

HABSBURG GOVERNANCE, THE ORIGINS OF MONARCHY AND POLITICAL PRUDENCE

IN JUAN DE MARIANA'S *DE REGE*

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ABSTRACT

In *De rege et regis institutione libre tres* (1599), the Jesuit Juan de Mariana (1536-1624) offers a comprehensive analysis of European monarchical government. Mariana examines and refutes contemporary ideas of monarchical absolutism together with the legalistic cultures from which they arose. Mariana weighs doctrines from scholastic natural law theory and Roman law against historical experience and conceives a language of political prudence or Catholic reason of state that puts the pursuit of political consensus over conflict and the unrestrained exercise of royal power. *De rege* offers a political understanding that respects the plurality of political cultures within the Spanish Habsburg monarchy and a political language that reflects the reality of governing an early modern poly-centric body politic.

INTRODUCTION

Every dynastic change, however well prepared and executed, marked a period of significant disturbance for the early modern body politic. The escalation of change into a full-scale political crisis was a possibility always likely to prey on contemporaries' minds. The succession of Philip III of Spain following the death of his father Philip II on 13 September 1598 was no exception.¹ The atmosphere in Madrid and the other centres of power across the Habsburg global monarchy was giddy with anticipation, hope and concern. The new king was expected to bring new faces and new ideas to the government of the *monarquía Hispánica*. The representatives of the old and the new regime began measuring up to one another in earnest.

¹ For this period, see Antonio FEROS, *Kingship and Favoritism in the Spain of Philip III, 1598–1621*, Cambridge: Cambridge University Press, 2000. For political debate later in the seventeenth century, Héloïse HERMANT, *Guerres de plumes. Publicité et cultures politiques dans l'Espagne de XVIIe siècle*, Madrid: Casa de Velázquez, 2012. For new approaches to the notion of a public sphere in early modern Europe – before and beyond Habermas – see also the contributions in Massimo ROSPOCHER (ed.), *Beyond the Public Sphere: Opinions, Publics, Spaces in Early Modern Europe*, Bologna: Il Mulino, 2012.

This period of transition from one regime to the next spawned much sparring for power, gossip, debate and a political literature of its own. On the news of the old king's death political commentators began to dissect the rule of Philip II as well as divine the character and intentions of his son and heir. The Jesuit Juan de Mariana (1535–1624) was one of many writers jostling to shape the outlook and the future direction of the government of Philip III.² His contribution to the debate, however, stands out for the way in which he pinpointed issues and intellectual trends that would steer debate well into the seventeenth century and leave their mark on Spanish political discourse

Mariana chose a traditional genre to give air to his hopes and fears and proffer counsel to Philip III and his advisors. His mirror-of-princes was published under the title *De rege et regis institutione libri tres* in Toledo in 1599 and dedicated to the new king.³ Despite its generic title, the treatise is no dry rehearsal of altogether familiar views concerning the virtues and vices of princes. Instead, what emerges is a complex and challenging, sometimes uneven analysis that sorts the chaff from the wheat of contemporary political thought. The treatise represents a searching, perceptive and often courageous discussion of the political constitution of the *monarquía Hispánica* as a 'composite' or 'poly-centric' body politic: a monarchy composed of semi-independent territories as politically and culturally diverse as they were distant from one another geographically.⁴ Mariana examines in how far political thinking had to change and what kind of approach to governance was needed and had to be encouraged if the monarchy of Philip III was to survive and flourish.

This overarching concern of the author becomes apparent as the argument unfolds. Mariana intended to support and develop a specific mode of governance – John H. Elliott has called it the 'Habsburg style of government' – commensurate to the mammoth task of

² For a comprehensive and detailed analysis of Juan de Mariana's political thought, see Harald E. BRAUN, *Juan de Mariana and Early Modern Spanish Political Thought*, Aldershot: Ashgate, 2007; for informed discussion also Domenico FERRARO, *Tradizione e ragione in Juan de Mariana*, Milan: Franco Angeli Libri, 1989; Harro HÖPFL, *Jesuit Political Thought. The Society of Jesus and the State, c.1540–1630*, Cambridge: Cambridge University Press, 2004.

³ Juan de MARIANA, *De rege et regis institutione libri tres*, Toledo: Pedro Rodríguez, 1599. All citations in Latin from this edition. For a modern critical translation into Spanish, see Juan de MARIANA, *La dignidad real y la educación del rey (De rege et regis institutione)*, edición y estudio preliminar (*El Padre Juan de Mariana, un humanista precursor del constitucionalismo*) de Luis SÁNCHEZ AGESTA, Madrid: Centro de Estudios Constitucionales, 1981.

⁴ For the current debate concerning the shift from describing the Habsburg monarchy as a 'composite monarchy' – a term and concept coined by Helmut Koenigsberger – to defining it as a 'poly-centric monarchy', see Pedro CARDIM, Tamar HERZOG, José Javier RUIZ IBÁÑEZ, Gaetano SABATINI (eds), *Polycentric Monarchies. How Did Early Modern Spain And Portugal Achieve And Maintain A Global Hegemony?*, Eastbourne: Sussex Academic Press, 2012; Manuel HERRERO (ed.), *Repúblicas y republicanismo en la Europa moderna (siglos XVI–XVII)*, Madrid: Fondo de Cultura Económica, 2017.

managing a polity of such complexity.⁵ This consensus precluded the adoption of rigid notions of secular monarchical power or ‘sovereignty’ that drew heavily on Roman law and would come to be defined as ‘absolute monarchy’ or ‘absolutism’.⁶ In order to work, this consensus required respectful acceptance of the plurality of jurisdictions, political systems and cultures on the part of the crown, and formal acknowledgement of royal authority on the part of the elites in the different territories of the monarchy.⁷ In other words, it required a preference for cautious negotiation and a commitment to compromise on all sides. This ‘Habsburg style’ of governance was reflected in matching modes of political thinking and communication, and a matching political language that evolved over the course of the later sixteenth and especially the seventeenth century. Generally, this political language was characterised by a growing willingness to accommodate the ambiguous and often perturbing reality of politics intellectually as well as morally.⁸ *De rege et regis institutione* is Mariana’s attempt to embrace the reality of secular politics, defend and define this style of governance, and to re-cast the corresponding political language for the reign of Philip III.⁹ His approach and many of his ideas on monarchical government and governance found their echo in the works of Diego Saavedra Fajardo or Pedro Portocarrero y Guzmán.

The first book of *De rege* set out a political ontology of monarchical authority that gives structure and direction to the treatise and serves a twofold purpose. Mariana examines and dismisses attempts by contemporary Catholic and Reformed theologians and jurists to lodge ‘supreme and absolute power’ in the king. He also constructs a language of Catholic

⁵ John H. ELLIOTT, “A Europe of Composite Monarchies”, *Past and Present* 137, 1992, p. 48-71.

⁶ Mariana’s treatise is a good example for contemporary analysis exploring and exposing the weaknesses at the heart of early modern conceptualisations of sovereignty. The heuristic value of ‘absolutism’ has diminished over the last decades not least because the term tends to obscure the mismatch between doctrine and pretension exposed by the study of the reality of early modern monarchical government. See briefly Mark GOLDIE, “Absolutism”, in George KLOSKO (ed.), *The Oxford Handbook of the History of Political Philosophy*, Oxford: Oxford University Press, 2011, p. 282-295; Matthew HENSHALL, *The Myth of Absolutism: Change and Continuity in Early Modern Monarchy*, London: Longman, 1992.

⁷ On the performative and mystical side of early modern kingship, see, for instance, Alejandro CAÑEQUE, *The King’s Living Image. The Culture and Politics of Vice-Regal Power in Colonial Mexico*, Abingdon and New York: Routledge, 2004. On the fragility of vice-regal and regal power in the far-flung corners of the Hispanic monarchy, for instance, Angela BALLONE, *The 1624 Tumult of Mexico in Perspective (c. 1620–1650). Authority and Conflict Resolution in the Iberian Atlantic*, Leiden: Brill, 2017.

⁸ For the later seventeenth century, see Xavier GIL PUJOL, *La Fábrica de la Monarquía. Traza y conversación de la Monarquía de España de los Reyes Católicos y los Austrias*, Madrid: Real Academia de la Historia, 2016; Harald E. BRAUN, “El pensamiento político español del siglo XVII: ¿declive y decadencia, o sabio reconocimiento de la complejidad de la vida política?”, *Classiques Garnier* [forthcoming].

⁹ Mariana confines himself to the histories of European, mainly Mediterranean powers. In his view, Spanish possessions in Europe and overseas are no different in terms of the mode of governance required to master and marshal their political energies. His analysis lacks the geopolitical vision and detail that is the hallmark of Giovanni Botero’s political-theoretical oeuvre. On Botero see now Romain DESCENDRE, *L’Etat du Monde: Giovanni Botero entre raison d’Etat et géopolitique*, Geneva: Droz, 2009; Harald E. BRAUN, “Knowledge and Counsel in Giovanni Botero’s *Ragion di stato*”, *Journal of Jesuit Studies*, 4 (2), 2017, p. 270–89.

political prudence or reason of state.¹⁰ His aim is to correct and replace what he perceives as a legal and limited way of thinking about the nature and exercise of monarchical authority. The second and the third book of the treatise anticipate and comment on many issues those involved in Spanish politics – Philip III’s own courtiers and officials as well as foreign observers and a wider public – would ponder for years to come. He does not shy away from discussing controversial topics such as the role of the royal favourite, the Duque de Lerma, or the need to increase the political and social cohesion of a disparate collection of dynastic territories through the creation of an imperial elite bureaucracy.¹¹ He puts forward bold proposals to protect the realms of Philip III from continual ruinous wars and fiscal crisis, including a plan to establish the bishops of Castile as treasurers of the realm and auditors of secular governance.¹² In the following, I will focus on the first book of *De rege* and on some of the main features of his account of the origins of monarchical rule and his conceptualisation of political prudence for the ruler of a poly-centric monarchy. His assessment of the Hispanic monarchy at the turn of the century and even more so the way in which he conceptualized the Spanish body politic and political language confirm Juan de Mariana as a distinctive voice in early modern Spanish and European political discourse.

THE FALL OF MAN AND THE ORIGINS OF MONARCHICAL RULE

There are several crucial components to Mariana’s construction of a political language to complement the Habsburg style of governance. The starting point and the keystone of his argument overall, however, is the distinct political ontology – a theological–philosophical account of the origin of political power – developed primarily in book one of *De rege*. Mariana

¹⁰ I am not able to relate Mariana and *De rege* to the wider European and Spanish debates connecting Tacitus, Machiavelli and *razón de estado* (a term which Machiavelli never used, but with which he became associated). See BRAUN, *Mariana*, passim (also for older literature); GIL PUJOL, *Fábrica*; and Id, “Las fuerzas del Rey. La generación que leyó Botero”, in Martir RIZZO et al. (eds), *La forze del principe. Recursos instrumentos y límites en la práctica del poder soberano en los territorios del monarquía hispánica*, Murcia: Universidad de Murcia, 2004, p. 969–1022; the contributions in Salvador RUFINO et. al (eds), *La razón de estado en la España moderna*, Valencia: Real Sociedad Económica de Amigos del País, 2000; Keith HOWARD, *The Reception of Machiavelli in Early Modern Spain*, Woodbridge: Tamesis, 2014. Due to its tight focus on the Florentine, Howard’s useful study of a sample of writers tends to overstate the impact of the reception of Machiavelli on Spanish political discourse.

¹¹ MARIANA, *De rege*, for instance, book 3, chapter 4, p. 292-301. On Philip III, the Duque de Lerma, and royal favouritism in Spain, see FEROS, *Kingship and Favouritism*; Patrick WILLIAMS, *The Great Favourite: The Duke of Lerma and the court and government of Philip III of Spain, 1598–1621*, Manchester: Manchester University Press, 2006; and the essays in John H. ELLIOTT and Lawrence W. BROCKLISS (eds), *The World of the Favourite*, New Haven, CT: Yale University Press, 1999.

¹² Mariana sets out his ideas concerning the future role of the Castilian episcopate in secular government in the last chapters of books one to three of *De rege*. See BRAUN, Juan de Mariana, chapter 5, p. 135-159.

uses his theological expertise to supplant the Thomist–Aristotelian framework so familiar from authors of the Spanish second scholastic with an intellectual construct that is distinctly Augustinian in tone.¹³ The argument of *De rege* rests on a strong Augustinian emphasis on the corruption of human nature after the Fall of Man. Mariana is possibly the only Jesuit author to describe civil society and its defining features as emerging from a historical and secular process unfolding mostly outside the boundaries of the law of nature: through the progress of human corruption over an unspecified period of time after the Fall.¹⁴ It is this political ontology moulded from strands of Augustinian, especially Scotist strands of scholastic theology as well as Ciceronian and Stoic humanism that allowed Mariana to reorganise contemporary political thinking and develop his version of Catholic reason of state.

The first few passages of Mariana’s discussion of the origin of society still appear to paraphrase familiar scholastic Aristotelian and Ciceronian lore.¹⁵ The *animal sociabile*, he says, was able to compensate for the many weaknesses incurred in the wake of the Fall through the ability to communicate and collaborate. Mariana, though, immediately qualifies this statement. Human achievements in the arts, medicine and war – things commonly held to “distinguish, enlighten and adorn human life” – are mere deception and merely express the vain struggle to escape misery and death. Here, and throughout *De rege*, Seneca and other ancients provide pithy expressions that capture Mariana’s Augustinian appraisal of the human condition: “Man enters into life shedding tears and never ceases to do so until the day he dies”.¹⁶

This Augustinian turn feeds a distinct sense of temporality and a corresponding dynamic of historical decline. “Time and the wickedness of man”, Mariana repeatedly states, drew humanity ever further away from its original perfect edenic nature. The Jesuit moves on to an account of the origin of civil society and political power as a historical narrative, a *history* of the progress of human corruption *post lapsu*. For a period after the Fall, Mariana states, the

¹³ Mariana’s approach clearly sets him apart from other authors of reason of state like Giovanni Botero or the Flemish Justus Lipsius. On Mariana’s political ontology BRAUN, *Juan de Mariana*, especially chapter one, p.15–41; Id., “San Agustín, Juan de Mariana, y la epistemología política española, siglo XVI”, en *Agustín en España (siglos XVI y XVII): Aspectos de Política, Historia y Cultura*, ed. Marina Mestre ZARAGOZÁ y Philippe RABATÉ, *CRITICÓN*, 118, 2013, p. 99–112; a sensitive reading in Ferraro, *Tradizione*.

¹⁴ A comparison between the political ontologies of Juan de Mariana, Luis the Molina SJ and the humanist jurist Fernando Vázquez de Menchaca (1512–1569) might be useful. For the contexts, themes and strands of early modern Jesuit political thinking generally, see HÖPFL, *Jesuit Political Thought*; on Vázquez de Menchaca, see Annabel BRETT, *Liberty, Right and Nature. Individual Rights in Later Scholastic Thought*, Cambridge: Cambridge University Press, 1997, p. 165–204.

¹⁵ For the following, see MARIANA, *De rege*, p. 16–21. Compare with the account in Tomas de Aquino, *De regimine principum*, book one, chapter one [for instance, Santo Tomás de Aquino, *La monarquía*, transl. Laureano ROBLES CARCEDO y Án CHUECA, Madrid: Tecnos, 2007].

¹⁶ MARIANA, *De rege*, p. 18. SENECA, *Ad Polybium de consolatione*, 4.3.

“first men” were ignorant of law, civil authority and private ownership.¹⁷ When numbers grew, and more and more families gathered and supported one another, “natural instinct and impulse” (*naturae instinctus et impulsus*) steered people to accept the counsel of their elders. This was still a life of blissful, oblivious Arcadian innocence, though, a time when “men worked for the common store, and earth Herself, unbidden, yielded all the more fully”.¹⁸

This Golden Age ended when after a period of time some men became aware of their ability to kill and rob their neighbours.¹⁹ In fact, these “bands of murderers” were the first to step outside the instinctive, family-based communities established soon after the Fall and form what came to be called a *populus* or (proto-) *societas*. The final step in Mariana’s sombre account is the “mutual pact” or “covenant” (*mutuum foedus societatis*) by which families placed themselves under a *rector* and established the fully formed *civilis societas* to protect themselves.²⁰

These “first rulers”, the Jesuit makes clear, guided their people by means of benevolent patriarchal *auctoritas* rather than princely *potestas*. They still possessed a degree of moral integrity, dignity and reputation that allowed them to dispense with the need for laws and officers of law or any other means of coercion. The people, in turn, did not yet need to check the power of their *rectores* by means of laws or be wary of their actions. These rulers of “the first race of man” considered themselves *quasi multitudinis custodes* or “mere guardians of the people”.²¹

Characteristically, Mariana does not develop the Roman law concept of *custodia*, which included notions of liability in the case of neglect of duty, into a fully-fledged theory of political contract. In fact, the point he intended to make was that good rulership was based exclusively on personal integrity and reputation as opposed to notions of power defined by law and implemented through law. This and other concepts Mariana lifted from Roman law serve to illustrate a primeval and moral relationship between guardian and people characterised by the absence of *potestas* or coercive power as opposed to a secular and juridical relationship based on the exercise of *potestas* by a prince. The primeval *mutuum foedus societatis*, correspondingly, describes nothing more than the decision of a body of free men (*universitas*) to accept the guidance of an individual able to lead in war and settle disputes solely by his moral integrity and sense of equity.

¹⁷ Mariana is paraphrasing CICERO; see, for instance, *De inventione*, 1.2.2.

¹⁸ MARIANA, *De rege*, p. 17; quoting VIRGIL, *Georgica*, 1.

¹⁹ *Ibid.*, p. 20-22, 23-34.

²⁰ *Ibid.* Mariana appears to invoke the Biblical *foedus duplex*; see BRAUN, *Mariana*, p. 28-29.

²¹ *Ibid.*, p. 23.

The effect of human corruption growing over time, however, soon affected the rule of the *rectores*. While Mariana assures his readers that monarchy or single rule is “closest to the true nature of things [before the Fall]”, he emphasises that it is, at the same time, the product of original sin and a prime manifestation of its creeping, debilitating effects.²² He wryly remarks that, eventually, “[s]ome kings, either impelled by greed for more possessions or incited by ambition for pride and glory, sometimes even exasperated by wrongs” subjugated other “free peoples” (*gentes liberae; civitates liberae*) and built the first empires (*imperia*).²³ Nimrod, Ninus, Cyrus, Alexander the Great, Caesar and other founders of empires so much admired in “vulgar opinion” in his view are nothing but “plunderers” and “tyrants”. The first chapters of *De rege* establishes empire, the rule of kings, and even hereditary monarchy as products of original sin and vehicles of the gradual obliteration of the original freedom and happiness humanity enjoyed before the Fall.

The Aristotelian and Ciceronian trimmings of the introductory paragraphs of book one cannot disguise the fact that Mariana’s political ontology clearly and deliberately sets him apart from the Thomist–Aristotelian theory of a natural progress from patriarchal *familia* to *civitas perfecta*. Saint Thomas Aquinas had suggested that civil society, political authority and private ownership arose from “first precepts” of a law of nature (*prima praecepta*) that had survived Adam and Eve’s fall from grace relatively untouched and were deeply embedded in “the hearts of men”. Human nature had lost the special gifts of divine grace and divine justice that had perfected it before the Fall, but was still able to partake in a *pura natura* by means of natural reason. Aquinas’ followers, including most of the theologians commonly associated with the ‘School of Salamanca’, elaborated this contention and insisted that human reason and those precepts of natural law relevant to human sociability had not been markedly affected by original sin.²⁴

Mariana, in contrast, openly rejects the idea of *societas civilis* and its accessories as inevitable products of an essentially pre–lapsarian ‘pure nature’. Echoing John Duns Scotus and Franciscan traditions in scholastic neo–Augustinian theology, the Jesuit states that civil society, political authority, *dominium* and the laws that regulate society came into existence

²² Ibid., p. 23–24.

²³ Ibid., p.24.

²⁴ The complex relationship between nature and grace in Aquinas and the second scholastic continues to be a matter of theological debate. For Mariana’s critique of Thomist doctrine in the context of his theory of the origin of civil society and monarchical authority, see BRAUN, *Juan de Mariana*, p. 22–26. For positions and debate within the ‘School of Salamanca’, see Juan BELDA PLANS, *La Escuela de Salamanca y la renovación de la teología en el siglo XVI*, Madrid: Biblioteca de Autores Cristianos, 2000; a helpful discussion of relevant dogma and scholastic debate, Heinrich KÖSTER, *Urstand, Fall und Erbsünde in der Scholastik* (Handbuch der Dogmengeschichte, II/3b), Freiburg: Herder, 1979.

not as the continuation and extension of a pre-lapsarian law of nature but as acts of positive law through human deliberation and consent. This Augustinian dictat of the all-pervasive effects of original sin ensured that every human thought and every human act was conceived and enacted *sub specie lapsus*. The secular political sphere, according to Juan de Mariana is 'natural' only in the sense that it is the sphere of pervasive corruption of human nature and activity. The body politic exists in the *civitas terrena*. It exists as the result and as the fluid, varied expression of original sin in historical time.

THE TRUE NATURE OF MONARCHICAL POWER

The consequences of Mariana's political ontology are momentous for his view of the relationship between divine, natural and positive law and for his definition and exercise of legitimate political authority. To assess his position, it is useful to turn to one of the first sentences in the *Decretum Gratiani*. Gratian had claimed that "ius naturale est, quod in lege et evangelio continetur".²⁵ Canon lawyers had subsequently toiled to expand the connection between divine and natural law and establish a metahistorical and universal juridical framework that incorporated the whole of Christianity and extended the reach of papal power over secular rulers. Civilians and other secular jurists, on the other hand, had taken a defensive position and sought to maintain the universality of Roman law and the autonomy of secular law generally.²⁶ By the end of the sixteenth century, it was clear that the enterprise of the papal lawyers had failed. The Reformation and Counter-Reformation had strengthened the hand of territorial rulers and their *jurisconsulti* and had reinforced the idea and the practice of secular, especially Roman law as an autonomous expression of natural law and a reflection of the divine will. In Habsburg Spain, *regalistas* like Jerónimo Castillo de Bobadilla (1547–1605) or Francisco Salgado de Somóza (1595–1665) exemplified this long trend towards an understanding and practice of monarchical power as grounded in 'absolute sovereignty'.

Crucial to the respective enterprises of papal jurists as well as their civilian opponents was the shared notion of the text – the Bible and the *Corpus iuris civilis*, first and foremost – as *ratio scripta*: the notion that specific texts were representations of natural and

²⁵ GRATIAN, *Decretum*, D. 1, c.1.

²⁶ On the complex relationship between canon and Roman law as a main driver of the process of the secularization of juridical thought from the thirteenth century onwards, see Harold J. BERMAN, *Law and Revolution: The Formation of the Western Legal Tradition*, Cambridge, MA: Harvard University Press, 1985; Paolo PRODI, *Una storia della giustizia. Dal pluralism dei fori al moderno dualismo tra scienza e diritto*, Bologna: Il Mulino, 2000.

divine law accessible to human understanding and interpretation by means of natural reason.²⁷ This notion of a smooth transmission of divine precepts for the benefit of a fallen humanity enabled scholastic theologians and Catholic secular jurists to agree that political order and legitimate monarchical authority were rooted in invariable principles of natural law. It was crucial for shielding legitimate hereditary monarchical power from the ramifications of Calvinist and Catholic resistance theory.

The definition of secular monarchical power in Francisco Suárez's *De legibus, ac Deo legislatore*, for instance, rested on the claim that royal authority originated in law of nature effectively undiminished by original sin.²⁸ Historical experience (*usus*), Suárez says, shows that *potestas civilis*, "although a natural attribute of a perfect human community, nevertheless does not reside immutably therein, but may be taken from that community by its own consent or through some other just means and transferred to another [authority]."²⁹ In this sense, "the governing power (...) derives from human law [and] the very institution of monarchy derives from human beings."³⁰ Suárez acknowledges the historicity of the actual act of constituting a monarchical government when he admits "that according to the pact or convention made between the kingdom and the king, his power is greater or lesser." However, he is quick to denounce the suggestion that "royal power is derived from human law alone" and that "the kingdom must be superior to the king, because it gives him power". This idea could lead to the further, untenable conclusion that the *respublica* could depose or change the king if it wished.³¹ This train of thinking, he is at pains to emphasise, is "totally false". To press his point, he deploys the powerful analogy between a man selling himself into slavery and a free people who transfer their original power to their chosen ruler:

"If a private individual who surrenders himself by sale to be the slave to another person, so that the master–slave relationship that is established has an entirely human origin; but,

²⁷ On this point, see the work of Pierre LEGENDRE, for instance, *Le Désir politique de Dieu. Étude sur les montages de l'État et du droit*, Paris: Fayard, 1988.

²⁸ For contexts and themes of Suárez political philosophy, also further literature, see HÖPFL, *Jesuit Political Thought*.

²⁹ Francisco SUÁREZ, *De legibus, ac Deo legislatore*, Coimbra: D. Gómez de Loureyo, 1612, III, 3, 7: "[...] licet haec potestas sit veluti proprietas naturalis perfectae communitatis hominum, tum talis est, nihilominus non esse in ea immutabiliter, sed per consensum ipsius communitatis, vel per aliam iustam viam posse illa privari, & in alium transferri."

³⁰ Ibid. III, 4, 5: "Nam potestas haec gubernativa politicae secundum se considerata, sine dubio est ex Deo; ut dixi, tamen esse in hoc homine est ex donatione ipsius rei publicae, [...] ergo sub ea ratione est de iure humano. Item quod regimen talis reipublicae [...] sit monarchicum, est ex hominum institutione, [...]."

³¹ Ibid. III, 4, 5: "Obiici vero potest, quia hinc sequitur, potestatem regiam esse ex solo iure humano [...]. Item sequitur, regnum esse supra regem, quia illi dedit potestatem. Unde ulteri sit, posse, si velit illum deponere, vel mutare, quod omnino falsum est."

this contract having been established, the slave must obey his master by divine and natural law.”³²

Once power is handed over, the prince “takes the place of God, and natural law constrains us to obey him.”³³ The people, on the other hand, “by granting [that] power (...) subjects itself to the king and loses its previous liberty.”³⁴ Suárez is eager to stress that the fact that the transfer of power was made “under the law of nature” makes it irreversible: “[...] the transfer of this power is not an act of delegation, but rather a form of alienation or an unlimited surrender of the whole power which was in the community.”³⁵

This brief discussion of passages from Suárez’s compendious *De lege* suffices, I hope, to emphasise the difference between Mariana and mainstream scholastic understanding of the relationship between monarchical government and natural law. Our Jesuit brutally disrupts the notion that a conversation between divine law, natural law and human natural reason could have continued to shape human positive law and human institutions after the Fall. That conversation *ended* with the Fall. Consequently, Mariana adopts the civilian notion of natural law as a basic instinct of self-preservation or “the law which is shared by man and beast”.³⁶ Legitimate political authority is no longer the articulation of “first precepts” of the law of nature in historical time. Legitimate monarchical authority and the laws and institutions created to correct and restrain the monarch are mere expressions of human corruption in secular time.

At a crucial point in his argument, towards the end of the book one, Mariana considers the position taken by Suárez and other exponents of the idea that the *potestas* of the monarch comes from natural law and cannot be challenged by subjects.³⁷ He sets out to dissect the arguments put forward by “men outstanding in their reputation for erudition” who want to bestow *suprema et maxima potestas sine exceptione* on monarchs.³⁸ Some of these *viri eruditi*

³² Ibid., III, 4, 6: “Sicut quando unus homo privatus se vendit, & tradit alteri in servum, dominium illud ab homine simpliciter est; illo vero contractu supposito, iure divino & naturali obligatur servus parere Domino.”

³³ Ibid.: “[...] aliud est supposita translatione huius potestatis in regem, iam gerere vicem Dei, & naturale ius obligare ad parendum illi.” Also: Ibid.: “[...] supposita translatione huius potestatis in regem, iam gerere vicem Dei, & naturale ius obligare ad parendum illi.”

³⁴ Ibid.: “Et ita patet responsio ad confirmationem, negando simpliciter sequelam, quia translata potestate in regem, per illam efficitur superior etiam regno, quod illam dedit, quia dando illam se subiecit, & priori libertate privavit, ut in exemplo de servo, servata proportione, constat.”

³⁵ Ibid. III, 4, 11: “[...] translatio huius potestatis a republica in principem non est delegatio sed quasi alienatio [...] ut per se vel per alios utatur eo modo quo illi magis videbitur expedire.”

³⁶ MARIANA, *De rege*, p. 21. Paraphrasing ULPIAN, Dig., 1.1.1. A definition rejected by Suárez and natural law theorists generally.

³⁷ The discussion is concentrated in chapters eight and nine of book one of *De rege*, p. 87–99 and p. 99–107 respectively.

³⁸ MARIANA, *De rege*, p. 91–92.

draw on canon law to claim that princes are like bishops whose authority is greater than that of the cathedral chapter as a corporate body (*universi in diocesi*). They distort canon law and falsely deduce that “the king is greater not only than the individual citizens but also than the whole corporate body of the people”.³⁹ Others, he observes, draw false analogies between the rule of the monarch and the despotic rule of the *paterfamilias* over his family. This and similar comments are a swipe at the French *politique* and jurispudent Jean Bodin, who had established the Aristotelian family as “the true source and the origin of the *respublica*” and compared the indivisible and unlimited power of the monarch to that of the Aristotelian *paterfamilias*.⁴⁰ The Angevin jurist, disturbed by the disaster of the French Wars of Religion, declared that monarchical sovereignty originated in natural law and that the monarch is morally bound to respect the precepts of natural law, but that legitimate monarchical cannot be challenged on the grounds of natural or customary law.

Notwithstanding profound differences concerning the nature of law and the nature and exercise of monarchical power, Bodin, Suárez and other early modern theorists of monarchical sovereignty shared a determination to anchor absolute kingship in natural law and protect it from any form of resistance from below. Bodin had sought to soften his stance by distinguishing between *monarchie royale* as one in which the monarch obeys the laws of nature and the subjects retain their natural liberty and property, and *monarchie seigneuriale* in which the monarch uses force to make himself master over the persons and properties of his subjects and governs them as the *paterfamilias* governs his slaves.⁴¹ Yet he had also insisted that the difference was merely one between two different modes of governance and did not stem from the nature of absolute sovereignty itself.

Mariana summarily dismisses these and similar arguments as prime examples for philosophical–juridical sophistry. He exposes a flaw in the argument which scholastic conceptualization of sovereignty shared with Bodin: the Jesuit points out that if *potestas* is firmly rooted in the monarch through natural law and if respect for the person and property of subjects and the customs and laws of the land is merely a moral obligation, then monarchy can all-too-easily descend into tyranny. Mariana scorns theologians and jurispudents alike for

³⁹ Mariana invokes a well-known maxim from medieval canon: *rex maior singulis minor universis*. The formula epitomizes the notion of a corporation (*universitas*) as a *persona ficta* or single person by fiction of law. The *universitas* was made up of men in their corporate aspect (*universi*), that is, men who could act only as a corporate whole or through their representatives. According to this legal maxim, the king is inferior to men acting as a corporate whole (*universi*), but superior to any private individual (*singulus*).

⁴⁰ In his *Six Livres de la République*, first published Paris: Jacques du Puy, 1576, I.2. On the ways in which Bodin’s oeuvre was translated into other European contexts and discourses, see Howell A. LLOYD (ed.), *The Reception of Bodin*, Leiden and Boston: Brill, 2013.

⁴¹ BODIN, *République*, II.2.

potentially turning subjects – he uses the terms *subditus* and *civis* interchangeably – into slaves.⁴² Wittingly or unwittingly, the *virī eruditi* indulge the blind ambition of princes because they ignore political reality and they lack historical experience.

Mariana does not aim to make a point of universal theological-legal doctrine. He readily concedes that any *respublica* can bestow *suprema et maxima potestas sine exceptione* in their ruler. Some peoples, for instance the *gentes barbaras* mentioned in Aristotle’s *Politics*, decided to be ruled in a manner “that verges on tyranny”. Society and government originate and exist as acts of human positive law rather than the result of a process in natural law, and therefore vary greatly from people to people and over the course of the lifespan of any one *respublica*. Most peoples throughout history, though, Mariana observes, chose to limit and control the power of monarchs by means of laws and institutions. The Spartans introduced the ephorate, the Aragonese created a tribune or *iusticia* to “defend their laws and privileges from the ambition of kings and nobles”. Those laws themselves, the different processes of making law, and the different institutions established to protect the people and laws of the land, though, are also deeply, invariably affected by original sin. Laws, Mariana declares, are usually inspired by sudden whim and the foolhardiness of the *populus* and are the product of *fortuna* more likely than *sapientia*.⁴³ Mariana does not abandon his Augustinian perspective on humanity at any point in his argument.

Still, the Jesuit maintains that “[t]he power of the king, if it is legitimate, always has its source in the citizens [...]”.⁴⁴ To state the contrary, he states, is to “mistake the child for the parent” or “the river for the source”.⁴⁵ Yet the analogy of parent and child or spring and river again does not translate into a juridical construct of ‘popular sovereignty’. Mariana does not turn the notion of monarchical *suprema potestas* on its head and place it in the corporate body of the people or *universitas* instead. French Huguenot or Catholic Leaguer authors like François Hotman and Jean Boucher had identified magistrates as the *maior* or *sanior pars reipublicae* and had made them the hinges of their conceptualization of popular sovereignty and a concomitant right of a people to resist a legitimate prince who had turned into a tyrant. Mariana has no track with the idea that any part of the secular body politic other than the king, and least of all secular magistrates or the nobility or cortes of Castile, could represent the people as a

⁴² MARIANA, *De rege*, p. 91.

⁴³ *Ibid.*, p. 87–88. Mariana’s careful and differentiates assessment of customary law – *mores* or *consuetudines* – is integral to his argument, but cannot be discussed here; see BRAUN, *Juan de Mariana*, p. 43-60.

⁴⁴ *Ibid.*, p. 88: “Me tamen auctore, quando regia potestas, si legitima est, a civibus ortum habet, iis concedentibus primi Reges in quaque republica in rerum fastigio collocati sunt: eam legibus & sanctionibus circumscribent ne sese nimia efferat, luxuriet in subditorum perniciem, degeneretque in tyrannidem”.

⁴⁵ *Ibid.*, p. 90.

corporate body and exercise a right of resistance on their behalf. When it comes to political process, he sourly remarks, historical experience is unambiguous and tells us that:

“[...] in omni populi parte improborum numerus sit multo maximus, si rerum potestas penes plures fuerit, in omni deliberatione pars senior a peiori superabitur: neque enim suffragia ponderantur, sed numerantur, ac ne fieri quidem aliter potest.”⁴⁶

Just as casually as Mariana discarded the notion of *suprema potestas* in a king, he rules out that a similar power could be vested in the people. The ground is the same: the corruption of humanity penetrates every layer of the body politic. It is easier to manage tyrannical corruption if power is vested in an individual than if it is in the hands of the *multitudo*.⁴⁷ Whether *suprema potestas* is lodged in the prince or the people is, ultimately, irrelevant. The notion of *suprema potestas*, Mariana insists, is misleading and destructive in principle. In a passage important for our understanding of the argument of *De rege*, Mariana turns to his intermittent interlocutor and states:

“Quod si pergas curiose rogare, sit ne in arbitrio reipublica plenam sine exceptione potestatem (...) Principi dare? Equidem non magnopere contendam, neque in magno ponam discrimine utrovis modo sentiatur: modo illud concedatur *imprudenter* [my emphasis] facturam rempubliam si dederit: Principem temerarie accepturum, per quod subditi e liberis servi evadant, (...) principatus degeneret in tyrannidem.”⁴⁸

It is worth lingering over this passage. It clearly indicates the rationale of Mariana's argument. A people can offer *plena sine exceptione potestatis* and a monarch can accept it. It would be an act of destructive foolhardiness on both sides. The study of history has brought Mariana to the point in his argument where he point-blank refuses to discuss the origins, scope and exercise of political power and authority in terms of legal doctrine. The incessant, inconclusive debate among jurists and theologians merely serves the ambitions of princes or nobles and fosters political conflict. Mariana can see only one way forward: he changes the terms of the debate about the nature and limits of monarchical power from jurisprudence to political prudence.

⁴⁶ Ibid, p. 32.

⁴⁷ For Mariana's discussion of the right way to manage and manipulate the *populus*, a differentiating critique of Machiavelli, see especially book three of *De rege*, chapter fourteen [*De prudentia*], p. 387-406.

⁴⁸ MARIANA, *De rege*, p. 94. This is part of Mariana's discussion and rejection of the *lex regia*, a juridical theme at the heart of early modern discourses of monarchical *suprema potestas*, towards the end of book one, chapter eight of his treatise.

THE PRUDENCE OF KINGS

Throughout *De rege*, Mariana's gaze is firmly on the king and on feasible and practical ways to ensure that monarchical government does neither descend into tyranny nor is wrongly perceived as tyrannical by a sizeable part of the body politic. The greatest danger to the Hispanic monarchy, or any other body politic for that matter, he states, is that a prince will be "deceived by the appearance of greater power [...] and will not realize that power is secure only if it places a limit on its own strength."⁴⁹ Past and present experience, the Jesuit is keen to emphasize, tells us that subjects accept monarchical government as legitimate only if the monarch acts "within the bounds of moderation and self-restraint".⁵⁰

Mariana shares with Justus Lipsius the concept of virtue as a political affect, as an emotion that will solicit a powerful response in those who witness virtuous behaviour.⁵¹ If the monarch acts virtuously or is perceived as acting virtuously, Mariana is frequently and noticeably ambiguous about this point,⁵² the *auctoritas* of the ruler and the *benevolentia* of his subjects towards his person and enterprises will increase in tandem.⁵³ He conceives of *auctoritas* as power without the coercive trappings of power, and defines *benevolentia* as the emotion the monarch should seek to foster in his subjects. "True power" is not a matter of theological speculation or legal doctrine, but a matter of whether the prince can manage his own needs and emotions and those of his subjects in a way that ensures political stability.

Mariana agrees that the most powerful monarchs, including the king of Spain, can act as if they were *legibus solutus* and use force and intimidation to get their way. Yet, to do so, he assures his readers, is likely both to corrupt the prince and to destroy the people's respect for his person and dynasty. Once the people have lost respect for their monarchy, they will no longer obey, support and protect him.⁵⁴ If, on the other hand, Philip III "permits neither himself nor anyone else to be mightier than the laws", Mariana promises, the king will maintain his

⁴⁹ Ibid., p. 95.

⁵⁰ Ibid., p. 94–95: "Qui tum demum regius est, si intra modestiae & mediocritatis fines se contineat: excessu potestatis, quam imprudentes indies augere satagunt, minuitur penitusque corrumpitur. Nos stulti maiores potentiae specie decepti dilabimur in contrarium, non satis considerantes eam demum tutam esse potentiam, quae viribus modum imponit. Neque enim ut in divitiis, quo amplius augentur, eo locupletiores cuadimus, ita in regio principatu contingit, sed contrarium. cum Princeps volentibus debeat imperare, civium benevolentiam colligere, eorum commodis servire: imperio exacerbato & Regis benevolentiam exuet, & potestatem imbecillitate mutabit."

⁵¹ We have no evidence that Mariana read Lipsius, though their lines of thought converge in many instances. The introductory passages of chapter nine, book one of *De rege* could be read as a paraphrase of Justus LIPSIUS, *Politicorum sive Civilis Doctrinae libri sex*, first published Leiden: Plantin, 1589, II, 15.

⁵² See, for instance, the discussion of Scipio Africanus feigning piety, MARIANA, *De rege*, p. 258–60.

⁵³ MARIANA, *De rege*, p. 57–58, p. 60, p. 100–103. See LIPSIUS, *Politicorum*, IV.8

⁵⁴ Ibid., p. 393.

authority and legitimacy across the monarchy and “inspire men to serve him and defend his honour with their lives as they would defend their wives and children” and “to assist him from public and private funds”.⁵⁵ To show or make a show of respect for the different legal and political traditions of the territories and peoples of the Hispanic monarchy, Mariana suggests, is a matter of self-interest as much as moral obligation.

Here, and throughout his treatise, the Jesuit parries notions of *suprema potestas* with variations on the theme of parent and child or source and river to capture the reality of the relationship between a monarch and a people. Prudence nurtured on historical experience, Mariana repeatedly reminds the reader, shows that the monarch depends on his subjects as much as they depend on him, if not more. Fiscal, political and military power and even the physical survival of individual rulers and dynasties hinge on the *benevolentia* of the subjects. History, not least the history of Castile offers Mariana plenty of examples and archetypes of prudent kingship to bolster his argument.

One such example for prudent conduct in a king is Alfonso VIII of Castile.⁵⁶ During the siege of Cuenca in 1177, close to victory over the Muslim enemy but short of funds, Alfonso asked the Castilian nobility for a voluntary grant of money. The count of Lara took the king’s plea as part of a plan to end the exemption of nobles from taxation. He openly conspired with other nobles to oppose the king, and publicly threatened Alfonso with war. Alfonso realized that he was in danger of being branded a tyrant and do lasting damage to his authority. He quickly withdrew his appeal.

Mariana makes clear that Alfonso had no hidden agenda and that his request for a *merced* was motivated solely by his crusading zeal. Throughout *De rege*, he is particularly critical of the Castilian nobility, its propensity to conspire and ruthless pursuit of personal advantage. The rulers of Castile, Mariana observes matter-of-factly, have always found it difficult or near impossible to impose new taxes without the consent of the *populus* or *respublica*.⁵⁷ The fact that Alfonso VIII had good reason to ask for money and that the count of Lara was wrong to suspect the king of subterfuge, however, is not the point. Alfonso could have charged Lara with treason and escalated the conflict. Instead, the king chose to humble himself and demonstrate respect for established custom and the concerns of his subjects. While

⁵⁵ Ibid., p. 101, p. 57–58.

⁵⁶ Ibid., p. 98–99.

⁵⁷ Ibid., p. 89: “Quod experimento comprobatur in Hispania, vectigalia imperare Regem non posse populo dissentiente.”

the siege lasted much longer than the king had wished, Mariana says, Alfonso's decision preserved the peace and strengthened his authority in the long term.

Mariana sums up his ideology of prudent kingship in an example from classical antiquity. The Spartan king Theopompus established the ephorate as a vehicle to gather support and consent from the *respublica* and by his action ensured the survival of Sparta at a particularly critical juncture in its history.⁵⁸ Scolded by his wife for diminishing the power of his son and future king, Theopompus merely responded that though he may have left his heir with less power, he certainly left him with power more stable and secure. The Spartan, Mariana pithily observes, had realized that "princes, by placing reins on their fortune, rule themselves, and rule fortune and their subjects more easily."⁵⁹

Mariana also has a warning from history ready at hand, an example "to demonstrate how great is the strength of the multitude angered with hatred for a ruler, and that the ill-will of the people results in the destruction of the prince".⁶⁰ He refers to the reign and fate of Henri III of France (reigned 1574-1589) as an example of a prince "deceived with an appearance of greater power, [...] not giving the matter enough consideration, and not realising that power is finally safe only when it places a limit on its own strength." A monarch, Mariana states categorically, should never try to force a project that the citizen will not approve, nor "should he oppose the angry multitude", which "is like a torrent that destroys everything in its path".⁶¹ Henri ignored the counsel of prudence. He constantly violated the laws and customs of France, made the heretic Henri of Navarre heir to the throne, and provoked his people until they thought of him as a tyrant, a "monster from antiquity" like Nero and Caligula. In 1589, he was murdered by the Dominican monk Jacques Clement as a result.

Mariana's observation that "a great many people" have ever since regarded Henri's assassin as "the eternal glory of France"⁶² infuriated French *politiques*, caused considerable problems for the Society of Jesus, especially in the wake of the assassination of Henri IV of France in 1610, and excited modern historians of political thought tracing the origins of popular sovereignty and modern parliamentary democracy.⁶³ Yet Mariana articulates ideas that were

⁵⁸ Ibid., p. 95.

⁵⁹ Ibid. Also *ibid.*, p. 114–116.

⁶⁰ Ibid., p. 65.

⁶¹ Ibid, p. 392, p. 393.

⁶² Ibid., p. 69.

⁶³ Mariana's discussion of tyrannicide, *De rege*, especially book one, chapter six, p. 65-80. For a fuller discussion of Mariana's ideas, their reception, and the relevant historiography, BRAUN, *Juan de Mariana*, p. 80-91, p. 6-13; also Alexandra MERLE, "El De Rege de Juan de Mariana (1599) y la cuestion del tiranicidio: un discurso de ruptura?", *Criticón* 120/121, 2014, p. 89-102.

not yet excluded from the mainstream of sixteenth-century theological-juridical debate, certainly not in his native Castile. His treatise *De rege* was never put on the Spanish *Index*.

Much of what Mariana has to say on the subject echoes standard textbooks of theology and law. For instance, he agrees with most Catholic theologians that the usurper or “tyrant without a title” may be killed by any subject. He goes on to say that *in extremis*, if a prince violently abuses his subjects, if he does not listen to their pleas, if he consistently and continuously acts in a tyrannical way, the natural law of self-preservation could come into force. At this point, a *respublica* might decide to declare the prince *hostis publicus* (a principle from the *ius civilis*) and any private individual may kill the prince. Mariana discusses this process as a definite possibility – “each nation has its own way of judging matters”⁶⁴ – not a doctrine popular sovereignty rooted in natural law. If we place these few lines in chapter six of book one of *De rege* in the context of the overall argument of the treatise, the discussion hardly amounts to a theory of popular sovereignty.

Rather Mariana’s observations on why Jacques Clement came to kill his king are part of a narrative of Henri III’s moral and political decline. By the time of his death, Henri had lost the love, trust and support of almost all his subjects, Catholic and Calvinist alike. He is an example of a ruler who provoked his subjects to the point where they could no longer bear him. Henri III was one of those princes who follow Caligula’s maxim “oderint dum metuant”, but come to realise, sooner or later, that “force is not as easily applied to the mind as it is to the bodies of subjects”.⁶⁵ His assassination is not a matter of whether *suprema potestas* ultimately rests in the people or the king, but a matter of political prudence.

CONCLUSION

Two years after the publication of *De rege*, Mariana reminded Philip III that he had been offered guidance such as needed to match the enormity of the task of governing the Spanish monarchy. In the preface to his *Historia general de España*, published in 1601, Mariana referred to *De rege* as “a book that comprised the virtues that befit a good king”.⁶⁶ He went on to promise that his treatise offered the reader rather more than the usual fare. The book, its

⁶⁴ MARIANA, *De rege*, p. 393.

⁶⁵ *Ibid.*, p. 391, p. 65.

⁶⁶ Juan de MARIANA, *Historia general de España, Compuesta primero in Latin, despues buelta en Castellano por Iuan de Mariana*, Toledo: Pedro Rodríguez, 1601, preface, p. 3.

author claimed, provided Philipp III of Spain with a thought-provoking exploration of “the precepts, counsel and the rules” of monarchical government.

Mariana also made clear that his investigation of the principles of good governance and the preservation of the monarquía Hispánica was based first and foremost in historical experience. *De rege* is the work of a humanist historian more than it is the work of a scholastic theologian.⁶⁷ Mariana views theological and juridical conceptualisations of the theory and practice of government through the prism of history. He clearly stands apart from his more famous fellow Jesuits and members of the ‘Escuela de Salamanca’ such as Francisco Suárez (1548–1617) or Luis de Molina (1535–1600).⁶⁸ He revised and in fact rejected foundational doctrines of Thomist–Aristotelian natural law theory in the light of Augustinian political ontology. The Jesuit constantly stresses the fundamental historicity, temporality and corruption of human political institutions. The Augustinian-Scotist angle of Mariana’s political ontology gives the adage *historia magistra vitae* a sharper edge.

He is equally critical of the civilian tradition and of legal thinking and method generally. Mariana does not accept jurisprudence – whether rooted in scholastic natural law theory or Roman law - as a tool for understanding and framing the needs and the practice of monarchical government. He is hostile towards attempts – associated with the names of Jean Bodin or Alberico Gentili – to extract metahistorical and universal principles from diverse bodies of law and make those the pillars of political order.⁶⁹ Yet he did not simply discard or disregard the civilian tradition either. Rather, he absorbed it into a new intellectual–analytical construct. Much of the first book of *De rege* is dedicated to the task of critiquing and recasting prominent tenets of Roman law as *loci communes* of political prudence. In many ways, the Jesuit is a Spanish counterpart to Justus Lipsius and Giovanni Botero.

⁶⁷ On Mariana’s historical thought and method still George CIROT, *Études sur l’historiographie espagnole – Mariana historien*, Bordeaux: Feret & Fils, 1905; Richard KAGAN, *Clio and the Crown. The Politics of History in Medieval and Early Modern Spain*, Baltimore: The Johns Hopkins University Press, 2009; Francisco GÓMEZ MARTOS, *La creación de una historia nacional. Juan de Mariana y el papel de la antigüedad en la edad moderna*, Madrid: Dykinson, 2018.

⁶⁸ I cannot discuss Mariana’s relationship to the ‘School of Salamanca’ within the confines of this article. See the helpful definition of the ‘School’ as a ‘community of discourse’ in Merio SCATTOLA., “Zu einer europäischen Wissenschaftsgeschichte der Politik,” in *Werkstatt Politische Kommunikation. Netzwerke, Orte und Sprachen des Politischen*, ed. Christina ANTENHOFER, Lisa REGAZZONI, and Astrid VON SCHLACHTA, Göttingen: Vandenhoeck & Ruprecht, 2010, p. 23–54; also Thomas DUVE, “La Escuela de Salamanca: ¿un caso de producción global de conocimiento?”, *Salamanca Working Papers Series 2* (2018), 1-32.

⁶⁹ On Bodin’s historical method, see, for instance, Marie-Dominique COUZINET, *Histoire et méthode à la Renaissance: une lecture de la Methodus de Jean Bodin*, Paris: Vrin, 1996; Julian FRANKLIN, *Jean Bodin and the Sixteenth Century Revolution in the Methodology of Law and History*, Westport CT: Greenwood Press Publishers, 1977. On Gentili, see the contributions in Benedict KINGSBURY and Benedict STRAUMANN (eds), *The Roman Foundations of the Law of Nations. Alberico Gentili and the Justice of Empire*, Oxford: Oxford University Press, 2010.

The rejection of the Thomist–Aristotelian conceptualisation of the body politic and the dissection of the civilian constructions of political order converged in his trenchant and sustained critique of any notion of *suprema potestas*. In the view of Mariana, and this is a point he made throughout his treatise, notions and practices of “absolute royal authority” invariably prove counterproductive and damaging to the prince and the people. They will be most destructive where a monarch rules over many different territories with decidedly different political constitutions and traditions. *De rege* sets out an alternative model for the understanding and exercise of royal authority. The result of Juan de Mariana’s efforts was a language of political prudence or Catholic reason of state, which, though not free from tensions, inconsistencies and contradictions, offered a pragmatic and practical view of politics immediately relevant to governing the *monarquía Hispánica*. His *De rege* is a political manual for a Spanish monarch in the age of reason of state.