

J. A. Fernández-Santamaría: Natural Law, Constitutionalism, Reason of State, and War. Counter-Reformation, Spanish Political Thought, Volume I (= Renaissance and Baroque. Studies and Texts, Vol. 32), Bern / Frankfurt a.M. [u.a.]: Peter Lang 2005, xiii + 471 S., ISBN 0-8204-7427-4, EUR 78.40.

## General Introduction 1

### PART ONE

#### *THE LEGITIMACY OF THE STATE: THE NATURAL-LAW FOUNDATION OF POLITICAL AUTHORITY*

|                                                                                            |            |
|--------------------------------------------------------------------------------------------|------------|
| <b>Chapter One: <i>Introduction</i></b>                                                    | <b>15</b>  |
| The Stoic Background                                                                       | 15         |
| Cicero on Natural Law                                                                      | 23         |
| From St. Augustine to Luther                                                               | 30         |
| Francisco de Vitoria                                                                       | 40         |
| Rebellion in Castile                                                                       | 49         |
| Notes                                                                                      | 67         |
| <b>Chapter Two: <i>Natural Law</i></b>                                                     | <b>75</b>  |
| Domingo de Soto and Francisco Suárez                                                       | 75         |
| The Law                                                                                    | 79         |
| Natural Law                                                                                | 93         |
| Principles and Precepts                                                                    | 109        |
| The Oneness of Natural Law                                                                 | 122        |
| The <i>ius gentium</i> and Custom                                                          | 134        |
| Notes                                                                                      | 149        |
| <b>Chapter Three: <i>Domingo de Soto on Society, Political Authority, and Dominium</i></b> | <b>153</b> |
| Natural Law                                                                                | 153        |
| The Natural Origin of Society                                                              | 156        |
| <i>Dominium</i>                                                                            | 160        |
| A Brief Digression                                                                         | 164        |
| Notes                                                                                      | 174        |
| <b>Chapter Four: <i>The Political Thought of Francisco Suárez</i></b>                      | <b>175</b> |
| <i>A corpus mysticum</i>                                                                   | 175        |
| The Rise and <i>locus</i> of <i>potestas</i>                                               | 182        |
| Political Authority                                                                        | 193        |
| The Right to Resistance                                                                    | 220        |
| Notes                                                                                      | 224        |
| <b>Chapter Five: <i>Regnum et sacerdotium</i></b>                                          | <b>227</b> |
| The Background                                                                             | 227        |
| The Pope and Temporal Authority                                                            | 237        |

|                                       |            |
|---------------------------------------|------------|
| The Spiritual Authority of the Church | 242        |
| <i>Plenitudo potestatis</i>           | 248        |
| Church and State                      | 251        |
| Notes                                 | 256        |
| <b>Conclusion</b>                     | <b>257</b> |

## PART TWO

### ***POWER-SHARING IN THE STATE: THE CASE FOR LIMITED MONARCHY***

|                                                                 |            |
|-----------------------------------------------------------------|------------|
| <b>Chapter Six: <i>Introduction. The Legacy of Humanism</i></b> | <b>271</b> |
| J.L. Vives: The Evolution of Mankind                            | 271        |
| The Two Ages of Man: Alonso de Castrillo                        | 292        |
| Antonio de Guevara's Utopia on the Danube                       | 301        |
| The Oneness of Mankind According to Las Casas                   | 304        |
| Notes                                                           | 312        |
| <b>Chapter Seven: <i>Mariana on Civii Society</i></b>           | <b>319</b> |
| The Man and the Moment                                          | 319        |
| The Origins of Society                                          | 324        |
| The Rise of Political Authority                                 | 337        |
| The Best Form of Government                                     | 343        |
| Notes                                                           | 347        |
| <b>Chapter Eight: <i>Constitutionalism</i></b>                  | <b>349</b> |
| Castilian Constitutionalism                                     | 349        |
| The King and the Commonwealth                                   | 362        |
| The Justicia and the Cortes                                     | 366        |
| The Realm's Fundamental Liberties                               | 372        |
| On Tyrants and Tyrannicide                                      | 387        |
| Notes                                                           | 391        |
| <b>Chapter Nine: <i>The Education of the Prince</i></b>         | <b>393</b> |
| Nature and Art                                                  | 393        |
| Prudence                                                        | 402        |
| <i>De mendacio</i>                                              | 413        |
| Religion                                                        | 420        |
| Conclusion                                                      | 430        |
| Notes                                                           | 443        |
| <b>Bibliography</b>                                             | <b>445</b> |
| Primary Sources                                                 | 445        |
| Secondary Sources                                               | 450        |
| <b>Index</b>                                                    | <b>463</b> |