesuit political philosophy to post-scholastic economics”**, addresses a very important aspect in relation to the subject matter at hand: the scholastic roots of the distributism of Hilaire Belloc (1870 La Celle-Saint-Cloud – 1953 Guildford), which leads the author to show how Spanish scholastic thought, specifically the political philosophy of Francisco Suárez, was considered by English thought, albeit in different ways, beyond the seventeenth century. It should be noted that Díaz Vera is the author of an interesting Doctoral Thesis on Belloc in which he analyzes in detail the sources of Bellocian thought (“Hilaire Belloc y el estado servil: una aproximación alternativa a la cuestión de la imposibilidad del socialismo” [Hilaire Belloc and the servile state: an alternative approach to the issue of the impossibility of socialism], Madrid: Universidad Rey Juan Carlos, 2020). Based on the study of these sources and Belloc's work itself, Díaz Vera concludes by categorizing Belloc as a post-scholastic author.

Using direct sources on Belloc, Díaz Vera focuses on the presence of Suarezian political thought in the context of the repression against Catholics that marked the history of England in the seventeenth century and beyond. It was then extremely dangerous to use the arguments of Jesuit authors, whether to question the king's power to levy taxes or, *a fortiori*, to determine the conditions under which it was lawful to depose a ruler for being a tyrant. This can be seen in the works *Parliamentary History of England* and *Complete collection of State Trials*, compiled by William Cobbett (1763–1835), admired by Belloc and referred to by Díaz Vera in his article.

According to the author, the “controversy and oblivion” surrounding Suárez lasted until the nineteenth century. As Díaz Vera says, “[t]he Roman Catholic Relief Act did not come until 1829. One of its main proponents was none other than Cobbett who, as an Anglican, was one of the first people in England to leave a critical vision in writing of the economic and social consequences of the Protestant Reformation in his country”.

A historical analysis that Belloc fully accepts in his well-known work *The Servile State* (1912). For Belloc, Suárez can be found “at the origin of a political philosophy that combined a ‘modern’ vision of the origin and legitimacy of civil power with principles typical of Classical and Christian philosophy that emphasize the moral connection between members of a community”. In Suárez “there is a clear emphasis on the moral nature of the political relationship”, which excludes strict contractualism in which there is coexistence, but not really life in community. In the words of Suárez “[men] form a single mystical body which, morally speaking, may be termed essentially a unity; and that body accordingly needs a single head”.<sup>77</sup> As Díaz Vera states, “Belloc’s ideas about the community, its origins and the nature of the agreements and links between its members display clear Suarezian features.”

The fundamental, historically rooted theory of distributism is found in *The Servile State* (1912), the work for which Belloc is best known in the field of economic and political thought. For Belloc, we owe the discovery of man's liberty to Christianity, a discovery that has been embodied in the form of core institutions of our civilization, such as respect for human life, the government’s compliance with the law, and the civil government based on the principle of consent and on the limited power of rulers; precisely the principles underpinning Suárez’s political philosophy. For Belloc, the citizen who upholds this political framework is “responsible, conscientious, independent from the control of others”, and has “the moral strength to make him immune to attempts at abuse by more powerful men”. The political edifice thus drawn requires, according to Belloc, widespread access by families to private property, especially the assets necessary to earn their daily bread, the so-called means of production, regarding which land is the fundamental asset. As Díaz Vera concludes, “[t]he marked Catholic roots of his economic ideas, their systematic character and his intellectual effort to update and give a modern meaning to scholastic thought in the sphere of what we would nowadays call economics mean we can describe Belloc as a post-scholastic economist”.

**The next two chapters** deal with the logical implications of Francisco Suárez's theory of law with regard to tax laws and the compulsory nature of the *ius civile* for foreigners, respectively. It should be recalled that scholastic thought assumes the

---

<sup>77</sup>*De Legibus*, Book III, ch. 2, 4, Francisco Suárez. *Selections from Three Works*. Edited by T. Pink. Carmel, IN: Liberty Fund, 2015.

existence of various layers of normativity. In relation to laws (*lex*), there is eternal law, divine law (Old and New), natural law (*lex naturalis*) and positive human laws. In the field of human law (understood as *ius*),<sup>78</sup> we have *ius naturale* (just by nature), *ius gentium* (law of nations) and *ius civile*. The *Summa Theologiae* of Thomas Aquinas is solid proof of this integration of levels. As said, Aquinas addresses the study of laws in the *Prima Secundae* (questions 90 to 108, or *De legibus* treatise), while justice and law (as *ius*) are addressed in the *Secunda Secundae* (*De iustitia et iure* treatise, cc. 57 to 79). In spite of the legal and philosophical realism of the Thomist-inspired late Spanish Scholasticism, elements of legal subjectivism are present, which Tierney<sup>79</sup> attributes to the influence of canon law on the nominalists' understanding of law. Both in Francisco de Vitoria and in other Spanish scholastics we can find both a concept of law understood as *ius*, linked to its Roman and Romanist understanding, and also in the form of *facultas* (faculty) or *potestas* (power or authority). The progressive predominance of a subjectivist understanding of law would culminate in the identification of *ius* and *dominium*, something that Suárez fully accepts. It is also noteworthy that Suárez wrote a *De Legibus*, and not *De iustitia et iure*, treatise, as was usual, which is symptomatic of a paradigm shift regarding the previous scholasticism. His Scotus' inspired voluntarist concept of law<sup>80</sup>, "puts the will of the legislator who wishes to be obeyed before the content of the law, even if the law is in accordance with the rational nature of man. Were this not the case, the legislator would be subject to a law that appears to be imposed on him, which would reduce his dignity, something inconceivable with regards to the supreme legislator".<sup>81</sup>

The chapter entitled "**Ethics, Money and Finance in Late Scholastics: Francisco Suárez on Taxation**" by **León M. Gómez Rivas (Universidad Europea de Madrid)** deals with taxes, more precisely the tax laws, which the author himself sets within the context

---

<sup>78</sup> Leading to great confusion, the English language uses the term *law* for what in continental Europe is known as *derecho*, *droit*, or *recht*. In line with the scholastic distinction, which, in turn, merely follows the Roman understandings, an instance of law (*lex*) and the concept of law (*ius*) are not the same: a law is a rule to be followed, it is a certain reason or cause of law (*ius*). Doing what is just (*iustum*) is proper to the virtue of justice, not to positive law, which may not even be just. On the other hand, there are various (subjective) natural or positive *rights*, which in scholasticism are referred to as *potestas* (power or authority), *facultas* (faculty) or *dominium* (property).

<sup>79</sup> B. Tierney, *The idea of natural rights*. Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1997.

<sup>80</sup> L. Prieto, "La noción de ley en Suárez y Locke", *Daimon* 71 (2017): 137-156.

<sup>81</sup> See J. L. Cendejas, in this book.

of a series of works published in recent years that analyze the doctrine of Doctor Eximius with regard to tax laws. In this article, Gómez Rivas shows how Francisco Suárez approached the always controversial issue of justice in taxation, or in current terms, the principles on which taxation must be based if it is to be just. The voluntarism that underlies the Suarezian concept of law asserts its influence in this area.

Gómez Rivas shows something surprising: a good deal of the principles of modern taxation of Fritz Neumark<sup>82</sup> (1900 Hannover - 1991 Baden-Baden), which are a must for current students of Public Finance, can be traced back to the Spanish scholastics. As the author states “[l]ike his master Vitoria had initiated, Francisco Suárez developed a complete comment on Aquinas *Summa Theologiae*. In his Book V of *De Legibus* (‘On Positive-Human Law’), he devoted six Chapters (XIII to XVIII) to study the moral and economic foundation of taxes, mostly on the justice and limits of taxation. Some authors agree in finding such a *salmantinus* eco in the famous motto: *No taxation without representation*, that had an enormous spread when the American Revolution against Great Britain. In fact, those political ideas about the ‘consent of the citizens’ could be one of the most brilliant contributions of *Late Scholastics* to Western Thought”. While Francisco de Vitoria and Domingo de Soto, among others, commented on the questions of the *Summa* following the same order, Francisco Suárez and Luis de Molina did not. Suárez’s *De Legibus* addresses taxes in Book V ‘on hateful human laws’, hateful “not in the sense that they are worthy of hatred, but ‘inasmuch as they impose a burden that is deservedly considered tough and heavy’ (ch. II, point 3)”. Suárez addresses issues such as the criminal nature of the tax laws, the necessary power for the tax to be just, the reason and final cause for tax justice, the form and matter of the tax laws, the eventual consent of the subjects for the tax to be just, and the binding in conscience of the tax “even if payment is not demanded”.

It is important to highlight that Suárez seems to depart from the Spanish tradition of submitting the establishment of new taxes for approval by the *Cortes*. Thus, “Juan de Mariana expressly pointed out that ‘taxes cannot be imposed without the consent of the representatives of the people’. However, it is striking that Francisco Suárez does not cite any work of his Jesuit co-religionist in this Book V of *De Legibus*”,

---

<sup>82</sup> *Grundsätze gerechter und ökonomisch rationaler Steuerpolitik*, Tübingen, 1970.

according to Gómez Rivas. On the contrary, for Suárez “the consent of subjects is not necessary for the imposition of taxes by the natural right of people, positive law or any other civil law or Hispanic custom”. Regarding tax matters, the “arguments regarding the limits of civil power: the possibility that real power, if not restricted, will degenerate into tyranny; and the famous proverb *quod omnes tangit debet ab omnibus approbari*” would not apply. One could interpret the Suarezian position not so much as an absolutist inclination in he who had developed a representative theory of political power, as we saw a few paragraphs ago, but rather as a logical consequence of his voluntarist conception of law. In short, a tax is just if the law that institutes it is correctly drafted and enacted in accordance with the requirements that Suárez analyzes. Hence, just tax laws require the tax to be paid, even if it is not claimed.

The paper entitled **“The binding nature of civil norms on foreigners in the treatise ‘De Legibus ac Deo Legislatore’ by Francisco Suárez”** by Lorena Velasco Guerrero (Universidad Francisco de Vitoria) addresses an issue of great interest given the current magnitude of migratory processes, which, nevertheless, have been a constant in the history of humanity. In scholastic thought, the foreigner is accommodated legally taking into account the three branches of *ius* identified by Ulpian. Under *ius naturale* (natural law) and *ius gentium* (law of nations) they all have the same right, but not under *ius civile* (civil law), due to the fact that they belong to different political communities. The *ius naturale* is that which nature has given to both humans and animals (*Dig. 1.1.1.3*), the *ius gentium* governs the relations between men who belong to different political communities (*Dig.1.1.1.4*), while the *ius civile* is that proper to each of them. Obviously, the natural law and the law of nations concern the foreigner, but what can be said of the *ius civile* of a political community that is not his own but in which he lives. Suárez answers this question in detail in Book III of *De Legibus* (ch. XXXI to XXXIII).

Citizenship, although Suárez does not use this modern term, is defined by belonging to a community which is, as we have stated above, a body whose members are morally united. The *ius civile*, which is formed based on the laws enacted by a given authority, binds only the members of that community. Suárez distinguishes between three aspects of the law (directive force, coercive force and validation of legal acts) that are relevant in order to decide what is applicable to the foreigner. The foreigner is not,

with regard to directive force, subject to the law of his community of origin since the jurisdiction of the ruler is limited to a territory; however, he is, under certain conditions, subject to its coercive force, and thus he would have to answer, upon his return, for any possible misconduct. Exemption, with regard to directive force, for the foreigner from the *ius civile* of his community of origin, occurs due to the fact that he is subject to the community where he lives, unless, by the nature of his person, the foreigner is subject to another jurisdiction equal to or superior to that of the legislator. The foreigner is also subject to the coercive force of the law of the place where he lives with exceptions similar to the above. Similarly, in order to validate the legal acts carried out, the foreigner must comply with the *ius civile* of the place where he lives if such acts refer to things or actions located there. Although Locke does not address the details given by Suárez, what he does state in his *Two treatises of government* (1689) shows a fundamental acceptance of Suárez's conclusions. In short, consistent with the voluntarist inspiration of the Suarezian theory of law, the subject of the law is defined by the jurisdictional scope of the respective legislator.

Before referring to **the following two chapters**, it is convenient to expand a little more on the economic historical context in which the Spanish scholastics lived. As is known, the discovery of America brought with it major economic changes linked to a double expansion: on one hand, the trade flows and, on the other, the mass of money from the remittances of gold and silver that arrived from mines in the Americas. It was based on a previous commercial and financial boom and the degree of integration of the European economies across the Mediterranean and the North Atlantic was already considerable. The discovery of the Americas added the remaining Atlantic routes to those that already existed to Africa and India, as well as to the Pacific by means of the Manila galleon that regularly linked Mexico and the Philippines. Above all, with the arrival of American silver, and the financial and banking innovations of the era, the necessary means of payment became available to speed up the economic transformation of Europe and to shape the so-called merchant capitalism.

In the sixteenth and seventeenth centuries, phenomena were present such as inflation<sup>83</sup> and the depreciation of currency owing to the monetary expansion, funding

---

<sup>83</sup> See E. J. Hamilton, *American Treasure and the Price Revolution in Spain, 1501-1650* (New York: Octagon Books, 1934).



of the public deficit, and the debt burden<sup>84</sup>. It was necessary to finance the Empire while maintaining civil peace; this was the reason for intervening in the price of wheat,<sup>85</sup> subject to the fluctuations of the periodic droughts that affected the Mediterranean basin. These issues would be the particular focus of the Spanish scholastics. Faced with the conquest and evangelization of the Americas and the new 'deals and contracts' (*tratos y contratos*), the question to which they sought an answer remained the same: what is the right way to proceed? Given the enrichment opportunities created by the commercial expansion and the new financial practices, one wondered if the merchants who raised the price of their merchandise acted fairly, along with the money changers and bankers in the activities of their trade. As a result of the effort to answer these questions, the Spanish scholastics discovered the relationship between money and prices over long time horizons, in other words, they discovered the nature of the phenomenon of inflation, as well as its geographical spread by means of the depreciation of real exchange rates.

From the perspective of economic thought, the name of the School of Salamanca (not aligned with the core group of Dominican theologians at said University) is tied precisely to monetary theory.<sup>86</sup> In this context, the name of this School is found in chapter III of the acceptance speech given by José Larraz upon being welcomed as an academic in Moral and Political Sciences, entitled 'El cuantitativismo monetario de Salamanca'.<sup>87</sup> Professor Viñas y Mey drew Marjorie Grice-Hutchinson's attention to this work,<sup>88</sup> and it was she who relayed to Hayek, her Doctoral Thesis director, the existence

---

<sup>84</sup> See R. Carande, *Carlos V y sus banqueros* (originally published in 3 volumes: 1943, 1949 and 1967. Barcelona: Crítica, 1987).

<sup>85</sup> The so-called *tassa del pan* [maximum price for bread] (see Melchor de Soria's *Tratado de la justificación y conveniencia de la tasa de el pan*, Toledo, 1627. Edited by F. Gómez Camacho, Madrid: Fundación Banco Exterior, 1992).

<sup>86</sup> Analogous to Belloc's thought, where the ideal of political community implies a certain economic order, in scholastic thought the economy is informed by a certain legal framework. The scholastic doctors understood that the study of economic matters had to be approached as part of the legal science, since its ultimate goal is justice in exchanges, and justice as a virtue had to be studied in the context of moral theology. In the Faculty of Theology, where the School of Salamanca has its roots, reflection on justice in commercial and financial exchanges and also on the lawfulness of ownership comes into play when discussing the treatise *De iustitia et iure* of the *Secunda Secundae*.

<sup>87</sup> J. Larraz, *La época del mercantilismo en Castilla, 1500-1700* (Acceptance speech by the Full Member, Mr. José Larraz López. Madrid: Real Academia de Ciencias Morales y Políticas, 1943). However, Larraz is not the author of the term 'School of Salamanca'.

<sup>88</sup> M. Grice-Hutchinson, "El concepto de Escuela de Salamanca: sus orígenes y desarrollo". *Revista de Historia Económica*, vol. VII, n. 2, pp. 21-26 (1989).

and importance of this School. Grice-Hutchinson's book, *The School of Salamanca: Readings in Spanish Monetary Theory, 1544-1605*, published in 1952, sparked the most recent interest in the Spanish Scholastics of the sixteenth century in relation to economic thought. This book describes how these doctors and other authors, who did not form part of the School of Salamanca in the strictest sense, developed a theory of price and money based on an average subjective value (*común estima*), analyzed the formation of competitive pricing and established the fundamentals of the quantity theory of money, for example, Azpilcueta in 1556, twelve years before Bodin and in a clearer manner than Copernicus.<sup>89</sup>

For the Spanish scholastics, the value of money is determined, like the value of other commodities, by subjective value (common estimation or *común estima*), which pertains to natural law. Consequently, the fact that the weight or face value of money (positive law) does not correspond to its natural value is violence of the prince, even tyranny, as Juan de Mariana asserts. It is through the price in money that the subjective value of things that are different in nature is determined. And this also applies to money itself, which, by nature, does not always have the same value, but which is also affected by human estimation: "it is not necessary to consider whether this is gold and that is silver, rather what we need to consider is the estimation of men", says Francisco de Vitoria. This principle underlies the quantity theory of money as developed by Martín de Azpilcueta, Domingo de Soto, Tomás de Mercado and Juan de Mariana, among others.

The clash between positive law and natural law is already laid bare in the two competing monetary theories: the Platonic theory that defends fiat money where the face value is declared by the will of the prince, and the Aristotelian theory that affirms the intrinsic value of money based on its metal content. Plato asserted that money is, above all, a convention, a symbol that arises with the need for exchange. Schumpeter<sup>90</sup> highlights Plato's aversion to the use of metallic money, stating that he was in favor of restricting monetary circulation within the republic to a currency with mere fiat value to be used exclusively on a local basis. The use of metallic money, commonly accepted among different political communities, was to be centralized and restricted to those

---

<sup>89</sup> Copernicus, in his *Monetae Cudendae Ratio* (a work initially expounded in 1522 before the Prussian assembly, in manuscript form in 1526 and not edited until 1864 in Paris) declares that 'money normally depreciates where it is too abundant'.

<sup>90</sup> Josep Schumpeter, *History of Economic Analysis* (Oxford: Oxford University Press, 1954).

who traveled to other cities, who were obliged to return the surplus money upon their return. As opposed to Plato's fiat money, Aristotle understands the emergence of money as an evolutionary process, in the manner of the Austrian School of Economics, as an order without design. The relationship between extrinsic value and intrinsic value, that is, whether money is *really* worth what it claims to be worth, is a constant in scholastic thought.

In this theoretical context, in the chapter entitled “**Monetary alterations in the sixteenth and seventeenth centuries in Castile and England: Juan de Mariana and John Locke**”, Cecilia Font de Villanueva (Universidad Francisco de Vitoria) compares the monetary situations in Castile and England during the sixteenth and seventeenth centuries, along with the theoretical analyses and responses of both Mariana and Locke, finding coincidences and divergences that lead us to accept the existence of connections between these two authors as reasonable. The analysis extends into the field of monetary theory, exploring the influence that scholastic ideas from Castile may have had on the genesis and development of English monetary ideas. Juan de Mariana is credited with having established the relationship between public deficit, then due to the financing needs of the Crown, and inflation. The latter occurs as a consequence of any action by the Crown that allows it to spend more without levying an increase in taxes. At that time, this could be achieved through monetary debasement. What is currently called inflationary tax was masterfully explained -and condemned- by Juan de Mariana. In his *De rege et regis institutione* (Toledo, 1599, 2<sup>nd</sup> ed., 1605) he asserted that, without just cause, the king could not control the property of his subjects, which extended to the establishment of taxes, which could not be decreed without the consent of the people (not so for Francisco Suárez, as we saw above). In his *Tratado y discurso sobre la moneda de vellón* (Cologne, 1609), condemned by Philip III at the behest of his favorite the Duke of Lerma, he condemned the tax revenues from the gradual reduction of the percentage of silver in the *vellón* coinage (the fractional coinage was the *vellón*, an alloy of copper and silver) and its upward re-stamps, which had been taking place since 1597. The effects of such measures on prices and inflation were immediate, just as they were on the importation of copper and counterfeit *vellón* (when it was re-stamped upwards) and the consequent *saca* (shipping abroad) of silver coins.

In the price revolution of the sixteenth and seventeenth centuries, in addition to the increase in the amount of metallic money and the debasement of the *vellón*, it is necessary to take into account the creation of means of payment stemming from the extension of the use of bills of exchange at fairs, as well as the increase of the money multiplier caused by the granting of loans by bankers who thus used the deposited money. These processes of monetary expansion and consequent inflation occurred in both Castile and England, although with some differences. In Font's words "In Castile, it was principally the *vellón* which was altered rather than silver, which was adjusted on a few specific occasions. In England, however, silver coins suffered the greatest disorder. [...] The reception of their ideas [those of Mariana and Locke] was also different. Mariana anticipated the consequences of monetary alterations and criticized the policies, only to be prosecuted by the Crown and have his works prohibited. Locke, on the contrary, perceived the effects of these policies and his opinion was solicited directly by the King at a time when, after a century of alterations and disorder, monetary stability was a national priority. Reforms were undertaken in accordance with Locke's criteria". Mariana and Locke address monetary problems from the perspective of justice and respect for property but also as a political problem closely related to the issue of royal authority. In this sense, Locke warned of the dangers inherent in monetary alterations when he wrote: "It will weaken, if not totally destroy the public faith".

In the chapter entitled "**On John Locke, Francisco Suárez and a revision of property in the enterprise model**", the authors, **Rafael Alé Ruiz (Universidad Francisco de Vitoria)** and **M. Idoya Zorroza Huarte (Universidad Pontificia de Salamanca)** take as a basis Suárez and Locke's thought on property in order to obtain the foundations of what would constitute an enterprise model in accordance with the moral principles of scholastic origin shared by both, and which have a greater anthropological richness than the subsequent *homo economicus*. This paper thus involves an interesting exercise in adapting scholastic thought to the economic and business circumstances of the present, which could be described as a revision or update of this thought.

The authors of the chapter state that, as is the case with Suárez, "Locke's thought also cannot be fully understood without considering its theological purposes: everything in Locke is oriented towards encouraging mankind to fulfil its obligations with the Creator God. This fact identifies mankind as subject of rights and duties, a vision which

would be later secularized and provide the modern conception of human beings". As for Suárez, for Locke the human being is *imago Dei*, which is where his dominion over the creatures of the earth stems from. As rational and free, the human being "achieves his individual and collective development when he fulfils his duty to God while also seeking his own survival, wellbeing, and the survival of humanity", which is obtained as a result of his work and thus takes on an "exemplary moral value". In Locke's theory "labour is the cornerstone of human existence and it must be at the service of an acquisitive logic, put in practice by means of an ethic based on individual effort and industry". For Locke, the human being is principally seen "as *maker*, and labour as a mission ordained by divine and natural law to overcome the deficiencies of nature and to achieve *moral growth*".

Not only is Locke's theory of property of interest for the purpose indicated, in Locke's conception of *civil society*, the authors find striking similarities with respect to the concept of *public limited company* (perhaps due to the shared contractualist foundation of both): i) mission statement, the purpose and reason why the organization exists and the goals and objectives it seeks to achieve through its actions; ii) membership of partners-proprietors conceived as free and moral individuals; iii) vision statement, the pursuit of the interests of the participants in the company over time according environmental contingencies; iv) share capital, sum of the stakes of its members and foundationally referred to as the "public good"; v) the properties acquired through the individual work, labour and efforts of each member; vi) general Shareholders' Meeting, the power of the company is constituted on the voluntary cession of power by each member to the decision-making body based on the consensus of its members; vii) and Board of Directors, composed of those partners-proprietors who, by virtue of their accumulation of wealth in the public limited company or certain personal attributes (excellence) take a direct, active role in the management of the company. In the authors' words, "[u]nder current circumstances the company requires a *rationality which is much closer to a humanist rationality* for its sustainability or more plainly: given contemporary socio-economic realities, it is impossible for a company to survive if it excludes the rich communication and social resources of individuals".

## **Acknowledgements**

To conclude this introduction, we would like to express our gratitude to all those who have contributed in various ways to the publication of this volume. The twelve contributions of this book present many of the conclusions of the research project entitled “Society, Politics and Economics: Projections of Spanish Scholasticism on British and Anglo-Saxon Thought” (reference no. FFI2017-84435-P) funded by the Spanish Research Agency (AEI), part of the Spanish Government’s Ministry of Economy, and the European Regional Development Fund (ERDF), institutions to whom we are very grateful for the funding received. This project was carried out at the Universidad Francisco de Vitoria (UFV) over the course of more than three years, from 2018 to mid-2021, and was led by professors Leopoldo Prieto (UFV) and José Luis Cendejas (UFV). In addition to its directors, forming part of the team were (in alphabetical order) Rafael Alé Ruiz (UFV), Alfonso Díaz Vera (Independent Authority of Fiscal Responsibility, Spanish Government), Ángel M. Fernández Álvarez (Ministry of Economy, Spanish Government), Cecilia Font de Villanueva (UFV), León M. Gómez Rivas (Universidad Europea de Madrid), Evaristo Palomar Maldonado (Universidad Complutense de Madrid), Pablo Sanz Bayón (Universidad Pontificia Comillas), Lorena Velasco Guerrero (UFV) and M. Idoya Zorroza Huarte (Universidad Pontificia de Salamanca). In addition to the authors of the chapters in this volume and the members of the research team, we would like to give special thanks to the Vice-Chancellors of Universidad Francisco de Vitoria, Clemente López González and Alberto López Rosado, to Félix Hap Barriuso and Raquel García Fernández at the Office for the Transfer of Research Results (OTRI), to Charles Jones, to Mike Schneider for helping to translate and improve the English of these papers, and to Tim Page for the editing work and preparation of the final bibliography. And, of course, our thanks also go to the University hosting us and its Chancellor, Daniel Sada Castaño, for promoting research on Francisco de Vitoria and his school.

