

## *Introduction*

Political life is morally demanding. Citizens vote candidates into office, pay taxes and go to war when summoned to do so. If your vote helps place in office a tremendously inept candidate, or you ignore the summons of the political authority to defend your country from an unjust attack, or you avoid fair taxes, you are failing the legitimate expectations that your compatriots have of you as a member of the political community. Foreigners may disapprove of your actions but barring exceptional circumstances they will not be wronged by them.

Our duties of justice towards co-members of our political community are the business of what Francisco Suárez (1548–1617), following Aristotelian tradition, denominates ‘legal justice’. Contrary to what its name suggests, the essence of legal justice is not law-abidance. Rather, legal justice is about promoting the common good, which is the end of the law.<sup>1</sup> Legal justice privileges a viewpoint from which citizens are seen as parts of a whole to which they stand in a relation of duty.

Legal justice is the chief but not the only source of duty towards the polis. There are duties related to moral virtues other than justice. There is also, importantly, the theological virtue of charity, the duty to love others as oneself, as individuals who have a destiny in God. The late scholastics often considered some forms of altruistic patriotism as expressions of charity. Actions that may not be against legal justice may nevertheless fall short of what citizens morally owe to their polis and what they owe to other human beings from the purview of charity.

This book retrieves controversies about political morality held by late scholastic moral theologians.<sup>2</sup> Many of these controversies concern the limits of what the political community can morally require from its

<sup>1</sup> *ST* II-II, q. 58 a. 5c.

<sup>2</sup> On the birth of moral theology as a sub-discipline, see Ulrich G. Leinsle, *Introduction to Scholastic Theology* (Washington DC: Catholic University of America, 2010) pp. 280–90.

members. This controversial literature also engaged many equally important related questions such as: do you have political duties towards yourself? Who should be considered as a member of the political community? Can the rights that your political community has over you and your possessions be acquired by a different political community?

The fact that citizens share a physical space, a cultural and moral environment, and participate in a market makes it the case that some moral duties acquire special prominence in the polis. It is, therefore, appropriate to inspect not only controversies that concern political morality as such, but also those which concern the specific moral questions that can present themselves when people participate in the sort of intensified interaction that takes place within the state.

While political morality is this book's general theme, each controversy covered here engages a host of other important subjects. These include: distributive justice, the expressive dimensions of purchasing, the power of human law to morally oblige us, property, privacy and reputation, scandal and moral over-demandingness, ways of dealing with moral uncertainty, slavery and more.

The way late scholastics looked at civic life and war has a number of distinctive and attractive features. The first striking feature is its highly practical nature. Although the late scholastic theologians did not fail to examine the justifications for various political and social institutions and policies, when doing moral theology they tended to focus on the morality of individual conduct within the given institutional political order. The authors usually started from a practical problem: an agent – individual or collective – wants to perform an otherwise seemingly permissible action that appears to conflict with a particular moral prohibition. Most of the controversies gravitate around whether the desired action does in fact violate the moral prohibition. Historically, this construal of the moral problem is a result of moral theology's aim, namely educating the confessor to advise people placed in morally perplexing circumstances. The person in doubt about whether she has a duty to pay a tax that appears to be disproportionate to her income is not looking for a moral analysis of the fiscal system, but rather an examination of her own moral predicament.

A second feature, again connected to moral theology's confessional orientation, is the moral expert's adoption of the perspective of the advisee.<sup>3</sup> When you give advice to a person, as opposed to enunciating general moral

<sup>3</sup> I make this point in Daniel Schwartz, 'Probabilism Reconsidered: Deference to Experts, Types of Uncertainty, and Medicines', *Journal of the History of Ideas*, 75(2014)373–93.

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truths, you need to place yourself in the shoes of the advisee. This explains the prominence that the question of moral doubt acquired in late scholastic ethics. Advisees are normally in doubt. Probabilism, an original philosophical contribution of late moral theologians, was meant as a device to cope with situations in which we find ourselves in doubt, for example when uncertain about the justice of a war that we are called on to fight.<sup>4</sup>

Because moral experts had to place themselves in the circumstances of the advisee, the late scholastic theologians were wary of needlessly imposing restrictions on the advisee's space of action. Just as the mark of a good physician is not just that she can cure but that she can cure using the least intrusive and aggressive treatments, so the mark of the good moral theologian is that he can give moral advice without unnecessarily constraining the space of morally unhindered action of the advisee. To impose unnecessary strictures is not to err on the side of safety but to do a sloppy job as a moral theologian.<sup>5</sup>

Adopting the perspective of the morally troubled agent, however, need not result in bending morality to accommodate the advisee's interests. But it does force you to think carefully about the price that the advisee will pay for your moral ruling; it makes you aware of your responsibility. If you consider what the advisee has to lose (to give some examples from this book: one's livelihood, one's office, having to pay heavy taxes), at the centre of your reflection you will try to avoid hasty prohibitions. So, the late scholastics often had to probe the outer limits of morality. This explains why many of the moral opinions held by some late scholastics border on the provocative. For example, the view that if you reasonably believe that you are the best candidate for an elected job, you may be allowed to pay

<sup>4</sup> On probabilism, see Thomas Deman, 'Probabilisme' in A. Vacant, E. Mangenot and E. Amann (eds.), *Dictionnaire de Théologie Catholique*, XIII (Paris: Letouzey et Ané, 1936) i, cols. 417–619; Ilkka Kantola, *Probability and Moral Uncertainty in Late Medieval and Early Modern Times* (Helsinki: Luther-Agricola, 1994); Rudolf Schüßler, 'On the Anatomy of Probabilism' in Jill Kraye and Risto Saarinen (eds.), *Moral Philosophy on the Threshold of Modernity* (Dordrecht: Springer, 2005) pp. 91–114 and his 'Casuistry and Probabilism' in Harald Braun and Erik de Bom (eds.), *Brill Companion to Spanish Scholasticism* (Leiden: Brill, forthcoming); Robert Aleksander Maryks, *Saint Cicero and the Jesuits: The Influence of the Liberal Arts on the Adoption of Moral Probabilism* (Aldershot: Ashgate, 2008); Julia Fleming, *Defending Probabilism: The Moral Theology of Juan Caramuel* (Washington, DC: Georgetown University Press, 2006); James Franklin, *The Science of Conjecture: Evidence and Probability before Pascal* (Baltimore: Johns Hopkins University Press, 2001) pp. 69–94; Francisco O'Reilly, *Duda y Opinión: La conciencia moral en Soto y Medina* (Pamplona: Publicaciones de la Universidad de Navarra, 2006); and my 'Probabilism Reconsidered: Deference to Experts, Types of Uncertainty, and Medicines', *Journal of the History of Ideas*, 75(2014)373–93.

<sup>5</sup> A poignant analysis of the tension between freedom and law as the 'moving force' of late scholastic moral theology can be found in Servais Pinckaers, *The Sources of Christian Ethics*, Sr. Mary Thomas Noble (trans.) (Washington DC: Catholic University of America Press, 1995) pp. 268–73.

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people to desist from voting for someone else. Or the view that you may delay payment of tax until demanded to do so, or that you may paint a portrait that you believe will be used for morally dubious ends.

Confessors, both those of kings and of soldiers, had to pronounce on matters of war. Indeed, the thoroughness, comprehensiveness and depth of just war discussions by Francisco de Vitoria (1486–1546), Suárez, Luis de Molina (1536–1600) and others is well known and remains inspiring to many just war theorists. These modern theorists are divided on two main issues. The first issue is the thesis defending ‘the moral equality of combatants’. Defenders of this thesis such as Michael Walzer argue that just and unjust combatants have the same rights, licenses and liabilities.<sup>6</sup> Revisionist theorists such as Jeff McMahan reject this.<sup>7</sup> The second issue is whether, for the purposes of moral analysis, war should be considered as a confrontation between individual agents or between collective agents.<sup>8</sup> There is some correlation between the stands taken on these two questions. Most of the modern theorists who believe in the moral equality of soldiers are collectivists and most of those who reject it are individualists. The late scholastic moral theologians were very different in this regard. While as a rule they vehemently rejected the moral equality of soldiers, at the same time they held a qualifiedly collectivist approach to war, as seen in Chapter 9.<sup>9</sup> Late scholastic just war theory is therefore relevant not only because it foreshadows many of the views advanced by today’s just war theorists but also because it has the merit to challenge the way some of the present debates among contemporary just war theorists have been and are being structured.

Contemporary political theorists working in areas such as voting, taxation, immigration, poverty and obscenity, to mention some of the issues covered in this book, seem to be less aware than contemporary just war theorists of the late scholastic precedents of these discussions. In fact, many of the late scholastic arguments on these matters bear a remarkable resemblance to those offered today. Consider, for example, Domingo de Soto (1494/1500–1563) and Alfonso de Castro’s [1495–1558] view that the scope of distributive justice extends beyond the boundaries of the polis, so that wealthy

<sup>6</sup> Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 2000[1977]) p. 37

<sup>7</sup> Jeff McMahan, *Killing in War* (Oxford: Oxford University Press, 2009) pp. 38–65.

<sup>8</sup> For an excellent analysis of types of collectivism and individualism in just war theory, see Seth Lazar, ‘Method in the Morality of War’, in Seth Lazar and Helen Frowe (eds.), *The Oxford Handbook of Ethics of War* (Oxford: Oxford University Press, 2018) pp. 21–40.

<sup>9</sup> As noted by McMahan (*Killing in War*, pp. 79–80) there are not many collectivist just war theorists that reject moral equality. One of them is Noam J. Zohar, ‘Collective War and Individualistic Ethics: Against the Conscription of “Self-Defense”’, *Political Theory* 21(1993)606–22.

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communities have a duty of justice to allow the foreign poor in. Or Martín de Azpilcueta (Navarrus) [1493–1586] view that legal punishments should not be determined with a view to express moral censure but, rather, with a view to putting a price on conduct in the hope that the price will modify the behaviour of potential law breakers. One of the purposes of this book is to show that late scholastic moral philosophy has a contemporary appeal that extends well beyond just war theory.

The contribution of late scholastic discussion to contemporary moral philosophy is not, however, confined to identifying precursors to the discussions held by today's moral philosophers. Rather, its primary contribution is to illuminate blind spots in our ongoing discussions, to highlight those assumptions of ours that are taken for granted but shouldn't be, to confront us with views that although not popularly held now were at some point held by undoubtedly clear-sighted people. It is the mix between what to a modern philosopher seems like familiar arguments and what appears to come from a partly foreign intellectual world that makes the late scholastics both accessible and challenging.<sup>10</sup>

### 1.1 The Late Scholastics

Although the late scholastics are making something of a scholarly comeback, it remains the case that, for a variety of reasons, many otherwise philosophically literate people know relatively little about them.

Late scholasticism (also called 'neo-scholasticism', 'the second scholastic', 'baroque scholasticism' and 'early-modern scholasticism') refers to the revival of Catholic theology in the sixteenth, seventeenth and early eighteenth centuries by theologians active in Catholic Europe and the Spanish and Portuguese overseas colonies.<sup>11</sup>

One important job of these moral theologians was to solve morally thorny practical questions. Unlike most of today's academic philosophers, moral theologians actually guided the consciences of the people facing

<sup>10</sup> This thought is taken from Arthur Ripstein, who finds that Bertolt Brecht's remark on reading Descartes (that he had encountered 'someone who lived in a completely different world') applies to some extent to his own experience of reading the late scholastics. Arthur Ripstein, 'Distinction of Power and the Power of Distinctions: A Response to Professor Koskenniemi', *University of Toronto Law Journal*, 619(2011)38.

<sup>11</sup> For a good discussion of the origin and appropriateness of these various labels see Daniel D. Novotný, 'In Defense of Baroque Scholasticism', *Studia Neo-Aristotelica*, 6(2009)209–31. I use 'late scholasticism' simply because it is the most frequently used label to refer comprehensively to the authors under consideration in this book and also because it covers authors that could not possibly be regarded either historically or stylistically as baroque, such as Vitoria and Soto.

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these moral dilemmas. They did so directly as confessors or counsellors of princes and dignitaries, and indirectly by writing manuals for confessors and collections of decisions on controverted cases, and by addressing these moral questions within their works of systematic moral theology. These works allowed parish confessors to help servants, soldiers and mercenaries, artists and craftsmen, husbands, wives and lovers, advocates and judges, wealthy citizens and street beggars, voters and candidates, if not to know where their moral duties lay, at least to know what was morally at stake in questions related to work, marriage, sex, business, the professional duties, civic life and war.

Those theologians classed as ‘casuists’ focused on the consideration of very concrete cases and their many variations, whether imaginary or presented to them at the confessional. ‘Casuistry’, defined by Thomas de Quincey as ‘the moral philosophy of cases’, famously earned the derision of philosophers such as Pascal and Kant (who himself was accused of engaging in this form of moral reasoning by critics). It was also resisted by those who felt that out of decorum some questions are best left unasked.<sup>12</sup> However, case-based ethics has been rehabilitated in the last few decades. One factor in this rehabilitation is the considerable impact of Albert Jonsen’s and Stephen Toulmin’s misleadingly titled book *The Abuse of Casuistry* on the field of bioethics.<sup>13</sup> More importantly, applied philosophy, which in many ways relies on the style of moral reasoning favoured by the casuists, has become a burgeoning and well-established branch of philosophy. In fact, some of the leading applied philosophers have been subjected to very similar kinds of criticism that the casuists met with.<sup>14</sup>

It would be a mistake, however, to draw a sharp line between casuists and moral theologians. It is true that there is considerable difference

<sup>12</sup> The *Provincial Letters* was Pascal’s virulent and almost lethal attack against the casuists. On Kant’s rejection and casuistry see H.-D., Kittsteiner, ‘Kant and Casuistry’ in Edmund Leites (ed.), *Conscience and Casuistry in Early Modern Europe* (Cambridge and Paris: Cambridge University Press and Maison des Sciences de l’Homme, 1989) pp. 185–213. Thomas de Quincey’s phrase comes from his ‘The Casuistry of Duelling’ in James Hogg (ed.), *Uncollected Writings of Thomas De Quincey* (London: Swan Sonnenschein, 1890) vol. II, p. 91.

<sup>13</sup> See John D. Arras, ‘Getting Down to Cases: The Revival of Casuistry in Bioethics’, *Journal of Medicine and Philosophy*, 1991(16)29–51.

<sup>14</sup> In his book review, J. Carl Ficarrotta compares Frances M. Kamm to J. S. Bach, who ‘wrote his masterpieces at the end of the baroque period, during a time when others had for the most part moved on stylistically, considering his compositional genre “old-fashioned.” To take nothing away from the high art present in Kamm’s casuistry (or to deny that her writing could plausibly be characterized as baroque), the part of the analogy I want to put weight on is this: maybe it is time to stop doing this.’ Review of Frances M. Kamm’s *The Moral Target*, *Ethics*, 124(2014)195.

between Vitoria's sober style and the ultimate casuist, the prolific Antonino Diana (1585–1663), who addressed some twenty thousand cases of conscience in his ten volume *Resolutiones Morales*.<sup>15</sup> It is also true that in some European universities' 'speculative' theology did not include the discussion of cases of conscience, which were relegated instead to a separate course attended by those whose vocation was more pastoral than contemplative.<sup>16</sup> At the same time, many of the greatest theologians of their time, such as Suárez, Vázquez and Molina, often discussed practical cases of conscience in great detail. So drawing a boundary between 'proper theologians' and 'mere casuists' (often presented as some form of baroque degenerative mutation of the former) is to a great extent artificial.

## I.2 Moral Theology, Casuistry and Contemporary Applied Philosophy

As the discussions outlined in this book demonstrate, the type of moral inquiry favoured by the late scholastics resembles to some extent what modern philosophers refer to as applied philosophy. The late scholastic authors were in the business of a back-and-forth between principles and cases – an interplay from which both the principles and our beliefs about what one should do in specific circumstances emerge modified. In truth, the late scholastics were not just doing applied ethics, their applied ethics were actually applied by their advisees. Pascal reports the case of a servant at Jesuit College who stole some of the college's pewter tableware. When he was brought before the judge, the servant defended himself by saying that he had followed a doctrine found in Jesuit books of cases of conscience defending the permissibility of paying yourself wages out of the employer's property.<sup>17</sup>

Servais Pinckaers has argued in a critical vein that the mark of late scholastic moral theology is the study of moral cases in isolation from the study of human virtue (including theological virtues, and the effects of divine grace). In his view, these theologians, by focusing almost exclusively on obligation, lost sight of human perfection and excellence, which

<sup>15</sup> Albert R. Jonsen, and Stephen E. Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley and Los Angeles: University of California Press, 1988) p. 156.

<sup>16</sup> Leinsle, *Introduction to Scholastic Theology*, p. 289.

<sup>17</sup> A true case made much of by Blaise Pascal in *The Provincial Letters of Pascal* (Cambridge: Deighton, Bell and Co.; London: George Bell and Sons, 1880) letter VI, p. 156.



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should stand in the centre of moral theology.<sup>18</sup> '[T]he essential work of moral theology was to determine the exact meaning of the [moral] law, the precise limits of what was allowed or forbidden, what was obligatory or prohibited, and what free. What might one or not do?'<sup>19</sup>

Paradoxically, it is precisely the tenets of late scholastic moral theology that critics like Pinckaers see as its main defects which constitute its virtues from the perspective of contemporary applied philosophers: for example, the focus on justice-related duties and the aspiration for precision in moral determinations. There is no doubt that an understanding of the classic medieval and post-medieval discussions of natural law and the uneasy relation between natural law, grace and virtue in their Aristotelian and Thomistic versions bring the discussions covered here into a richer perspective, but, crucially, these debates can be followed – and enjoyed – without recourse to this intellectual baggage.

The resemblances between modern applied philosophy and late scholastic moral theology should not be overstated, however. The late scholastic moral theologians discussed here approached their cases in a very different way from most of today's practitioners of applied philosophy. Their cases were not devised for the purpose of testing the reach and adequacy of principles (as one finds, for example, in the work of Frances Kamm). Rather, the cases they discussed were real situations presented at the confessional or possible variations of them. From the set of available confessional cases, those selected for examination were, naturally, not the easy ones, but precisely those that placed principles under strain.

Not unlike modern academics, late scholastic authors were often driven by the desire to stand out by introducing a novel view on a subject just when it seemed that all that could be said on it had been said. They were avid readers trying to keep abreast with the most recent peer publications (not easy given the volume and pace of publications at the time). Many of them courted controversy and were not afraid of voicing views irksome to the political and ecclesiastical hierarchies (which earned many of them more than a few Papal condemnations).

<sup>18</sup> One should temper Pinckaers's depiction by noting, as Michaud-Quentin notes, that confession as understood and organized by the casuists 'has been, together with the matrimonial consent, the great contribution to the affirmation of the personhood of each Christian, manifested in personal responsibility for one's own conduct'. Pierre Michaud-Quentin, *Sommes de casuistique et manuels de confesseurs au moyen âge (XII<sup>e</sup>-XV<sup>e</sup>S.)* (Louvain, Lille and Montreal: Nawelaerts, Giard and Librairie Dominicaine, 1962) p. 110 cited in Jonsen and Toulmin, *The Abuse of Casuistry*, p. 142.

<sup>19</sup> Pinckaers, *Sources*, p. 270.



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The practice of this type of ethical inquiry demanded from moral theologians an intimate knowledge of their subject matter. By the end of his life, the Jesuit Tomás Sánchez (1550–1610), author of the greatest and most influential treatise on marriage, was attacked for impudently having discussed in too much detail and too explicitly the ethics of sex. He replied that,

If the need to cure the human body makes it not only permissible but also necessary for doctors to know in great detail and discernment each part and organ of the human body and the properties of each of these, and for this sake books of anatomy are produced, all of which contain many unsightly things and filthy images, much more will it be permitted in order to save human souls, to know in detail the difference that exists between the human deeds and to make an anatomy of each of their kinds no matter how unsightly they be, in order to perform the job [of saving souls].<sup>20</sup>

The answers provided by the late scholastics exhibited considerable diversity, a fact that many of them relished rather than regretted.<sup>21</sup> We should think about the late scholastics not so much as a school with a consolidated set of doctrines but as a community of peers operating within a theological and philosophical tradition that provided them with a common conceptual language, premises, principles, and method of inquiry, and not less importantly, a shared repertoire of philosophical and theological puzzles.

### I.3 Remarks on Method

This book is partly inspired by the sixteenth-century literary genre of books titled ‘Famous Controversies’. Instead of addressing a topic systematically by moving from abstract foundations and principles to practical applications, the authors of these works went straight to the hot issues at the centre of ongoing debates.

To focus on controversies rather than on individual authors makes sense because late scholastic intellectual inquiry was quintessentially collective. Individual contributions to each debate were conceived by their authors as

<sup>20</sup> ‘Memorial del P. Thomas Sanchez, acerca de lo que se oppone contra sus obras’, in *Archivum Romanum Societatis Iesu*, *F. G.* 652, 223 g, and also in M. Ruiz Jurado, ‘Para una biografía de Tomás Sánchez’, *Archivo teológico granadino*, 45, 1982, p. 15–51 (46–51). Fernanda Alfieri kindly shared with me her transcription.

<sup>21</sup> Juan Caramuel y Lobkowitz, *In D. Benedicti Regulam Commentarius Historicus Scholasticus Moralis Iudicialis Politicus* (Bruges: Nreyghels, 1650) a. 3 sect. 1 n. 60 pp. 27–8 cited in Julia Fleming, *Defending Probabilism: The Moral Theology of Juan Caramuel* (Washington, DC: Georgetown University Press, 2006) p. 37.

providing a new layer to an ongoing effort and as inviting a response, rather than as an attempt to make a fresh start or to say the last word. These theologians were expressing *their* opinion, not those of their religious orders (when they belonged to one and when it had an opinion).

Here I have confined myself to *internal* late scholastic polemics. I will not be addressing cross-camp polemics with or against Protestants, Humanists, Jansenists and other currents of theological and philosophical thought. I have been inclusive, however, regarding the late scholastic literary genres from which arguments and opinions on the issues at hand have been taken. So I have not limited myself to works of systematic moral theology, but have also drawn from handbooks for confessors, collections of cases of conscience, legal works and responsa.

Often, from a humble start in a marginal observation of one author, a dispute crops out and bursts into a blossoming of opinions. Over time, the controversy effects a salutary depuration and opinions cluster and galvanize around a smaller number of views. At some point stagnation makes itself felt. The growth and decay of these controversies is a striking intellectual spectacle. Unlike scholars of scientific controversies, however, I am not interested in the more formal aspects of controversy, their typologies and classificatory elements. Rather, I am interested in what the late scholastics actually had to say about a number of pressing political and moral issues relating to civic life and war. The aim is not to simply parade the various views on each particular question, but to make sense of each controversy by approaching it as a dynamic, evolving thing, in which later views are attempts to improve on earlier ones.

Each controversy analysed in this book brings along with it its own different *dramatis personae*. Because it is impossible to include all the contributors to each specific debate I have favoured those most influential in setting the course of the controversy and often also some less influential views that seem original and suggestive. I cannot presume to have applied these criteria impartially; the selection of authors has been affected by my own personal interest, curiosity or sympathy towards specific authors.

Many of the starting points of the disputes addressed in this book can be traced back, if only in embryonic form, to medieval scholasticism or even Patristics. So, in the matter of starting points, I was forced to use some authorial prerogatives, without, I hope, being too arbitrary. The end of a late scholastic dispute is less difficult to ascertain. One can discern when disputes begin to dry up, which often took place in conjunction with the decline and agony of late scholasticism as a whole in the late seventeenth century.

#### I.4 Précis of the Chapters

Here is a succinct presentation of the chapters. **Part I** is a sampler of late scholastic examinations of some important moral aspects of political and civic life. The chapters that comprise Part I are not organically connected to each other. From those topics that were a matter of controversy among moral theologians (or, in the case of poverty, of a more interspersed polemical exchange), I have focused on those that feature in today's public and philosophical debate (voting, taxes, the poor and obscenity). I also included a chapter on privacy and personal reputation, a matter of undoubted importance in our lives, if not perhaps as prominent in public debate as the topics of the other chapters in this part.

Chapter 1 is concerned with elections, a standard method of appointment to office that was in place long before the advent of modern democracy. Could it ever be morally permissible for the best electoral candidate to offer money to electors? This was a pressing question for the late scholastics because they believed that electors have a moral duty to vote for the best candidate, and consequently that the best candidate has a correlative right to be voted for. This seemed to allow the candidate to use various means (including money offers to voters) to ensure that her right be met. On the other hand, attempting to buy votes was deemed impermissible insofar as it constituted a display of a demeaning attitude towards office by treating it as commensurate with temporal goods. Chapter 2 is about the morality of tax evasion, a rather consequential issue in Spain at the time, given the felt unbearability of fiscal pressure. Interestingly, the late scholastics developed a series of arguments that, without denying the justice of some of the most unpopular tax laws, provided moral justification to partial fiscal non-compliance. To do this, they resorted to the latest theories on the nature of the moral obligation imposed by human law and on customary law. Chapter 3 engages another question of obvious relevance today as relatively wealthy countries turn away the global poor: may political communities exclude the foreign poor? Reacting to new legislation banning outside beggars from the city and confining them to their hometowns, Soto wrote a fervent defence of the rights of poor persons, which, however, got a cold reception. The chapter interprets Soto's arguments, evaluates its failures, and tries to account for the muted and hostile reaction they evoked. Chapter 4 is about the wrongness of self-defamation. While the view that one's relationship to one's good name is one of ownership was the most popular among the late scholastics, some authors disagreed and argued that one has a duty to one's community to protect one's good name.

By self-defaming, even for a weighty reason, you wrong your community. I argue that, understood in context, this seemingly intriguing position is not without plausibility. Chapter 5 is about the limits to one's duty to refrain from acts that may lead other people to engage in morally self-harming actions (in theological jargon the duty not to commit 'scandal'). It was not only paintings thought of as having obscene content that were deemed scandalous but also apparently decent ones, such as small portraits exchanged between partners in an illicit relationship. It was agreed that portrait painters had to make a living. Could their need of a livelihood excuse them for the painting of these portraits? While this is not a question within political morality as defined above, it is a question about morality that is particularly relevant in the polis, insofar as it occupies itself with a moral restriction to market exchanges.

Part II is about the political morality of war. Chapter 6 explores the question of whether subjects may legitimately be required to put aside their doubts about the justice of the war they are called to fight. In Chapter 7, I turn to the question of the limits to what a polity can do to save itself. Is it permissible for it to surrender one of its own citizens at the enemy's request in order to save itself? Chapter 8 examines different views on the way wrongs perpetrated by one polity may bring it within the punitive jurisdiction of the victim polity. There was also the question of what a just victor can rightfully do to the subjects of a justly defeated state. The answers provided are analysed in historical context in Chapter 9.

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In a letter to a fellow mathematician, Leibniz wrote, 'By calling attention to these traces of truth in the Ancients, or (more generally) in those that preceded us, one would extract gold from mud, a diamond from its ore, and light from darkness; and it would in fact be a sort of perennial philosophy'. Turning to the late scholastics he wrote more prosaically, 'There is hidden gold in the scholastic dung of the barbarians'.<sup>22</sup> He continued, 'I wish we could find an able man versed in Irish and Spanish philosophy, having the capacity to extract from them the good there is in them.'<sup>23</sup> This book is meant as a contribution to the collective effort to extract this gold, and to show that Leibniz greatly overestimated the amount of dung.

<sup>22</sup> The charge that the scholastics' Latin was unrefined and thus 'barbarian' was a standard one among Humanists.

<sup>23</sup> Possibly Leibniz had in mind Franciscan Scotists such as John Punch (Poncius) (1599/1603–1661) and Luke Wadding (1583–1644), whose ideas he sometimes considered. 'Letter to Nicolas-François Rémond de Montmort' in Gottfried Wilhelm Leibniz, Marcelo Dascal (ed.), *The Art of Controversies* (Dordrecht: Springer, 2006). The two fragments occur on pp. 446–7.