

Unter dem Gegensatz verborgen: Tradition und Innovation in der Auseinandersetzung des jungen Martin Luther mit seinen theologischen Gegnern. By Klaus Unterburger. Münster: Aschendorff, 2015. Pp. 155. €24,80.

How Catholic was Luther? This question, as Unterburger shows, is wrongheaded because too often it was asked from an anachronistic perspective. Instead we have to be aware of the many-layered traditions of the late Middle Ages to fully appreciate Luther as theologian.

In the first part he provides a helpful overview of Catholic Luther interpretation and its current challenges. Part II is devoted to ecclesiology and Christology in the early Luther. U. rightly criticizes the widespread notion that Luther's ecclesiology was in 1519 still "Catholic," because this presupposes anachronistically a uniform Catholic ecclesiology that did not exist. Moreover, he makes clear how his view of church, Christ, and soteriology are interwoven and originate already in the early years of the reformer. In part III he treats Luther's reception of Augustine and his criticism of Scholasticism. Here the main focus lies on the question of whether Luther was part of a wider Augustinian school (Gregory of Rimini) or not. U. thinks both camps have reached a stalemate, although Staupitz's influence on Luther cannot be overestimated (77). In the fourth part U. analyzes Luther's understanding of canonical obedience and reconstructs in the fifth the "reformed" identity of Luther. Here the focus lies on the characteristics of Protestant theology and the question of whether or not Luther's tower experience has to be dated early (1512) or rather late (1518).

U. demonstrates that a confessional reading of Luther, be it Lutheran or Catholic, rather obstructs the perception of dependencies or innovations in the Reformer's work. Most importantly, however, his sober prose, paired with mature judgment makes this book an important companion for the Reformation jubilee and will inoculate readers against using the latter for new confessional warfare.

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De legibus. Liber Tertius, Teil I. By Francisco Suarez. Political Philosophy Theory of Law in the Middle Ages and Modernity, Series I, Vol. 6 and 7. Trans. Gwladys L. Williams, Ammi Brown, and John Waldron with certain revisions by Henry Davis, S.J. Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2014. Pp. 456; 408. €188; €9.95.

Francisco Suarez is making a comeback. Over the past two decades bits and pieces of his enormous opus have been translated; recently also a 1944 translation of parts of his *De legibus* has been reprinted. However, these two volumes are the first complete translation of the third book of S.'s work (into German), dealing with human, positive law. The lack of interest in book 3 can perhaps be attributed to the fact that most researchers of the past were interested in S.'s view of international law or his concept of natural law rather than human law.

The context of this work, published in 1612, is the need of post-Reformation states to prove the legitimacy of their powers. While some attempted to develop a position that would provide such a foundation regardless from one's religious affiliation, S. argues against such secularizing tendencies. At the center of his argument is the natural freedom of the human person. This freedom, however, aims naturally at fulfillment in a society (*appetitus societatis*). The power to force another human being can therefore only derive from God, as there are no "natural slaves" (III, 2, 3). Nevertheless, he denies that a single person can immediately be vested by God with such power (as Savonarola claimed). Instead such happens through a mediating cause, the institutions of the state, which arrive at it due to the surrender of rights of the totality of the people (the term general will is not yet known to S.). These rights, however, are gifted and not delegated (III, 4, 11) to the monarch.

S.'s attempt to give free human will a constitutive power in the foundation of political society is remarkable. His argumentation follows the Salamanca school, which is known to combine theonomical and anthroponomical elements to articulate the legitimacy of the power of the state. This volume contains the Latin original and translation. The latter is fluid and concise and makes S.'s dense prose quite accessible. The critical apparatus, bibliography, and index are superb. The value of this work cannot be overestimated. Yet now it is on us to reread S. and realize the importance of this Jesuit thinker for the formation of modern political philosophy!

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Die Theorie des natürlichen Gesetzes bei Francisco de Vitoria warum Autonomie der einzig mögliche Grund einer universellen Moral ist. By Anselm Spindler. Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2015. Pp. xxii + 285. €168.

This philosophical dissertation challenges Schneewind's "dogma" that Kant invented the conception of morality as autonomy; yet, even more surprising, we are told that it was Francisco de Vitoria, OP, who long before Kant had developed such a concept.

In order to make his argument, Spindler first establishes that Domingo de Soto, OP, taught a morality derived from nature while the Jesuit, Francisco Suarez, held on to a divine command theory. In a next step, based on recent scholarship (esp. Wolfgang Kluxen and Hannes Möhle), Thomas Aquinas and John Duns Scotus are shown to be much more sophisticated than de Soto and Suarez, and in fact preparing Vitoria's conception. Vitoria becomes thus the exception to the Salamanca School as he reconstructs the universal demand of morality and leaves the paradigm behind that morality has to be obedience towards God (or nature). For him a person has moral responsibility if he or she has the faculty to reason (*usus rationis*)—but that the latter is only the case if they have the ability to determine their actions through reasonable considerations, which fall under this normative and highest principle of practical reason. Thus the legislation of practical reason subdues judgment and will. By reconstructing that for Vitoria the