

GREAT CHRISTIAN JURISTS IN SPANISH HISTORY

The Great Christian Jurists series comprises a library of national volumes of detailed biographies of leading jurists, judges, and practitioners, assessing the impact of their Christian faith on the professional output of the individuals studied.

Spanish legal culture, developed during the Spanish Golden Age, has had a significant influence on the legal norms and institutions that emerged in Europe and in Latin America. This volume examines the lives of twenty key personalities in Spanish legal history, in particular how their Christian faith was a factor in molding the evolution of law. Each chapter discusses a jurist within his or her intellectual and political context. All chapters have been written by distinguished legal scholars from Spain and around the world. This diversity of international and methodological perspectives gives the volume its unique character; it will appeal to scholars, lawyers, and students interested in the interplay between religion and law.

Rafael Domingo is the Spruill Family Research Professor at Emory University, and ICS Professor of Law at the University of Navarra in Spain. A specialist in legal history, legal theory, ancient Roman law, and comparative law, he has published more than twenty books, including *The New Global Law* (Cambridge) and *God and the Legal System* (Cambridge).

Javier Martínez-Torrón is Professor of Law at Complutense University in Madrid, Spain. He is Vice-President of the Section of Canon Law and Church-State Relations of the Spanish Royal Academy of Jurisprudence and Legislation. His scholarly writings include twenty-two books and have been published in twenty-three countries and in thirteen languages.

LAW AND CHRISTIANITY

Series Editor

John Witte, Jr., Emory University

Editorial Board

Nigel Biggar, University of Oxford
 Marta Cartabia, Italian Constitutional Court / University of Milano-Bicocca
 Sarah Coakley, University of Cambridge
 Norman Doe, Cardiff University
 Rafael Domingo, Emory University / University of Navarra
 Brian Ferme, Marcianum, Venice
 Richard W. Garnett, University of Notre Dame
 Robert P. George, Princeton University
 Mary Ann Glendon, Harvard University
 Kent Greenawalt, Columbia University
 Robin Griffith-Jones, Temple Church, London / King's College London
 Gary S. Hauk, Emory University
 R. H. Helmholz, University of Chicago
 Mark Hill QC, Inner Temple, London / Cardiff University
 Wolfgang Huber, Bishop Emeritus, United Protestant Church of Germany /
 Universities of Heidelberg, Berlin, and Stellenbosch
 Michael W. McConnell, Stanford University
 John McGuckin, Union Theological Seminary
 Mark A. Noll, University of Notre Dame
 Jeremy Waldron, New York University / University of Oxford
 Michael Welker, University of Heidelberg

The Law and Christianity series publishes cutting-edge work on Catholic, Protestant, and Orthodox Christian contributions to public, private, penal, and procedural law and legal theory. The series aims to promote deep Christian reflection by leading scholars on the fundamentals of law and politics, to build further ecumenical legal understanding across Christian denominations, and to link and amplify the diverse and sometimes isolated Christian legal voices and visions at work in the academy. Works collected by the series include groundbreaking monographs, historical and thematic anthologies, and translations by leading scholars around the globe.

Books in the Series

Under Caesar's Sword: How Christians Respond to Persecution Daniel Philpott
 and Timothy Samuel Shah

Cambridge University Press
978-1-108-42807-1 — Great Christian Jurists in Spanish History
Edited by Rafael Domingo, Javier Martínez-Torrón
Frontmatter
[More Information](#)

- God and the Illegal Alien* Robert W. Heimbürger
Christianity and Family Law John Witte, Jr., and Gary S. Hauk
Christianity and Natural Law Norman Doe
Agape, Justice, and Law Robert F. Cochran, Jr., and Zachary R. Calo
Great Christian Jurists in English History Mark Hill QC and R. H. Helmholz
Great Christian Jurists in Spanish History Rafael Domingo and
Javier Martínez-Torrón
Calvin's Political Theology and the Public Engagement of the Church Matthew
J. Tuininga
God and the Secular Legal System Rafael Domingo
How Marriage Became One of the Sacraments Philip L. Reynolds
*Christianity and Freedom (Volume I: Historical Perspectives, Volume II:
Contemporary Perspectives)* Timothy Samuel Shah and Allen D. Hertzke
The Distinctiveness of Religion in American Law Kathleen A. Brady
Pope Benedict XVI's Legal Thought Marta Cartabia and Andrea Simoncini
The Western Case for Monogamy Over Polygamy John Witte, Jr.

Cambridge University Press
978-1-108-42807-1 — Great Christian Jurists in Spanish History
Edited by Rafael Domingo , Javier Martínez-Torrón
Frontmatter
[More Information](#)

Cambridge University Press
978-1-108-42807-1 — Great Christian Jurists in Spanish History
Edited by Rafael Domingo , Javier Martínez-Torrón
Frontmatter
[More Information](#)

Great Christian Jurists in Spanish History

Edited by

RAFAEL DOMINGO

Emory University / University of Navarra

and

JAVIER MARTÍNEZ-TORRÓN

Complutense University in Madrid



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-108-42807-1 — Great Christian Jurists in Spanish History
Edited by Rafael Domingo, Javier Martínez-Torrón
Frontmatter
[More Information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India
79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781108428071

DOI: 10.1017/9781108624732

© Cambridge University Press 2018

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2018

Printed in the United States of America by Sheridan Books, Inc.

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

NAMES: Domingo, Rafael, 1963– editor. | Martínez-Torrón, Javier, editor.

TITLE: Great Christian jurists in Spanish history / edited by Rafael Domingo, Emory University, Atlanta and University of Navarra, Spain and Javier Martinez-Torrón, Complutense University, Spain.

DESCRIPTION: New York : Cambridge University Press, 2018. | Series: Law and Christianity | Includes bibliographical references and index.

IDENTIFIERS: LCCN 2018006503 | ISBN 9781108428071 (alk. paper)

SUBJECTS: LCSH: Lawyers – Spain – Biography. | Judges – Spain – Biography. | Law teachers – Spain – Biography

CLASSIFICATION: LCC KK105 .G74 2018 | DDC 340.092/882–dc23

LC record available at <https://lccn.loc.gov/2018006503>

ISBN 978-1-108-42807-1 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Contents

<i>List of Illustrations</i>	<i>page</i>	ix
<i>List of Contributors</i>		xi
<i>Acknowledgments</i>		xiii
Introduction		1
Rafael Domingo and Javier Martínez-Torrón		
1 Isidore of Seville		31
Philip L. Reynolds		
2 Raymond of Penyafort		50
José Miguel Viejo-Ximénez		
3 Alfonso X		69
Joseph F. O'Callaghan		
4 Francisco de Vitoria		84
Andreas Wagner		
5 Bartolomé de Las Casas		98
Kenneth Pennington		
6 Martín de Azpilcueta		116
Wim Decock		
7 Domingo de Soto		134
Benjamin Hill		
8 Fernando Vázquez de Menchaca		157
Salvador Rus Rufino		

viii	<i>Contents</i>	
9	Diego de Covarrubias y Leyva R. H. Helmholz	174
10	Luis de Molina Kirk R. MacGregor	191
11	Francisco Suárez Henrik Lagerlund	210
12	Tomás Sánchez Rafael Domingo	225
13	Juan Solórzano Pereira M. C. Mirow	240
14	Gaspar Melchor de Jovellanos Jan-Henrik Witthaus	259
15	Francisco Martínez Marina Aniceto Masferrer	276
16	Juan Donoso Cortés, Marquis of Valdegamas José María Beneyto	294
17	Concepción Arenal Paloma Durán y Lalaguna	313
18	Manuel Alonso Martínez Carlos Petit	328
19	Álvaro d'Ors Rafael Domingo	344
20	Pedro Lombardía Alberto de la Hera and Javier Martínez-Torrón	361
	<i>Index</i>	379

Illustrations

Isidore of Seville, by Bartolomé Esteban Murillo / Great Sacristy of the Cathedral of Seville, courtesy of the Chapter of the Cathedral of Seville, Spain.	<i>page</i> 30
Raymond of Penyafort by José Balasanz, courtesy of University of Zaragoza School of Law, Spain.	49
Alfonso X by Eduardo Gimeno y Canencia, courtesy of the Prado Museum, Madrid.	68
Francisco de Vitoria by Aurelio Vera Fajardo, courtesy of the City Council of Vitoria / Gasteiz, Spain.	83
Bartolomé de Las Casas by Tomás López Enguñdanos, courtesy of the National Library of Spain, Madrid.	97
Martín de Azpilcueta by anonymous Italian painter, courtesy of the National Library of Spain, Madrid.	115
Domingo de Soto by anonymous painter, courtesy of the Convent of Saint Stephen, Salamanca, Spain.	133
Fernando Vázquez de Menchaca, cover of his <i>Controversiarum illustrium aliarumque usu frequentium</i> , courtesy of the National Library of Spain, Madrid.	156
Diego de Covarrubias y Leyva by Doménikos Theotokópoulos, “El Greco,” courtesy of El Greco Museum, Toledo, Spain.	173
Luis de Molina by F. G. Wolfgang, courtesy of the National Library of Spain, Madrid.	190
Francisco Suárez by Cornelis Galle, courtesy of the National Library of Spain, Madrid.	209

Tomás Sánchez (detail), attributed to Francisco de Zurbarán, courtesy of the Archive of the Faculty of Theology of Granada, Spain.	224
Juan Solórzano Pereira by Valentín Carderera, courtesy of the National Library of Spain, Madrid.	239
Gaspar Melchor de Jovellanos by Francisco de Goya, courtesy of Prado Museum, Madrid.	258
Francisco Martínez Marina by Francisco Alcántara, courtesy of the Royal Academy of History of Spain, Madrid.	275
Juan Donoso Cortés by Federico de Madrazo, courtesy of the owner of the portrait.	293
Concepción Arenal by Vicente Díaz y González, courtesy of the City Council of Ferrol, Spain.	312
Manuel Alonso Martínez by Bartolomé Maura Montaner, courtesy of the National Library of Spain, Madrid.	327
Álvaro d'Ors, courtesy of the University of Navarra Photographic Archive, Spain.	343
Pedro Lombardía, courtesy of the University of Navarra Photographic Archive, Spain.	360

Contributors

José María Beneyto, Professor of European Law and Politics and International Relations and International Law, CEU San Pablo University, Madrid, Spain; and Pierre Keller Visiting Professor, Harvard University, Cambridge, Massachusetts, United States.

Alberto de la Hera, Emeritus Professor of Canon Law and Legal History, Complutense University, Madrid, Spain.

Wim Decock, Assistant Professor of Legal History, Universities of Leuven and Liège, Belgium; Affiliate Researcher, Max Planck Institute for European Legal History, Frankfurt am Main, Germany.

Rafael Domingo, Spruill Family Research Professor of Law, Emory University, Atlanta, Georgia, United States; and Professor of Law and ICS Research Professor, University of Navarra, Spain.

Paloma Durán y Lalaguna, Professor of Law, Complutense University, Madrid, Spain; and Director of the Sustainable Development Goals Fund, United Nations, New York City, New York, United States.

R. H. Helmholtz, Ruth Wyatt Rosenson Professor of Law, University of Chicago, Illinois, United States.

Benjamin Hill, Associate Professor of Philosophy, Western University, Ontario, Canada.

Henrik Lagerlund, Professor of Philosophy, Western University, Ontario, Canada.

Kirk R. MacGregor, Assistant Professor of Philosophy and Religion, McPherson College, McPherson, Kansas, United States.

Javier Martínez-Torrón, Professor of Law, Complutense University, Madrid, Spain.

Aniceto Masferrer, Professor of Legal History and Comparative Law, University of Valencia, Spain.

Matthew C. Mirow, MacCormick Fellow, Edinburgh Law School, University of Edinburgh, Scotland; and Professor of Law, Florida International University College of Law, Miami, Florida, United States.

Joseph F. O’Callaghan, Professor Emeritus of Medieval History, Fordham University, New York City, New York, United States.

Kenneth Pennington, Kelly-Quinn Professor of Ecclesiastical and Legal History, Catholic University of America, Washington, DC, United States.

Carlos Petit, Professor of Legal History and Comparative Law, University of Huelva, Spain.

Philip L. Reynolds, Charles Howard Candler Professor of Medieval Christianity, and Aquinas Professor of Historical Theology, Emory University, Atlanta, Georgia, United States.

Salvador Rus Rufino, Professor of History of Political Thought, University of León, Spain.

José Miguel Viejo-Ximénez, Professor of Canon Law and Ecclesiastical Law, University of Las Palmas de Gran Canaria, Spain.

Andreas Wagner, Research Fellow, Goethe University, Frankfurt am Main; and Associate Researcher, Max Planck Institute for European Legal History, Frankfurt am Main, Germany.

Jan-Henrik Witthaus, Professor of Spanish and Latin American Literature, University of Kassel, Germany.

Acknowledgments

The editors of this volume are especially grateful to John Witte, Jr., the Robert W. Woodruff Professor of Law, McDonald Distinguished Professor, and director of the Center for the Study of Law and Religion at Emory University, for his unfailing encouragement, good judgment, and leadership in the development of this project on Great Spanish Christian Jurists. They are also grateful to Gary S. Hauk, senior editorial consultant of the Center for the Study of Law and Religion at Emory University, for his intelligent and professional attention to the preparation of the final manuscript. They owe a special word of thanks to John Berger, senior editor at Cambridge University Press, for his steadfast editorial assistance. Finally, they want to thank the Chapter of the Cathedral of Seville, the University of Zaragoza School of Law, the Prado National Museum, the City Council of Vitoria/Gasteiz, the City Council of Ferrol, the National Library of Spain, the Convent of San Esteban (Salamanca), the El Greco Museum (Toledo), the Archive of the School of Theology of Granada, the Royal Academy of History of Spain, the family owner of the portrait of Donoso Cortés, and the Library of the University of Navarra for providing and authorizing the reproduction of the illustrations published in this volume.

Cambridge University Press
978-1-108-42807-1 — Great Christian Jurists in Spanish History
Edited by Rafael Domingo , Javier Martínez-Torrón
Frontmatter
[More Information](#)
