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Socio-Economic-Political Concepts in Late Iberian Scholasticism
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Abstract
The School of Salamanca, and Iberian late Scholasticism in general, had the merit of transposing the wisdom of medieval scholasticism into the coordinates of early modernity. Due to the economic growth after the discovery of America, economic terms and moral problems become a central focus for moral theologians. In this article, I consider important key economic concepts that deliver a surprising wealth of insights into the modernization brought about by the leading scholars of the time. Social mobility, the principle of majority decision, the inviolability of property, human rights of the person, limited political power of the pope, and other key concepts that were decisive for the development of democracy and modernity are to be found in the works of the School of Salamanca in connection with economic issues.

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The project of creating a lexicon of the main socio-economic-political concepts in late Iberian Scholasticism is fascinating, and I am happy to contribute some possible keywords to the list of lemmata that has already been established.¹

Allow me to start with some preliminary observations. It was relatively easy for me to locate relevant concepts in authors who follow the structure of the *Summa Theologiae*. Others like Luis de Molina and Tomás de Mercado structure their works differently, and the concepts are dispersed throughout their publications. This makes it more difficult to locate the keywords one is seeking. It is also important to know that some of the concepts are only to be found in Spanish, or the Spanish words specify the Latin concept, and I have referred to it in my text.

In what follows, I comment on the list of concepts that might be useful for the projected lexicon. I have not included the words already present in the list of lemmata. Some concepts in the list that I was given (attached to my text) and are of great significance for economic life have been inserted but crossed out, because the projected lexicon already includes them.

A General Principles Referring to the Socio-Economic Order

For me, as a moral theologian, the School of Salamanca is of great interest for many reasons among them the question of methodology. As the projected lexicon will reference only authentic concepts used by the authors themselves and wishes to focus on the original meaning without projecting modern notions backwards in an anachronistic fashion, perhaps it would contradict the philosophy of the lexicon to enter *casus* as a keyword of its own. However, given the enormous importance of method, I think it should be treated somewhere in the Lexicon, perhaps under the heading natural law. Despite a clear leaning towards juridicism that it shares with the Latin Catholic moral tradition as such, the whole of the School of Salamanca still tends to follow the interesting methodological observation by Francisco de Vitoria regarding the difference between canonists and theologians.

"Theologi differunt a canonistis quia canonistae non sciant nisi determinare casus"

¹ These lists are attached at the end of this article. Without them my article would probably be difficult to understand.
particulares, theolodus vero casus universales, sicut in materia de usura et simonia.”² This is a fascinating quotation. It manifests great insight into the usefulness and limits of cases; the notion of a universal case; and the association with usury and simony (which was a playground for casuistry), even though Francisco de Vitoria is writing in the context of superstition, (specifically whether it is allowed to carry words of holy Scripture around your neck).

Another suggestion I want to make is the following. Tomás de Mercado vividly describes the incipient commercial society in Seville, of which he is very proud. In general, Mercado is refreshing, less theoretical ans more descriptive, even though he is rather prescriptive and scholarly. Somehow, I think that in the projected lexicon there needs to be an explanation of what Spanish society was like, what it meant to be a hidalgo, a mercader, to live in different parts of the country. Spain never truly managed to develop into a commercial society but there were kernels of it in the 16th century that are reflected in the works of our authors.

On the scholarly level, our authors were heavily influenced by Aristotle’s and Aquinas’s vision of the “pars totius”-doctrine,³ and therefore I suggest including “Amor, amicitia, caritas” as keywords because they reflect the basis of the late scholastic understanding of society. Francisco de Vitoria and Domingo de Soto have long paragraphs on friendship. In the Thomist tradition friendship is the basis of society. (Once again, Tomás de Mercado is more realistic about the fundamental importance of self-interest, and so are the others when it comes to defending private property.) These concepts are also closely linked to the concept of “bonum commune” that, I think, needs to be a separate keyword from “bonum”. Bonum commune is the central definitory element in the definition of law, and of the whole construction of society.

Francisco de Vitoria takes it as an established principle that we are obliged to love the common good more than our individual good: “dictur quod quaelibet pars debet potius velle bonum commune quam bonum propria.”⁴ His discussion turns around the question

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² See Francisco de Vitoria, Comentarios a la Secunda secundae de Santo Tomás, vol. 5, De Justitia et fortitudine (qq. 89-140), edited by Vicente Beltrán de Heredia (Salamanca: Biblioteca de Teólogos Españoles, 1935), q. 96, a. 4, n. 10, p. 82. Translation: “Theologians differ from canon lawyers because canon lawyers only know how to determine particular cases, whereas a theologian determines universal cases, as for example in the subject matter of usury and simony.”

³ “Part of the whole”. This doctrine formulates the need of the human person to be integrated into a community, in order to develop human traits and moral standing.

⁴ See Francisco de Vitoria, Comentarios a la Secunda secundae de Santo Tomás, vol. 2, De Caritate et Prudentia (qq. 23-56), edited by Vicente Beltrán de Heredia, (Salamanca: Biblioteca de Teólogos Españoles, 1932), q. 26, a. 3, n. 5, p. 103. Translation: “it is said that any part must prefer the common good to the individual good.”
whether we are allowed or even obliged to commit a sin in order to serve the temporal or spiritual common good of the community. He denies such an obligation because friendship with God whom I offend by my sin is a higher good than the common good. “Deus non ordinavit bonum meum spirituale ad commune bonum spirituale civitatis; non enim Deus fecit me capaces gloriae propter bonum commune…Deus est majus bonum quam sit communitas, et ideo peccare non debo pro salute spirituali reipublicae.” Here de Vitoria goes beyond Aquinas (who also affirmed that we are not completely pars totius id est civitatis) also because he dedicates more deliberations and distinctions to this question that had become more pressing in his times than it was in those of Aquinas. De Vitoria opens up the precondition for the possibility of human rights: only if there is something absolute in the human person, above and more important even than the public authorities, can there be the notion of a subjective personal right. Obviously, such a right is embedded in society and must not be turned against society: “bonum spirituale proprium quod non est necessarium ad vitam spiritualem simpliciter, est postponendum bono spirituali communi.”

Another important element both in economic life and in political and social debate was “servitus, servus”. Our main authors (Domingo de Soto, Tomás de Mercado) reject Aristotle’s argument of “natural slavery” but justify “legal slavery”. Other authors do not reflect on slavery thematically but presuppose its admissibility (see Melchor Cano’s opinion on Church property). This is rather sad considering the reports and efforts of Bartolomé de las Casas, Peter Damian and others.

### B Property

There are two concepts that are so important for the socio-economic order that I suggest their inclusion: avaritia and pauper(tas). Avaritia is decisive for the moral evaluation of commerce and social mobility that increased considerably in the Spanish Empire of the sixteenth century. Paupertas is not only a recurrent painful social phenomenon that exploded during Spain’s golden age but it is also the topic of the exciting debate on poverty

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5 De Vitoria, *Comentarios*, vol 2, q. 26, a. 3, n. 6, p. 104. Translation: “God did not order my spiritual good to the common spiritual good of the political community; because God did not make me capable of receiving glory because of the common good….God is a greater good than the political community, and therefore I must not commit a sin for the spiritual good of the republic.”

6 De Vitoria, *Comentarios*, vol 2, q. 26, a. 3, n. 7, p. 105. Translation: “one’s own spiritual good that is not directly necessary for one’s spiritual life comes after the common spiritual good.”

7 I omit dominium, proprietas, potestas indirecta Romani Pontificis in temporalibus, because they are already contained in the list of lemmata.
relief between Domingo de Soto and Juan de Robles. Besides, it is a frequently overlooked passage where St. Thomas and the scholastics drew the line for the right to private property.  

Avaritia is an important virtue for economic life, and there are surprising implications in it for society.

Francisco de Vitoria deals with it in his commentary on Aquinas’s analysis of the vice of greed or avarice. De Vitoria defines money as a means and compares it to other means like food and drink. They are all measured by their aims, health and happiness, that as aims have no measure. The aim measures the means.

“Ergo pecunia cadit sub mensuram. Tunc probatur quod avaritia sit peccatum. Quia avaritia est quando quis appetit et quaerit bona temporalia ultra statum et decentiam suam; et hoc est peccatum, quia est inordinate appetere. Si quis vellet appetere bibere plus quam oportet bibere, esset inordinate appetere. Sed sic est quod appetere pecuniam plus quam oportet ad statum suum, est inordinate appetere et velle. Ergo est peccatum. Avaritia ergo nihil aliud est nisi appetere bona temporalia ultra statum et conditionem appetentis.”

Francisco de Vitoria then asks the modern question: What Thomas Aquinas implies with this is that nobody must aspire to a higher station in life. Can this be true? Quoting Cajetan, Francisco de Vitoria (and also Luis de Molina) denies this consequence and “clarifies” Aquinas’s position. Only a desire for something outside of our human nature (e.g. immortality) or disproportionate to our individual capabilities is a sinful desire. However, we can legitimately strive to rise above our present state through proportionate efforts. In other words, Francisco de Vitoria endorsed or at least accepted social mobility. This is an exciting develop of Aquinas’s doctrine who had excluded it, as De Vitoria noted. However, the changed social circumstances of the time and the spreading of wealth and prosperity among new classes of people had modified the medieval stratified hierarchies.

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8 See Thomas Aquinas, *Summa Theologiae* II-II, q. 32, where he deals with alms. In order to delimit the obligation to give alms, he needs to define private property.  
9 See Francisco de Vitoria, *Comentarios a la Segunda secundae de Santo Tomás*, vol. 5, *De Justitia et fortitudine* (qq. 89-140), q. 118, vol 5, p. 257-266.  
10 Ibidem, n. 1, p. 257. Translation: “Therefore money is measured. Then it is proved that avarice is a sin. Because avarice consists in desiring and seeking temporal goods beyond one’s [social] status and decency; and this is sinful because it means desiring in an unorderly fashion. If anyone should wish to seek drink more than one should drink, that would be an inordinate wish. But in the same way seeking more money than is appropriate to one’s state in life is an inordinate desire and wish. Therefore, it is a sin. Avarice thus is pursuing temporal goods beyond one’s social status and condition.”  
The notion of **pauper** and **eleemosyna** are also important because of their immediate implications for the right to private property. Following Aquinas, de Vitoria defends the obligation (de praecepto) of giving alms. Any superfluous wealth, i.e. any wealth not needed for nature and status must be used to help those in need. The distinction between nature and status is important: nature refers to the basic means of subsistence and sustenance; whereas status refers to the expenses for the maintenance of one's status in society: horses, servants, feasts, buildings, jewels, etc. De Vitoria specifies (1.) that a rich man must reduce his status if necessary to help someone in danger of death. In a funny mix of Latin and Spanish that still today makes us experience the suspense he must have created in class, the class notes transmit his words: "Tenetur dejar de casar tan bien sus hijas como las casara si no les socorriera; et si erat equestris, fiat pedestris; y si traia cuatro mozos, que traya uno."12 He (2.) also obligates the rich to give away their superfluous belongings (i.e. no reduction of status is implied) to a poor person who is in grave but not extreme need.13

In a breath-taking passage, Francisco de Vitoria asks, whether the judge or the king may coerce the rich to give to the poor. The answer is a differentiating affirmation, based on Cajetan. Note again the mix of Spanish and Latin, and his criticism of ecclesiastics at the end:

"Respondet Cajetanus dupliciter. Primo, quod in casu extremae necessitatis, licet sequatur aliquo scandalum, [In the line before, Francisco de Vitoria stated that the principle of property must not be violated except in the case of an obligation of justice. The scandal must refer to something that might be perceived as unjust.] potest judex divites debito modo compellere ad dandam eleemosynam. Periclitant homines; et divites habent horrea plena tritico: potest judex facere, non quod omnino expolientur, sed quod dent aliquid. Quia illi qui sunt in extrema necessitate possessunt lice capere a divitibus et eos interficere si nollent dare, quia habent jus ad illa in tali necessitate. Sed magus dubium est extra extremam necessitatem. Et secundo dicit Cajetanus, quod princeps bene potest facere, non dicit quod iudices particulares. [The difference seems to be that the king has legislative power and can bind all the rich.] Ego non dubito nisi quod episcopus potest praecipere quod clerici divites in gravi necessitate dent eleemosynas, quia ille est princeps in suo episcopatu. - O contra, quia ista non fiunt. - Verum est, et fortasse proptererea quia sequitur

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12 See Francisco de Vitoria, Comentarios a la Secunda secundae de Santo Tomás, vol. 2, De Caritate et Prudentia (qq. 23-56), q. 32, a. 5, n. 3, p. 170. Translation: "He is obligated not to marry his daughters as well [to such a rich husband] as he would if he didn't help; and if he rode a horse, he should walk by foot; and if he had four servants around himself, then he should take only one."

13 Ibidem, p. 168-191. This long passage also deals with important aspects of property. Francisco de Vitoria comes down on the side of government backed social justice, going beyond mere voluntary charity by individuals.
Domingo de Soto does not concur with his friend Francisco on this point. He leaves poor relief in the field of mercy, thus charity: there exists an obligation to give superabundant goods to the poor on the basis of natural law; and that in extreme, evident and urgent need (not just big need) the poor can help themselves to whatever they need. However, the obligation of the rich to give to the poor, even in extreme need, is an obligation of mercy not justice. Not helping someone who is in lethal danger (hunger, exposure, disease) or in big need (this means that the person in need has to “loose his honor”) in any case is a grave sin. The reason why Domingo de Soto classifies this duty as one of mercy and not of justice is that the property rights have been established by natural law and no rich person can and should be forced to give. However, the poor are justified if they help themselves: they are not stealing but exercising their right to the common use of goods.15

I also found the reflections on the origin of property fascinating and of major implications. I suggest “appropriatio” and “divisio” as sub-concepts for proprietas, and perhaps even the Spanish term “mina”.

Our authors inquired, “how were things distributed at the very beginning of human history, or how are they distributed when new things are discovered?” Through division and appropriation by human law, was their answer. Francisco de Vitoria and Domingo de Soto actually postulated a kind of social contract that was at the origin of the division of property (“inter se homines convenire taliter, quod dicerent: Tu cape hoc, et tu hoc, et ego habebo hoc”16) In most cases, however, the distribution would have happened in an implicit way,

14 Francisco de Vitoria, Comentarios a la Secunda secundae de Santo Tomás, vol. 5, De Justitia et fortitudine (qq. 89-140), q. 118, vol 5, a. 4, n. 3, p. 264-5. Translation: “Cajetan answers in a twofold way. First, that in an adequate way the Judge may force the rich to give alms to the poor in extreme need, even though someone might be scandalized [by the judge’s decision]. [In the line before, Francisco de Vitoria stated that the principle of property must not be violated except in the case of an obligation of justice. The scandal must refer to something that might be perceived as unjust.] People are starving to death; and the rich have barns full of grain: the judge may make them give something without taking away everything. Because those who are in extreme need are allowed to take from the rich what the need, and kill them, if they do not want to give it to them, for they have the right to these goods in such dearth. However, the bigger doubt refers to a situation that is not extreme need. And Cajetan thus, secondly, says, that the ruler may well do that [oblige the rich to give] but not the individual judges. [The difference seems to be that the king has legislative power and can bind all the rich.] I do not doubt that a bishop can command the rich clerics to give alms to the poor in great need, because he is the ruler in his diocese. – But, you object, this does not happen. – That is true. Perhaps because they want to avoid scandal, or more probably, because they care very little about the poor.”

15 See Domingo de Soto, De la Justicia y del Derecho, edited by Venancio Diego Carro and Marcelino González Ordóñez (Madrid: Instituto de Estudios Políticos, 1968) first published 1556, Book 5, q. 3, a. 4, p. 428 in volume III.

16 Francisco de Vitoria, De iustitia: Über die Gerechtigkeit. Teil 2. Lateinisch/Deutsch. PPR I, 4, edited by Joachim Stüben (Stuttgart-Bad Cannstatt: frommann-holzboog, 2017), p. 34. This is Francisco de Vitoria’s commentary to Thomas Aquinas, Summa Theologiae II-II, q. 62, a. 1, n. 20. It is also printed in Francisco de Vitoria, Comentarios a la Secunda secundae de Santo Tomás, edited by Vicente Beltrán
by farming on land or working with whatever good in question. As soon as someone started tilling the land, the others respected it and moved on. These musings are reminiscent of the teachings on original acquisition by John Locke. Such a distribution of land need not be unanimous, adds Francisco de Vitoria, because “est de iure naturali, quod maior pars semper vincat in consilio. Et illud est necessarium ad pacem.”17 For the theory of democracy, such an expansion of Thomas’s argument for property based on peace, is an important step forward! As is well known, Aquinas had argued for private property because it helps promote peace. Now, De Vitoria expands it to decisions in councils and committee, noting that natural law requires the minority to abide by the majority decision. It shows De Vitoria’s acquaintance with voting processes in chapters of his religious Order. These were the cultural matrix from which Parliament emerged.

The scholastic precedence of the common good over the individual rights also is of great consequence for property. Some of Francisco de Vitoria’s statements that the human person and her goods and possessions belong more to the community than to him or herself, require correct interpretation lest they be understood in an anachronistic fashion (as justifying massive confiscation or nationalizations). Francisco de Vitoria had no experience with modern totalitarian systems, with which he would not have agreed. For instance, he defended the original right of the finder to the property of precious metal ores and minerals against confiscation by the Crown. In a time when Spain was discovering and exploiting the massive mines in Latin America the following statement was explosive:

“... sequitur unum corollarium: quod illa quae non sunt divisa nec habent proprietarium, id est aliquem dominum, sicut thesauri absconditi et perditi, como las minas, sunt primo occupantis et invenientis de jure gentium. Si hoc non expediat reipublicae, illa erunt communa, et per consequens per omnes qui sunt in republica dividenda, nam homo naturaliter est dominus omnium. Hoc dico propter reges, qui non possunt sine causa rationabili sibi appropriare aliquod thesaurum. Bene propter rationabilem causam, scilicet propter necessitatem reipublicae, alias non, quia esset tyrannicum privare homines de illo quod est de jure naturali. Oportet enim quod sit illius qui primo invenerit.”18

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de Heredia, vol. 3, De Justitia (qq. 57-66) (Salamanca: Biblioteca de Teólogos Españoles, 1934). Translation: “the men agreed among with each other to the effect that they said: You take this, and you that, and I’ll have this.”

17 Francisco de Vitoria, De iustitia, q. 62, a.1, n. 22, p. 36. Translation: “it is of natural law, that the majority should prevail in council. This is necessary for peace.”

18 Francisco de Vitoria, Comentarios a la Secunda secundae de Santo Tomás, vol. 3, De Justitia (qq. 57-66), II-II, q. 66, a. 2, p. 323. Translation: “There follows one deduction: that, by law of the peoples, things that are not divided up nor have a proprietor, that is an owner, like hidden and forgotten treasures, like the mines, belong to whoever occupies and finds them first. If this is not good for the state, then these things will be of common ownership, and thus must be split up among all citizens because man is by nature the owner of all things. I say this because of the kings who cannot
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C The Financial System

In the prologue (*prooemium*) to the sixth book of his monumental *De Iure et Iustitia*, Domingo de Soto explains that the jungle ("*sylva*") of usurious contracts and exchanges was the reason for him to undertake the task of writing the whole treatise. He also explains that he changed the order in which St. Thomas dealt with commercial questions. Domingo de Soto starts with usury as the bigger injustice, and as the measure and reason for all other commercial injustice: "*iniquius enim est pretium inde quaerere, unde nullum debetur, quam unde iustum debetur, iniustum extorquere.*"19

*Usura* is already included as a key concept. It implies a series of other notions that are mentioned in connection with it in the sources: *mutuum, sors, capitale, interesse, periculum, tituli, damnum emergens, lucrum cessans, mora, contractus trinus*. Writing this voice in the lexicon will be a challenge!

Also *judaeus* and *inimicus* have important connotations in connection with usury.

Of course, money itself (*pecunia, moneda*) should be a key concept. As the scholastics are interested in economic topics from a moral point of view, their disquisitions on money go hand in hand with the exposition of the virtues of *liberalitas* and *magnanimitas*. In Aristotelian manner money is considered as measure of equality in exchange, as means of exchange, and as a storage of wealth.

Martin de Azpilcueta and Tomás de Mercado have been praised for their discovery of the quantitative theory of money, and its implications for currency trade (*campsoria*).

A concept that fills many pages in the scholastics’ handbooks are the notions linked to *cambium* (*cambio*) or (bill of) exchange: *campsor, "cambio a letra vista", cambium siccum*, and others. In the expanding economy of the time and because of the geographical distances in the Spanish Empire, forms of non-monetary payment had to be used. These financial instruments had been invented in the 13th century. Some of these instruments were used to circumvent the prohibition of usury that provoked the ire of the Scholastic authors, and lead them into pages of distinctions.

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19 Domingo de Soto, *De la Justicia y del Derecho*, vol III, Prooemium lib 6, p. 505. Translation: “It is more unjust to charge a price when nothing is owed than to extort an unjust price when a just one is owed.”
Connected to exchanges is the “futures” markets. People wish to hedge their risk or they have a need for immediate liquidity, and sell future crops or produce at an estimated price. This very common business practice was dealt with frequently using words like: Merces solvenda in futuro, pretium futurum...

Census, yes, means tax. Therefore it must be part of this lexicon. It also means a form of investment that we would call “life annuity”. After initial hesitation, certain forms of this investment were approved by the theologians. They discussed other questions as well, e.g. "redditus (redimibilis)” that were considered circumventions of the prohibition of usury.

D Obligations and Commerce

The two central concepts here that are missing among the lemmata are: pretium and valor, valere.

Apart from the vice of avarice, the key notion around which the moral reflections of the late Scholastics circled regarding commercial exchange was the just price (pretium justum rooted in laesio enormis). This was an aestimatio that could not be pinpointed in an exact way but allowed of a latitudo. Our authors repeat Aquinas’s double rule of pricing. They also quite unanimously endorse the legal fixation of prices especially for necessary basic goods (pretium legale). Domingo de Soto adds the distinction between pretium rigidum, moderatum, pium. In general, however, the just price was the market price. And here our authors use the word forum (in a sense that is missing in the list) or plaza. Tomás de Mercado writes about precio justo in book 2, chapter 8. He agrees with the legal price for grain in chapter 7, and in chapter 8 he refers to those many goods for which there is no legal price: “Este precio justo es el que corre de contado publicamente y se usa esta semana y esta hora, como dicen en la plaza, no habiendo en ello fuerza ni engaño, aunque es más variable, según la experiencia enseña, que el viento.”

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21 Ibidem, p. 118. Translation: “This just price is the usual one charged publicly, in this week and at this hour, as they say in the market, without coercion or fraud, even though a price is more volatile than the wind, as experience shows.”
scholastic authors. Domingo de Soto even uses the expression “free market” in his rejection of price manipulation by monopolies and recatones “quia liberum non permittunt forum.”\textsuperscript{22}

The concept of \textit{valor} (value) is obviously linked with that of \textit{pretium} but not identical. Based on Augustine’s famous distinction between ontological and economic value, the late scholastics are known for their incipient theory of subjective value, which in reality is but a further development of medieval insights (see John Peter Olivi, Bernardin of Siena): \textit{utilitas, raritas, complacibilitas} are the three components of our subjective interest for a good and thus its value. Clearly, \textit{usus} and \textit{utilitas}, for our authors, are the main element of this estimation.

\textit{Stipendium} and \textit{recompensatio} are central notions for the everyday economic life of dependent workers and employees, now and in the 16\textsuperscript{th} century. The value of their work is measured by the wages they receive. Their formation too is subject to demand and supply, a law our authors are familiar with. True to their moral focus, the scholastics include moral correctives to the formation of wages. In his commentary on STh II-II, q. 77, a. 1, Francisco de Vitoria centers his thoughts on the common law principle of “\textit{volenti non fit injuria quando secluditur fraus et dolus}.”\textsuperscript{23} This means that whatever they agree on is the just price. However, there must be truly free will, which we cannot assume when one of the partners in the deal is in a state of dire need. This would be the case of a servant [in modern terminology a dependent worker]: if the master is not willing to pay the servant a just wage, he must give the lacking amount to the servant in restitution. “\textit{Dico quod non fuit voluntarium simpliciter, sed habuit aliquid admistum de involuntario, porque no pudo más, por ver que se moría de hambre y no hallaba do ir}.”\textsuperscript{24} Otherwise, Francisco de Vitoria is for the free formation of prices. He even rejects the principle of \textit{laesio enormis} (when the price is more than double the real value) in the case of whim, artistic performances, medical or legal services in difficult situations, a general increase of demand (e.g. If the army is looking for horses, and thus the increased demand raises the price). From such cases where the buyer is the cause of the raise of price, or general circumstances that are valid for all, De Vitoria distinguishes individual need. If an individual is dying from famine or thirst, I must not raise the price. According to the scholastic double rule of pricing (the seller may raise

\textsuperscript{22} Domingo de Soto, \textit{De la Justicia y del Derecho}, vol III, lib 6, q. 2, a.2, p. 545. Translation: “because they thwart the free market.”


\textsuperscript{24} Ibidem, n. 11, p. 129. Translation: “I say that it wasn’t simply voluntary but had something involuntary mixed into it, because he could not take more, because he was aware that he was starving to death and had nowhere to turn to.”
the price to cover his costs but must not raise the price because of special interest on the side of the buyer) this would be sinful. Any unjust price is a sin. “Haec materia est gravis et necessaria negotiatoribus, et ideo oportet vos esse vigilantes”, is the sombre warning of De Vitoria to the future confessors he is educating.\(^{25}\)

The concept of “\textit{res}” is of course central both to property law and law of obligations. The term is used by the scholastics in connection with topics such as \textit{defectus, vitium, vitium manifestum, vitium occultum}, etc. in the course of commercial transactions. The concept of “\textit{res}”, however, presupposes a profound preliminary legal-moral decision about the limits of what we consider to be a “thing”, and what we include in or exclude from commerce. In other words, the scholastics were engaged in what we call today commoditization. On the one hand, their notion of “\textit{res sacra}” was keen, on the other hand, they included slaves, thus human persons, among the objects of trade.

\textit{Debitum, fraus, dolus, promissum} are concepts that appear frequently but should, I think, be treated in connection with \textit{negotiatio, mercatura} or \textit{pretium justum}, which are already included in the \textit{lemmata} of the lexicon or mentioned above.

I hope that these considerations are useful for the project of the lexicon and eagerly await its publication.

\(^{25}\) Ibidem, n. 2, p. 117. Translation: “This is a grave and necessary matter [of confession] for merchants and therefore you must be vigilant.”
Attachment 1

Results of the Lemma Workshop (Febr. 2017): Group 1 ("must haves") with possible sublemmata

Red are those lemmata which were proposed and accepted during the workshop as additional candidates to the existing list.

1. abrogatio legum 31. beneficium
2. absolutio 32. bigamia
3. acceptio personarum 33. blasphemia
4. accusatio 34. bonum
5. actio 35. capitulum
6. actus 36. caritas
7. administratio 37. casus fortuitus
8. adoptio 38. causa
   arregetatio
9. advocatus  c. finalis, c. iusta (auch: bellum), c. legalis & iudicialis
10. aequalitas 39. causa legalis & iudicialis
11. aequitas 40. censura (ecclesiastica)
12. aestimatio cessatio a divinis
13. aetas 41. certitudo
14. alea 42. circumstantia
15. alienatio 43. civitas
civis
16. (altare) 44. clericus
17. apostasia archidiaconus, archipresbyter
18. appellatio 45. commendae/encomienda
19. appetitus 46. commodatum
20. arbiter 47. communitas
21. argumentatio iuridica 48. compensatio
22. arrha  recompensatio
23. ars/artifex 49. compromissum
24. auctoritas 50. concilium
25. auditor 51. concursus creditorum
26. bannum cessio honorum
27. baptismus 52. conditio
   aqua benedictus, coactio
28. beatitudo 53. confessio
c. delicti, c. sacramentalis, c. non sacramentalis, confessor, contritio, indulgentia, satisfactio (auch: restitutio)
29. bellum 54. confraternitas
   b. iustum, b. publicum, b. privatum, causa iusta, guerra
30. benedictio 55. coniuratio, conspiratio
56. constitutio
57. consuetudo
mos
58. (contestatio litis)
59. contractus
60. contumacia
inoboedientia (*auch*: oboedientia)
61. credulitas
62. crimen
laesio maiestatis
63. culpa
dolus
64. cura animarum
65. curiositas
66. daemon
67. decalogus
68. defectus
ciaeus, castratus, corpus vitiatus, dementia,
surdus
69. delegatus
70. democratia
71. denuntiatio
72. depositum
73. Deus
74. dignitas
75. dioecesis
76. dispensatio
77. dominium
divisio rerum, d. civile, d. iurisdictionis, d.
politicum, d. seculare, d. utile, d. sui
78. donatio
79. dos
80. dubium
ambiguitas (*auch*: interpretatio), d. facti, d.
iiuris
81. duellum
82. ecclesia
 corpus ecclesiae
83. electio
majoritas
84. elemosyna
85. emphyteusis
86. emptio venditio
mercator (*auch*: negotium, usura),
mora/morosus, ev. obligatio
87. episcopus
archiepiscopus, coadiutor
88. excommunicatio
e. mario, e. minor, c. reservata
89. exemptio
90. falsarius
fraus, mensura
91. familia
domesticus, familiaris
92. femina
mulier, uxor
93. feudum
94. fideicommissum
95. fideiusso
96. fides
f. bona, f. mala
97. fiscus
98. forum
f. civil, f. conscientiae, f. eclesiasticum, f.
externum, f. internum, f. mixtum, f.
poenitentiale
99. furtum
100. gratia
g. Dei, g. homini
101. gubernatio
102. habitus
103. haereditas
104. haeresia
105. homagium
106. homicidium
abortus (*auch*: matrimonium), assassinus, h.
casuale, h. voluntarius, parricida
107. homo, humanus
108. honestas
109. hospitale
110. hospitalitas
111. (hypotheca)
112. ieiunium
113. ignorantia
error facti, error iuris
114. immunitas
115. impensae
116. imperium
117. indiani
118. indicium
119. infamia
120. infidelitas
121. iniuria
contumelia, diffamatio
122. innocens
123. inquisitio
124. insignia
125. institutio
126. intentio
127. interdictum
128. interesse
    noxa
129. interpretatio
    ambiguitas (auch: dubium)
130. irregularitas
131. iudaicus
132. iudex
133. iudicium
    liberum arbitrium (auch: voluntas), ev.
    renuntiatio, sententia
134. iuramentum
    iusiurandum, perurium
135. iurisdiction
    legatus (auch: Papa)
136. ius
    i. canonicum, i. divinum, i. gentium, i.
    humanum, i. naturale, i. publicum, i.
    privatum, i. civile
137. ius communicandi
    communcatio
138. ius patronatus
139. ius peregrinandi
140. ius praedicandi
141. iusiurandum
142. iustitia
    iusiniustitia
143. legatum
144. lepra
145. lex
    abrogatio l., divisio l., efficiens l., effectus l.,
    finis l., iustitia l., ratio/conditio l., l. odiosa,
    mutatio l., necessitas l., perpetuitas l.,
    promulgatio l., ratio l., subiectum l., vis l.; l.
    aeterna, l. canonica, l. divina, l. divina nova,
    l. divina vetus, l. humana, l. civilis, l.
    naturalis, l. poenalis
146. libertas
147. locatio conductio
    conductor
148. lucrum
149. ludus
150. maleficium
151. mancipium
    emancipatio, manumission
152. mandatum
153. matrimonium
    abortus (auch: homicidium), adulterium,
    affinitas, clandestinum, coactio (auch:
    baptismus, vis absoluta), concubinarius,
    divortium, frigiditas, fornicator (auch:
    fornicatio, luxuria), illegitimus filius,
    impedimentum, nuptiae
154. mendacium
155. metus
156. minor
157. monarchia
158. multitudo
159. mutuum
160. natio
    gens
161. necessitas
162. negotium
    assecuratio, mercator (auch: emptio
    venditio, usura)
163. neophytus
164. notorium
    occultum
165. oboedientia
166. obligatio
167. occupatio
168. odiosum
169. officium
170. omissio
171. opinio communis
172. orbis
173. ordo
174. pactum
175. Papa, pontifex
    legatus
176. parrochia
177. patra
178. patronatus
179. pax
180. peccatum
181. peculium
182. permutatio
183. persona (publica)
184. philosophia
185. pignus
186. poena
187. poenitentia
188. populus
189. possessio
190. potestas
191. praebenda
192. praecipient
193. praelatus
194. praescriptio
195. princeps, rex
196. privilegium
197. probabilitas
198. probatio
199. procurator
200. prohibitio
201. promulgatio
202. provincia
203. prudentia
204. ratio
   usus r.
205. regula
206. religio
207. (renuntiatio)
208. res
   corpus
209. res publica
210. rescriptum
211. restitutio
   satisfactio (auch: confessio)
212. sacerdos
213. sacramentum
   character, Corpus Christi, eucharistia
214. sacrilegium
215. saraceni
216. scandalum
217. schisma
218. scientia practica/moralis
219. scrupulum
220. seditio
221. simonia
222. simulatio
   astutia, hypocrisis
223. societas
   appetitus societatis
224. status

230. theologa
   loci theologici
231. tutela
232. tyrannus, tyrannis
233. universitas
234. usura
   cambium, mercator (auch: emptio venditio, negotium)
235. vasallus
236. vicarius
237. virtus
   humilitas
238. vis (absoluta)
   coactio (auch: baptismus, matrimonium),
   violentia (auch: avaritia, ira, beide unter
   vitium)
239. vitium
   ambitio, arrogantia, avaritia,
   crapula/crabula, gula, invidia, ira, luxuria,
   superbis; Sublemma zu avarita und ira:
   violentia (auch: vis); Sublemma zu luxuria:
   concubinarius & fornicator (auch: fornicatio,
   matrimonium), fornicatio
240. voluntas
   liberum arbitrium (auch: iudicium)
241. votum
Attachment 2

Results of the Lemma Workshop (Febr. 2017): Group 2 ("possibly") with annotations and work assignments

Red are those lemmata which were proposed and accepted during the workshop as additional candidates to the existing list.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>1.</td>
<td>absens</td>
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<td>2.</td>
<td>alimenta</td>
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<td>3.</td>
<td>canonica portio</td>
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<td>4.</td>
<td>canonicus</td>
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<td>5.</td>
<td>cardinalis</td>
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<td>6.</td>
<td>cautio</td>
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<td>7.</td>
<td>citatio</td>
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<td>8.</td>
<td>clausula (generalis)</td>
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<td>9.</td>
<td>clausula rebus sic stantibus</td>
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<td>10.</td>
<td>cognitio</td>
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<td>11.</td>
<td>collusio</td>
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<td>12.</td>
<td>compositio</td>
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<td>13.</td>
<td>decima</td>
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<td>14.</td>
<td>dominica &amp; feriae</td>
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<td>15.</td>
<td>eucharistia</td>
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<td>16.</td>
<td>facultas</td>
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<td>17.</td>
<td>fama &amp; rumor</td>
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<td>18.</td>
<td>fictio</td>
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<td>19.</td>
<td>foedus aequum/iniquam</td>
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<tr>
<td>20.</td>
<td>idolatria, idola</td>
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</tbody>
</table>

Anmerkungen

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>1.</td>
<td>prüfen, wie weit der semantische Sinn reichen kann</td>
</tr>
<tr>
<td>2.</td>
<td>prüfen; Tendenz: aufnehmen</td>
</tr>
<tr>
<td>3.</td>
<td>Zuordnung zu einem übergeordneten Artikel möglich? Spezifisches in der SvSal?</td>
</tr>
<tr>
<td>4.</td>
<td>Prozessrecht: förmliche Ladung, Fristen werden in Gang gesetzt, Anknüpfungspunkt für Rechtsnachteile rechtlich anerkannte Ausstiegsmöglichkeit aus eingegangenen Bindungen evt. Sublemma zu clausula; Völkerrecht</td>
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<tr>
<td>5.</td>
<td>jur.: Prozeß</td>
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<tr>
<td>6.</td>
<td>wahrscheinlich wenig spezifisch für die SvSal; juristischer Fachausdruck – Verteilung von Täterschaft + Verantwortung; evt. andere Zuordnung evt. Sublemma zu restitutio; Kreuzzugsbulle (Kompositionenbulle)</td>
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<td>7.</td>
<td>Tendenz: aufnehmen</td>
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<td>8.</td>
<td>Artikel „Sakramente“? politisch-gesellschaftliche Bedeutung?</td>
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<td>9.</td>
<td>Kontext: ius, dominium, potestas</td>
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<tr>
<td>10.</td>
<td>wohl eher: persona ficta als Sublemma zu persona; Abgrenzung zur praesumptio</td>
</tr>
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<td>11.</td>
<td>Völkerrecht</td>
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<td>12.</td>
<td>imagines als Verweisstichwort behalten; Tendenz: aufnehmen</td>
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<td>21.</td>
<td>legislator</td>
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<td>22.</td>
<td>lis</td>
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<td>23.</td>
<td>magistratus, magistrado</td>
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<td>24.</td>
<td>maioratus</td>
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<td>25.</td>
<td>methodus</td>
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<td>26.</td>
<td>miles, militia</td>
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<td>27.</td>
<td>miserables personae</td>
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<td>28.</td>
<td>misericordia</td>
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<td>29.</td>
<td>pauper</td>
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<td>30.</td>
<td>praedo</td>
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<td>31.</td>
<td>promissio, promissum</td>
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<td>32.</td>
<td>tormentum, tortura</td>
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<td>33.</td>
<td>transactio</td>
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<td>34.</td>
<td>turpe lucrum</td>
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<tr>
<td>35.</td>
<td>utilitas</td>
</tr>
</tbody>
</table>
Attachment 3

Proposal Martin Schlag

General principles of the socio-economic order

Casus
Amor, amicitia, caritas
Bonumcommune
Consuetudo
Servus, servitus

Property

(I omit dominium, proprietas, potestas indirecta Romani Pontificis in temporalibus, etc.)

Appropriatio (perhaps as subconcept)
Avaritia
Divisio
Eleemosyna
Mina
Pauper(tas)

Financial system

Cambium, camp sor, “cambio a letra vista”, cambium siccum
Census, redditus (redimibilis)
Meres solvenda in futuro, pretium futurum
Pecunia, liberalitas, magnificentia
Societas, compañía, assicuratio
Usura (mutuum, sors, capitale, interesse, periculum, tituli, damnum emergens, lucrum cessans, mora, judaeus, inimicus, contractus trinus)

Obligations and commerce

Debitum
Dolus
Forum, plaza
Fraus
Mercatura = negotiatio
Monopolium, monopodium ("monipodio"), recató
Pretium (justum, latitudo, pium, moderatum, rigidum, legale)
Promissum
Res (defectus, vitium, vitium manifestum, vitium occultum, sacra...)
Stipendium, recompensatio
Utilitas
Valor, valere, utilitas, usus
The School of Salamanca. A Digital Collection of Sources and a Dictionary of its Juridical-Political Language is a long-term project of the Academy of Sciences and Literature Mainz in cooperation with the Goethe University Frankfurt and the Max Planck Institute for European Legal History, Frankfurt.

The School of Salamanca’s significance and influence on more than one continent as well as in different academic fields have given rise to an impressive multitude of research efforts in various disciplines: philosophers, historians, jurists, legal historians, and theologians pursue the reconstruction of complex subareas of the Salamantine intellectual edifice. The sheer number of these research projects worldwide has caused a notable fragmentation of the scientific landscape. Not only the connections between persons, texts, and disciplines threaten to become lost, but also the understanding of comprehensive questions and methods. The School of Salamanca. A Digital Collection of Sources and a Dictionary of its Juridical-Political Language addresses the needs of a growing international scientific community by facilitating the access to primary sources, their concepts and contexts.

Further information on www.salamanca.school.

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