

The Political Morality of the Late Scholastics: Civil Life, War and Conscience

Daniel Schwartz

Cambridge: Cambridge University Press, 2019 (234 pages)

During the last decades, an increasing number of studies dedicated to the late scholastics have been published. Historians of economics, politics, law, theology, and philosophy have focused their attention on the enormous contribution left by this school. Daniel Schwartz's essay depicts with great ability the elaborations of Domingo De Soto (1494–1560), Luis de Molina (1535–1600), and several other moral theologians and jurists on ethical issues concerning governors and their subjects. In the early modern period salvation of the soul was a popular problem. Salvation was only granted through confession and penance for sins. Theologians were therefore concerned with all aspects of life in order to help penitents and confessors to face moral dilemmas.

Schwartz structured his book on the model of the sixteenth-century scholastic treatises on “famous controversies.” These books did not present an extensive dogmatic structure but were rather oriented toward counseling Christians on moral problems related to daily life. Thus, Schwartz's book does not provide a pedantic section exploring foundational principles but goes straightforwardly to the tricky moral dilemmas (9–10). Section 1 is entitled “Civil Life” and comprises five chapters dedicated to the following subjects: electoral bribing, tax evasion, the poverty of foreign citizens, duty to keep secrets, and scandals. Section 2 is entitled “War” and includes four chapters: conscientious objection in war, patriotic collaborationism, punitive jurisdiction, and post-victory justice.

Schwartz has adopted a very clear and concise style, making the text easy to read for specialists and nonspecialists. Moreover, the vast majority of the questions discussed are of relevance to contemporary society. Let us concentrate on two of them: the duty to keep secrets and the poverty of foreign citizens. The late scholastics examined in depth the tension between private life and reputation. As Schwartz suggests, one of the important questions they addressed was the following: Is there information that should lawfully be kept secret? (80). Domingo de Soto answered that some unlawful actions should not be made public and listed four reasons. The first reason regards friendship: If all the evils that you keep secret were known to all, nobody would love you, and if you knew the bad thoughts of them you would not love them. The second reason is that harming reputation breaches the general principle of justice. The third reason is that without secrets we would not be able to take counsel from others, and similarly we would not be able to open up and unburden ourselves of our anxieties and sorrows. Finally, the fourth reason is that revealing secrets would bring disorder and destroy the state (80–81). As these short passages show, the late scholastics followed a very practical approach. They determined whether a certain behavior was lawful or unlawful by examining a set of motivations.

Another very interesting subject in Schwartz's book is that of the poverty of a foreign citizen. This problem was very popular in the early modern period, and it was discussed not only by moral theologians but also by humanists. The late scholastics' earlier contribu-

tions focused on the idea that it is not only the good of the city that ought to be pursued but also the reciprocal duties connecting social classes within a community territorially larger than the city (58). Soto offered several reasons against the exclusion of the poor. We summarize some of them. He claimed that expelling the poor is akin to exile and nobody can be exiled except as a punishment for a serious crime (64); the beggar has also his right to have his needs met; free migration is a way of responding to the great disparities in natural wealth across regions and kingdoms; hospitality is a virtue commanded by both divine and natural law (66–67).

On the other hand, later scholars such as Gregory of Valencia (1550–1603) and his disciple Adam Tanner (1572–1632) argued that it is legitimate for the city to close its borders to the poor coming from a different city. In other words, the poor inside the city need stronger protection than the poor outside. The city is a kind of private person and therefore it would not be obliged to follow the policy adopted by the king. Valencia held the view that both the circumstances of the poor and those of the city should be taken into account. Tanner observed that admitting the foreign poor would bring along a number of dangers, such as the spreading of Protestantism and heresy. Although the poor have a right under *ius gentium* to circulate on public roads, this right terminates when it poses a moral and imminent danger to the state. The same goes for the right of hospitality, which ceases if it turns out to harm the state or the state's own poor. The effects, Tanner says, of the expulsion should be ascribed to the home country that did not support the poor and not to the expelling country (68–69). When reading about this issue the reader cannot help but think of the current moral dilemmas that politicians have to address regarding contemporary migrations. Who knows if these reflections of the late scholastics will not turn out to be useful to the modern debate?

Schwartz's book has the great merit of successfully translating a sixteenth- and seventeenth-century discussion into formulations that can be valid for our contemporary society. Some historians might feel the need for more contextualization, or a deeper analysis of the theological, legal, and economic background of the late scholastics. But they might also find this information in many of the existing studies. Schwartz's book is certainly brilliant for its clarity, agile structure, and elegant prose. It masterfully discloses the contribution of the late scholastics on crucial ethical issues. It is definitely thought-provoking and inspiring.

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