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*Value, Justice, and Presumption in the Late Scholastic Controversy over Price Regulation*

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INTRODUCTION

The emergence of modern economic thought is closely connected with late scholastic debates about the role of markets in determining just prices. Among commentators, there is a consensus that thinkers such as Luis de Molina (1535–1600), Leonard Lessius (1554–1623), and Juan de Lugo (1583–1660) did not reduce the just price to the actual market price. Rather, they took into account the role of power structures that they regarded to be illegitimate. Thus, as they understood it, the just price falls within a certain range around the common market price (or what the seller and the buyer take to be the common market price) achieved without coercion, fraud, or deception, and in the absence of market manipulations such as collusion, the formation of monopolies, and artificially induced shortages in supply.[[1]](#footnote-1) Late scholastic critiques of illegitimate economic power structures also included wage legislation (and more generally, social policy). As Odd Langholm and Richard Sturn have brought to light, in this field thinkers such as Francisco de Vitoria (1483–1546) saw a close connection between commutative justice (as in the exchange relations between employer and employee) and the distributive outcomes of such relations.[[2]](#footnote-2) Considerations of power relations also played a role in the late scholastic controversy over regulated prices; in contrast to the issues of just market prices and just wages, modern scholarship here has taken only superficial notice.[[3]](#footnote-3) In fact, during the sixteenth and early seventeenth centuries, several scholars developed theories of price regulation in order to analyze the demands of justice in situations where markets cease to function—be it through natural conditions, wars, or artificially induced shortages in supply.

This article will explore three interrelated aspects of the debates about price regulation among Spanish moralists such as Juan de Medina (1490–1546) and Luis de Molina, as well as lesser known thinkers such as Luis Mexía, who published a monograph on the topic in 1569, and Melchor de Soria, who took up the topic in 1627. The first aspect concerns the persistence of a cost-and-labor theory of value in the thought of these Spanish moralists. Modern commentators have tended to focus on the apparently “modern” market-oriented aspects of late scholastic economic thought. Yet some thinkers developed something of a disjunctive theory of value. In situations of functioning markets, they accepted a kind of subjective utility conception of value, according to which the value of a good is determined by how highly it is esteemed by the buyers; on the other hand, during a breakdown of markets they applied a labor theory of value. Medina, Mexía, and Soria used ideas developed by the Tübingen-based jurist Conrad Summenhart (1455–1502).[[4]](#footnote-4) The first part of the essay examines the ways that price laws could be an expression of economic justice. I will discuss these issues in terms of their dual theories—that is, the distinction between prices based on morally acceptable market mechanisms on the one hand, and prices based on labor, cost, and risks on the other. To view them in these terms rather than the modern conceptual distinction between market prices and natural prices helps avoid the anachronism against which André Lapidus has warned.[[5]](#footnote-5)

The second aspect is discussed in part two. These differences in value theory led in turn to different thoughts on how price laws could be an expression of economic justice. For Molina, price legislation never can be an independent source of commutative justice; moreover, it never can be connected with the goals of distributive justice. By contrast, for the proponents of the labor-and-cost theory of value in situations of extreme necessity, price laws can express a source of value that is independent of market mechanisms; this is why they take such laws to define the basis of commutative justice concerning certain goods. Further, Summenhart and Mexía connect the goals of price regulation with the goals of distributive justice. These scholars generally recognized that the truth of empirical assumptions on which price legislation rested was highly uncertain. They also described frequently the negative consequences of price regulation, such as the decrease of productivity and the emergence of a black market. They questioned whether such regulatory laws would create a legal obligation that extended from a matter of obedience to include the binding of conscience as well.

The third aspect is discussed in part three. These scholars favored an attitude of presumption in determining the justice of decisions regarding price. The rational basis of such presumptions lay, they concluded, in the evidence for the quality of decision-making that had led to the price regulation. One should presume truth (or sufficiency) unless and until contrary evidence becomes available. As we will see, the revisable nature of such presumptions corresponds closely to institutional arrangements generally accepted in sixteenth-century Spain; these revisable presumptions were able to ground the morally binding character of price.

I. PRICE REGULATION AND THE NATURE OF VALUE

The Spanish moralists responded in strongly diverging ways to the medieval cost-and-labor theory of value. As Odd Langholm notes, Domingo de Báñez (1528–1604) refuted the view that the state should intervene on the basis of the cost-and-labor theory of value; his position found wide acceptance.[[6]](#footnote-6) Báñez argues that some merchants will be more skillful in purchasing and transporting goods than others. But once the goods of the less skillful merchants have reached the market, they will be exactly as useful to the buyers as the goods of the more skillful merchants; thus it would be absurd to say the state should recompense the costs and labor of the less skillful merchants.[[7]](#footnote-7) Similar arguments would apply to peasants and artisans. Likewise, as Diego Alonso-Laheras has shown, Molina maintains that situations of extreme necessity do not require legal prices at all.[[8]](#footnote-8) As Molina argues, legal prices for certain goods place one-sided burdens on rich owners and poor producers of these goods.[[9]](#footnote-9) Therefore he favors measures of poverty relief that place the burden in an equitable way on all members of a community—measures such as alms for the needy, public distribution of grain, and laws against hoarding.[[10]](#footnote-10)

By contrast, Medina argues that situations of extreme need lie outside the realm of ordinary market conditions. For instance, “someone who sells a medication that is necessary for a patient, and without which the patient cannot hope to survive, could receive whatsoever price for the medication; and so on for other cases.”[[11]](#footnote-11) Soria, too, points out that in situations of shortage and coercion the concept of the just market price breaks down. In such situations, buyers are pressed by the desire to meet their basic needs, while the rich who have a stock of bread on offer are under no pressure to sell.[[12]](#footnote-12) What results, he argues, is not a “natural” but a “violent” price, the outcome of the violence of the sellers.[[13]](#footnote-13) Thus he finds the “votes” both of the buyers and the sellers to be invalid under such circumstances.[[14]](#footnote-14) As he analyzes it, this is an instance of forced will. It cannot give rise to a valid transfer of ownership; on the contrary, it may suggest an obligation to restitution.[[15]](#footnote-15)

If there is no fair market price because there is no fair market, then it seems unclear how the notion of fair price would operate in situations of extreme need. This is how the cost-and-labor theory of value comes into play. On first sight, the claim may sound counterintuitive. It is certainly counterintuitive according to Langholm’s understanding of the function of the cost-and-labor theory of value. Langholm points to thinkers such as Alexander of Hales (1185–1245), who claimed that commerce is legitimate if it is done in such a way that the merchant “can provide for himself and his family with necessities” (*possit sibi et suae familiae in necessariis providere*).[[16]](#footnote-16) Langholm notes that such claims invariably occur in passages that discuss the avarice of merchants who want to reap profit without investing effort, and thus he asserts that the principle of reasonable coverage of cost and effort sets “an upper limit, not a lower limit.” That is, this principle would not serve to provide a guarantee against suffering losses due to market development.[[17]](#footnote-17) As he points out, authors who embrace this principle invariably also embrace the justice of the competitive market price. “The attempt to extend a modern ideological conflict between labor and market back to medieval scholasticism must fail in the face of massive contrary textual evidence.”[[18]](#footnote-18) As Langholm concludes, “the two principles make sense only as complementary and mutually supporting criteria by which to reach a reasonable price estimate.”[[19]](#footnote-19)

 Langholm’s line of argument is persuasive with regard to the scholastic analysis of functioning market conditions. Yet the late scholastic debate about situations of shortage of necessities also employs this theory to define the justice of a limit below which regulated prices cannot legitimately go. To see why they were able to develop the cost-and-labor theory in this direction, it will be useful to look in some detail at the economic thought of Conrad Summenhart; he was a major source of inspiration for Medina and Mexia. As Summenhart emphasizes, it is their rational use that makes costs, labor, and risks a source of value—rational in the sense that they are of service to the community or the buyer.[[20]](#footnote-20) He illustrates the basic idea with an example that he derives from Henry of Ghent (1217–93)[[21]](#footnote-21):

Suppose, in a marketplace where horses are sold there is someone who is very expert in the value of horses. And he knows that other people know that in the selling of horses, he can offer assurance to anyone about the value of horses; if, among the horses offered by the sellers he distinguishes those that are worth the price at which they are offered by the sellers, then other people, even if they are ignorant of this because they are less expert in the value of horses—those other people who know about his expertise in horses are assured through him and his expertise; and they know that those horses are worth their price; and through the exercise of his expertise about horses they immediately made more valuable, such that they are worth more than before on account of the assurance of their just value.”[[22]](#footnote-22)

The labor that he has invested in developing his expertise thus changes the epistemic position of those who know less about horses: knowing that the expert has evaluated the horses increases the “security of value”—which is an economic value in itself. This is why Henry of Ghent holds that the expert can legitimately sell the horses mentioned at a somewhat higher price[[23]](#footnote-23) (a situation that Summenhart succinctly characterizes as an “increase due to assurance” [*incrementum pro assecuratione*]).”[[24]](#footnote-24) Summenhart generalizes this insight by specifying a combination of conditions that jointly render the investment of costs, labor, and risks rational: The seller must assume that the product is genuinely useful for the buyer or the community[[25]](#footnote-25)—this could be described as a kind of prudence concerning the needs of buyers and the market conditions. And the buyer must assume that the product could not have been produced or transported at lower costs, less labor, or smaller risk[[26]](#footnote-26)—this could be described as a kind of prudence with respect to production and transport conditions. Summenhart is clear that both conditions involve a high degree of uncertainty and thus characterizes the relevant attitudes in terms of presumptions: The seller must “presume without ruses and deception” that the product is genuinely useful for the buyer (as opposed to cases where the seller uses the product in a morally vicious way), and the buyer must presume that the seller has calculated costs, labor, and risks in a rational way.[[27]](#footnote-27)

Both Medina and Mexía adopt this line of argument. Mexía quotes Summenhart extensively;[[28]](#footnote-28) Medina paraphrases the substance of his argument, though with one significant alteration: he replaces the concept of presumption with the concept of presupposition.[[29]](#footnote-29) Thus for him, the relevant assumptions of the buyer and the seller are important due less to their own nature than to their role in practical reasoning. Most significantly, however, Medina and Mexía use this argument in discussing situations of extreme necessity; it is severed from its original context, which had been the analysis of how labor can increase value under normal market conditions. The argument serves them well when they turn to situations of great need, where it is unproblematic to assume that it is genuinely useful to buyers to provide basic commodities like grain and bread. If the producers and sellers have invested in their production in a rational way, then commutative justice demands the setting of a legal price that offers a recompense for the costs, labor, and risks invested. In this way, the rational investment of costs, labor, and risks not only sets an upper but also a lower limit to legitimate price regulation.

Mexía develops this argument further by drawing attention to the Roman-law distinction between “forgoing a profit” (*lucra non capere*) and “losing that which is owed” (*debita amittere*).[[30]](#footnote-30) Mexía claims that demanding a price that covers the production cost and offers a recompense for the labor invested is based on natural law that allows everyone “to avert harm” (*damnum avertere*).[[31]](#footnote-31) He explains his point by invoking a legal argument about present and future business activities. Simply forgoing a profit matters little if it does not constitute a prejudice (*praejudicium*) to the further activities of those who forgo the profit.[[32]](#footnote-32) By implication, prices that do not cover cost and offer a recompense for labor are wrong because such prices are in fact prejudicial to the further economic activities, such as harvesting and distributing agricultural products. Yet these activities are fundamental to the very existence of peasants, for whom the harm in question would indeed threaten the fulfillment of their fundamental needs. Thus price regulation can be justified given the natural right to avert harm.

Here one might object that, if avoidance of famine is in the public interest, then it may be necessary to set fixed prices at a level that brings losses to the peasants. Hence, a modification of the argument developed by Mexía seems to be warranted, and Soria provides one. Soria accepts that the function of regulated prices is to provide a recompense for labor and costs together with a moderate profit,[[33]](#footnote-33) but he argues that what matters is that peasants make a moderate gain in the long run[[34]](#footnote-34) because the profit allows them to feed animals such as mules and to invest in tools necessary for agricultural production.[[35]](#footnote-35) So too it is legitimate to uphold legal prices for all subjects *except* for the agricultural workers:

[One of the causes] that justifies this dispensation consists in the pressing need that the community has for the office of the worker, as much as it has for the bread that is the necessary support of human life; thus, if the worker does not find the means and power for sowing, it will be necessary to offer a replacement, even out of public funds; and if we consider this well, we will find that the dispensation of his Majesty, which involves public finances, can have this effect; for by selling their bread during a drought year to the community without regulated price, . . . they will sell it for a considerable price that brings with it the means and ability for sowing; and this will be like a public fund, secured through good and reliable administration, because the grain that is sold is not administered for the community; rather, the worker takes care of the administration of the grain that he can sell, and of which he gives as if it were his own.[[36]](#footnote-36)

Moreover, Soria argues that conceding such dispensations will not undermine the purpose of price regulation, since in times of drought the workers will not have much bread to sell, unlike wealthy merchants and landowners who can store large amounts of grain.[[37]](#footnote-37) In both ways (either by guaranteeing an adequate legal price, or by granting a dispensation from the legal price), allowing peasants a moderate long-term gain for their labor is not only a fulfillment of natural law-based duties toward the peasants but also a fulfillment of the entire community’s interest in a flourishing agriculture.

II. PRICE REGULATION, COMMUTATIVE JUSTICE, AND DISTRIBUTIVE JUSTICE

Given the persistence of the labor-and-cost theory of value, it seems reasonable to ask whether differences between diverging value theories have any consequences for the ways that the Spanish moralists analyzed the relation between price regulation and the demands of justice. In fact, the consequences are substantial.

Molina does not take legal prices to be an independent source of commutative justice, nor does he take them to be a suitable instrument of distributive goals.[[38]](#footnote-38) If policies of price regulation are chosen, he claims, then the only legitimate legal prices are those within the range of just market prices[[39]](#footnote-39) because in situations where the market price rises, it is a requirement of equity and justice that the owners of grain receive a higher price.[[40]](#footnote-40) This position follows naturally from his view that only fair market mechanisms can define a just price; and consequently, price regulation can never be an independent source of commutative justice. Moreover, in Molina’s view, distributive justice relates only to the distribution of public benefits according to the merits of citizens.[[41]](#footnote-41) In particular, Molina denies that any public act of commutative justice could fulfill simultaneously the duties of distributive justice.[[42]](#footnote-42) For instance, in his view, the salaries of soldiers, judges, and other office holders are subject only to the demands of commutative justice between the public and individuals, and every benefit bestowed on office holders in addition to salary should be regarded as an act of generosity or gratitude, not of justice.[[43]](#footnote-43)

By contrast, Medina argues that in situations of extreme need, to limit legitimate price regulation to the range of fair market prices risks harmful consequences for the entire community:

If sellers are allowed in time of drought to sell grain at whatever price they can, then paupers who do not have enough money to pay for the wheat at the price demanded by the rich would die of hunger. And those who have nothing to cover the price except vineyards, fields, or houses are either forced to sell such things at low prices in order to buy wheat, or to hand over to the sellers what they have in order to be able to afford their wheat; and in this way it would come about that those who have wheat to sell will exhaust the possessions and powers of the others within the shortest time and will become extremely rich, while the others remain in greatest misery and neediness.[[44]](#footnote-44)

Medina emphasizes that the accumulation of extreme differences in wealth is bad in three respects: it is detrimental for the state, it is contrary to charity, and it is unjust (*iniquum*).[[45]](#footnote-45) The two former points may be obvious, but why should the development of such wealth disparity be regarded as unjust? As we have seen, the labor-and-cost theory of value leads to the view that in situations of extreme shortage, legal prices that would, in the long run, cover labor and expenses should respect the natural rights of peasants and merchants in order to avert harm. In such situations, the value of goods is determined by the demands of respecting these natural rights.

So too Mexía discusses both commutative and distributive justice. Since the relevant sense of justice derives from the equality of the value of the good and the sum paid, Mexía concludes that obeying the price law is a duty of commutative justice.[[46]](#footnote-46) At the same time, he aligns his understanding of the justice involved in price regulation with Cicero’s view that justice—as Mexía renders it—“is a disposition of the mind, preserved for the sake of common utility, to concede to each person her dignity” and that “justice is equity that gives to each person according to her dignity.”[[47]](#footnote-47) And, as Mexía explains, equity is nothing other than natural law that derives from eternal reason.[[48]](#footnote-48)

Both Summenhart and Mexía raise additional reasons why, in price regulation, commutative justice is connected with distributive justice. Summenhart emphasizes that it is the aim of price regulation to make available those goods that are necessary for fulfilling to the “necessity of nature”—such as basic foodstuff and clothing—and also what is needed to uphold social standing (*status*) or to perform a certain task (*officium*).[[49]](#footnote-49) To the latter categories belong not any clothing whatsoever but clothing of a quality considered decent for a certain standing, as well as the instruments and materials required for practicing a certain occupation.[[50]](#footnote-50) This claim is fully in line with Mexía’s and Soria’s emphasis on the role of price regulation not only in securing the natural needs of peasants, but also in securing the means for continuing their profession. Yet they also fall into the realm of distributive justice for late scholastics as well as moderns, as questions of how to regulate something in order to provide the material basis needed to secure people’s social standing in a manner consistent with their contribution to the community’s well-being.

 Summenhart and Mexía draw several analogies between the goals of price regulation and the goals of other practices that are unambiguously characterized as belonging to the realm of distributive justice. Summenhart discusses why a person’s dignity or role might justify their receiving a higher price for the same kind of goods, analogous to the skill of a merchant in importing goods. Summenhart argues: “If a soldier from a peasant family and a soldier from a noble family fight with equal labor and danger for the community, nevertheless, due to the nobility and dignity of the soldier of higher standing, a higher salary should be given to the latter, in order to preserve distributive justice.”[[51]](#footnote-51) Mexía concurs and cites this passage from Summenhart verbatim.[[52]](#footnote-52) As Summenhart explains, this consideration applies only when the nobleman performs services to the community—namely, those in addition to military pursuits—that could not be performed easily and as well by someone else.[[53]](#footnote-53) Clearly, the notion of dignity relevant here relates not merely to social status, but to one’s ability to perform irreplaceable services to the community. In this sense, merchants too can possess dignity that gives rise to demands of distributive justice; the same could plausibly be said of peasants who employ their work and investments rationally. Consequently, to base price regulation on matters related to a person’s ability to perform irreplaceable services is not only an expression of commutative justice but also of distributive justice.

 Mexía draws another such analogy in a discussion of special sales on particular days. He questions laws that set prices as well as particular amounts of goods to be sold on particular days: “In distribution equality must be preserved. . . . However, this must be done in such a way that each person receives something according to her need, and that the usage of goods is conferred upon paupers insofar as they are paupers and that it is conferred upon more honorable persons according to what their qualities demand.”[[54]](#footnote-54) He identifies explicitly the goal of this particular form of price regulation as a certain distribution of goods; and as distributive justice demands, this distribution must consider the different needs of different persons. The analogy that Mexía draws immediately after this passage—the usage of common pastures, evidently a problem of distributive justice—indicates a sense in which also an equaldistribution of goods can fulfill the demands deriving from personal qualities that are different. Mexía refers to the detailed discussion of this problem in Marcos Salón de Paz.[[55]](#footnote-55) It would certainly go beyond the scope of the present paper to explore the subtleties of Paz’s treatment of this issue. In brief, Paz asks which usage would better fulfill the demands of distributive justice: whether the number of cattle permitted to use common pastures should be proportional to the wealth of citizens,[[56]](#footnote-56) or whether each citizen should have the same number. As Paz argues, strict equality could be seen as an instance of distributive justice because it serves different needs: the fulfillment of basic necessities of life in the case of paupers, and the support for the duties of social roles in the case of persons of higher standing.[[57]](#footnote-57) Mexía concurs by quoting the same law that Paz adduces in support of his view—a law that demands that the poor and the rich are to receive equal shares in public pasture lands.[[58]](#footnote-58) Thus Mexía employs the analogy with the usage of common pastures to confirm the view that treating paupers and the rich equally in the case of price regulation is what distributive justice demands.

III. PRICE REGULATION, OBLIGATION, AND PRESUMPTION

Examining the argumentative role of the cost-and-labor theory of value thus makes clear that late scholastic debates concerning price regulation were informed by a complex conception of the demands of distributive and commutative justice. Their normative ideals, however, did not prevent the Spanish moralists from recognizing a problem: the success of any concrete policy in price regulation was highly uncertain. Some argued that price regulation leads to an increase in criminality because the legal prices will be circumvented in a variety of ways, be it on the black market or by connecting sales of basic commodities at the legal price with sales of other goods at exaggerated prices.[[59]](#footnote-59) Others noted that even though a legal price may be a just price at the outset, a change in the quality or availability of goods may render it unjust.[[60]](#footnote-60) Thus they questioned why acts of legislation that are fraught with such a high degree of uncertainty should be binding for conscience.

Here the notion of presumption could fulfill an important function. Mexía holds that “one should not presume that [King Philipp II] wants to burden a third party with a damage”—a presumption that, in Mexía’s view, justifies an interpretation of a given price law that avoids damages to citizens.[[61]](#footnote-61) Likewise, Medina uses the notion of presumption to characterize the attitude that one should take toward legal prices:

If by means of law or public authority the just price of a thing has been determined . . . [then] this is to be presumed to be the just price, as long as it is not established that the regulators have been corrupt or deceived in the determination of the price; for with respect to these who govern the commonwealth, it must be presumed that something is just, as long as the contrary is not established. About them it also must be presumed that they have applied diligence in considering everything that is relevant for lowering or raising the price. . . . And if the regulation is upheld, one always must presume in favor of them and to stick with the regulation, unless a notable cause for change becomes evident; for then the presumption mentioned ceases, and the regulation at hand ceases to be just. [[62]](#footnote-62)

Medina’s argument applies a general presumption in favor of the justice of the decisions of a superior; late Scholastic political thought treats such a presumption as one of the sources of legal obligation.[[63]](#footnote-63) Harro Höpfl has suggested that this well documented use of presumptions as a source of obligation might have led to difficulties in their arguments. On the one hand, a presumption in favor of the decision of the superior could reduce disorder, because the decision of a superior puts an end to a controversy; on the other hand, such a decision could itself be a source of disorder if it arises from an arbitrary exercise of power.[[64]](#footnote-64) It also raises two connected questions: Is the notion of presumption in the context of late Scholastic views concerning legal obligation, and in particular the obligatory nature of price laws, used in the specifically legal sense? And, could the legal aspects of the notion of presumption in some way be used to solve the problem identified by Höpfl? I think the answer to the first question should be affirmative; this is why the general theory of presumptions in favor of the superior can explain why acts of price legislation could be binding for conscience. The answer to the second question should be affirmative as well; this is why the concrete case of the morally binding nature of price regulations also can shed light on how the presumption in favor of the superior could be formed rationally.

 Late medieval and early modern juridical literature on presumptions devoted considerable attention to the presumption in favor of the justices of a superior’s decisions. Felinus Sandeus (1444–1503), Franciscus Curtius the Elder (d. 1495), and Alciato hold that the presumption in favor of the prince cannot take place until the prince has heard all parties to a conflict.[[65]](#footnote-65) Felinus argues that one cannot presume the prince’s sufficient knowledge unless all parties of a controversy have intervened in his presence.[[66]](#footnote-66) Curtius emphasizes the particular relevance in economic matters, since they depend to a large extent on matters of fact, with which the prince cannot be presumed to be familiar. Felinus notes further that, if the prince acted on the instigation of only one party, one should form a presumption against the justice of his decision.[[67]](#footnote-67) In support, Felinus invokes natural law to claim that one cannot proceed against a person who did not get a hearing.[[68]](#footnote-68) Curtius grounds this idea in the right of self-defense that the Roman natural law tradition took to be common to all animals.[[69]](#footnote-69) Positive law can define exceptions in matters that do not touch natural rights, he concedes, but as soon as natural rights are concerned, the prince may not proceed without giving the parties a hearing.[[70]](#footnote-70) Because the acts of the prince are thus restricted by the demands of natural law, Felinus holds that in cases of doubt one should not presume that the prince uses his plenitude of power.[[71]](#footnote-71) Alciato adds that, since one may establish whether or not due procedure has been followed only on the basis of evidence, one also should not simply presume that the prince has followed due procedure.[[72]](#footnote-72) Likewise, he argues that the procedural correctness of a lawsuit cannot be presumed because this is a matter of fact; thus, one must overturn the presumption in favor of the justice of the judge if evidence for procedural correctness is lacking.[[73]](#footnote-73)

Here the presumption in favor of the superior is itself contingent on the availability of evidence concerning whether due procedure has been followed. Considerations concerning due procedure were in fact central to early modern accounts of price regulation. They agreed that those involved in the process of price regulation needed to employ very contextual reasoning. For instance, Mexía closely follows Summenhart, who advises the legislator to ascertain whether the shortage of a good is accidental or natural, that is, whether is arises from events such as warfare, natural disasters, or geographic conditions. Likewise, the legislator must ascertain the habits of a region’s inhabitants—for example, about their modesty or wastefulness, their laboriousness or idleness. Moreover, the legislator must ascertain the relevant degrees of necessity—whether shortage threatens subsistence, or only the preservation of social status or the pleasurable aspects of life.[[74]](#footnote-74) In fact, sensitivity to context seen in price regulations in sixteenth-century Spain indicates that such advice was taken quite seriously. As Tomás Sánchez (1550–1610) documents, royal decrees—so-called pragmatics (*pragmatica*)—concerning legal prices did in fact respond to the particularities of the situation in which the decrees were issued. Some decrees allowed for price differences: (1) different prices for the same goods in different regions, (2) regulated prices only for those reselling agricultural products, and (3) regulated prices for domestically produced goods but free prices for imported goods.[[75]](#footnote-75) Evidently, regulations of the first kind are meant to account for regional differences in shortage and wealth; the second kind, to guarantee the subsistence of peasants while also making basic commodities accessible to the population; and the third, to provide incentives for alleviating regional shortages through imports. Further context-sensitive measures were taken to prevent the legal price from remaining ineffective: interdiction of exports, interdiction of hoarding and resale, exclusion of powerful agents such as members of the aristocracy and the clergy from the sale of wheat and bread, and expansion of trade rights to persons usually excluded from these rights.[[76]](#footnote-76)

Soria discussed situations in which price regulations included dispensations for agricultural works. Consistent with the highly context-sensitive nature of price laws in early modern Spain, his argument that one should presume the authorities have a just cause included a reference to due procedure:

In dispensations made by the superiors, one must not presume an unjust cause, unless there are clear and evident reasons for it; and even less so in those dispensations that his Majesty concedes to the workers, after so much consultation with his prudent counsellors, after so many petitions from all regions of the kingdom, after having attended so many discussions of knowledgeable and prudent men, . . . and also after having seen all reasons that have been alleged here against the mentioned permission.[[77]](#footnote-77)

The clear evidence of conscientiousness forms the basis for presuming that the prince’s justice is rational.

Soria considers the juridical view that, in cases where an act of the superior injures someone, there is no obligation to obey the law, even if there generally is a presumption of favor of the superior.[[78]](#footnote-78) Soria rejoins that one must not presume that the nomination of officials to collect a new tax took place “with violence” if the decision process involved the counsel given by the Cortes, the advice given by cities, and consultations with theologians, jurists, or “other practical and trustworthy persons.”[[79]](#footnote-79) Likewise, Soria emphasizes that legal prices must be determined through consultation with prudent advisors, theologians, jurists, and the workers who will be directly affected by the price regulation.[[80]](#footnote-80) According to Soria, it is the practice of consultation that gives rise to the presumption that princes “have well understood the reasons and foundations of the laws that they pass.”[[81]](#footnote-81)

Soria is also explicit about the revisable nature of presumptions favoring the justice of the legal price: Such presumptions can be overruled by “evident and clear reasons.”[[82]](#footnote-82) In fact, this corresponds to political practice in sixteenth-century Spain, where defeasibility was built into legislation concerning fixed prices. Sánchez gives several examples that show that some royal “pragmatics” mentioned explicitly the authority of courts to revise the laws.[[83]](#footnote-83) Mexía emphasizes that even if they specify particular prices, royal decrees always leave it to a judge to see whether these prices are suitable for reaching their intentions: “[The judge] can set the price and revise it, especially on the occasion of complaints by a seller, or an advocate of the people, or a council.”[[84]](#footnote-84) Also, Mexía notes that the verdict of lower-level judges is not prejudicial to the verdict of higher-level judges, such that the complete legal system is open to citizens who seek restitution against unjust price regulation.[[85]](#footnote-85) This view of the role of jurisdiction in the control of price regulation implies that the task of the judge is not only to decide whether the legal price has been violated in a particular case but also whether the legal price has been determined in a just manner.

Soria’s presumption of the justice of price regulation follows one of the patterns of juridical analysis: a general presumption in favor of the opinion of the superior—the pattern developed by Felinus and Curtius and adopted by Alciato. Thus it would seem that he uses the notion is in a perfectly technical sense. Individuals presume in favor of the justice of the prince’s decision on the basis of evidence, and take into account the state of mind of the person in whose favor it is made. At the same time, the presumption in favor the justice of the legal price is revisable; that offers a potential answer to the problem identified by Höpfl. As used by Soria, the presumption in favor of the justice of the prince’s decision is not a source of order in the sense of being the last word on the matter, as would be the case with presumptions of the *iuris et de iure* type. Rather, it is a source of order in the sense that it creates an obligation to obey the price unless and until contrary evidence appears. The legally guaranteed possibility of control through courts is what renders this presumption revisable in an institutionally effective way. The institutional guarantee for the revisable nature of the presumption in favor of the justice of the prince thus offers a way to restore order in cases where the arbitrary power of the prince should threaten it. In this way, the presumption in favor of the superior clarifies the origin of the morally binding power of highly uncertain laws such as price laws; further, the institutional practices surrounding price legislation in early modern Spain also contribute to making clear what could be rational about entertaining such a presumption.

CONCLUSION

Exploring the subtleties of the sixteenth-century controversy over price regulation should thus make clear the connections between two interrelated topics in the thought of the Spanish moralists. First, the persistence of a cost-and-labor theory of value helps to explain how legal prices were meant to integrate the demands of distributive justice with the demands of commutative justice. These writers surpass the expectations set by Langholm’s interpretation of the medieval roots of the labor theory of value; thinkers like Medina, Mexía, and Soria regard costs, labor, and risks under situations of shortage as a source for a lower limit of legitimate prices. This is why, in the view of these thinkers, legislation and court decisions concerning legal prices should aim not only to fulfill practical goals such as securing a sufficient supply of basic commodities but also to define what moral virtue demands under situations of shortage—both with respect to society as a whole and with respect to agricultural workers and merchants. In particular, the duties of commutative justice toward agricultural workers and merchants was grounded in the contribution made by their labor, expenses, and risks in meeting the necessities of a community. Thus they considered it a moral duty to establish a price system that in the long run would guarantee the means necessary for continuing the peasants’ way of life.

Second, Medina, Mexía, and Soria were very much aware that this aim was fraught with uncertainty and was subject to failures. Presumption in favor of the justice of the legal price offers a way to explain the sense in which price laws could be morally binding even for those incapable of following the details of context-sensitive economic arguments. This presumption offered a rational means for dealing with the uncertainty inherent in price regulation because it was bound to evidence attesting to the involvement in the legislative process of all parties concerned. In addition, the practice of correcting royal price legislation in court gave substance to the idea that the presumption of the justice of the legal price can be revised in the face of contrary evidence. Thereby, this presumption functions as a source of order in a dual way. First, because it has rational grounds in evidence concerning the quality of the decision process, as long as it is not overruled by contrary evidence, the presumption creates a moral obligation to obey the price law; and second, because the legally guaranteed control through courts makes the presumption in favor of the justice of the legal price genuinely revisable, this presumption contributes to preventing the power of the prince from being a source of disorder of its own.

Alpen-Adria-Universität Klagenfurt

1. SeeRaymond De Roover, *La pensée économqiue des scholastiques: Doctrine et méthodes* (Montreal: Institutes d’études mediévales, 1971); Barry Gordon, *Economic Analysis before Adam Smith: Hesiod to Lessius* (London: Macmillan, 1975), chaps. 8 and 9; Marjorie Grice-Hutchinson, *Early Economic Thought in Spain, 1177–1740* (London: George Allen & Unwin, 1978);Joseph A. Schumpeter, *History of Economic Analysis* (London: Routledge, 1994), 87–105; André Lapidus, “Norm, Virtue, and Information: The Just Price and Individual Behaviour in Thomas Aquinas’ *Summa Theologiae*,” *European Journal of the History of Economic Thought* 1 (1994): 435–73; Francisco Gómez Camacho, “Later Scholastics: Spanish Economic Thought in the XVIth and XVIIth Centuries,” in *Ancient and Medieval Economic Ideas and Concepts of Social Justice*, ed. S. Todd Lowry and Barry Gordon (Leiden: Brill, 1998), 503–62; Oscar de Juan and Fabio Monsalve, “Moral and Power in Market Exchanges: The Neglected Contribution of Scholasticism,” *European Journal of the History of Economic Thought* 13 (2006), 99–112; Joel Kaye, *A History of Balance, 1250–1375: The Emergence of a New Model of Equilibrium and Its Impact on Thought* (Cambridge: Cambridge University Press, 2014), 97–117; Monsalve, “Economics and Ethics: Juan de Lugo’s Theory of the Justice Price, or the Responsibility of Living in Society,” *History of Political Economy* 42 (2010), 495–519; Daryl Koehn and Barry Wilbratte, “A Defense of a Thomistic Concept of the Just Price,” *Business Ethics Quarterly* 22 (2012): 501–26; Monsalve, “Scholastic Just Price versus Current Market Price: Is It Merely a Matter of Labelling?,” *European Journal for the History of Economic Thought* 21 (2014): 4–20; Rudolf Schüssler, “The Economic Thought of Luis de Molina,” in *A Companion to Luis de Molina*, ed. Matthias Kaufmann and Alexander Aichele (Leiden and Boston: Brill, 2014), 257–90. [↑](#footnote-ref-1)
2. Odd Langholm, *The Legacy of Scholasticism in Economic Thought: Antecedents of Choice and Power* (Cambridge: Cambridge University Press, 1998), 118–36; Richard Sturn, “Volenti non fit Iniuria? Contract Freedom and Labor Market Institutions,”*Analyse und Kritik* 31 (2009): 81–99; Sturn, “Agency,

Exchange, and Power in Scholastic Thought.” *European Journal of the History of Economic Thought* 24 (2017): 640–69. [↑](#footnote-ref-2)
3. See Monsalve, “Juan de Lugo’s Theory of the Just Price,” 512–14; Gómez Camacho, “Later Scholastics: Spanish Economic Thought,” 532–33; Diego Alonso-Laheras, *Luis de Molina’s* De Iustitia et Iure*:* *Justice as Virtue in an Economic Context* (Leiden and Boston: Brill, 2011), 161–64. [↑](#footnote-ref-3)
4. On Summenhart, see James Gordley, *Philosophical Origins of Modern Contract Doctrine* (Oxford: Clarendon Press, 1991): 88, 103; Jussi Varkemaa, *Conrad Summenhart’s Theory of Individual Rights* (Leiden and Boston: Brill, 2012). [↑](#footnote-ref-4)
5. André Lapidus, “The Limits and Extent of a Retrospective Approach in the History of Economics: The Case of the Middle-Ages,” in *Perspectives on the History of Economic Thought*, vol. 8: *Contributions to the History of Economics*, ed. S. Todd Lowry (Cheltenham: Edward Elgar, 1992), 1–18. [↑](#footnote-ref-5)
6. Langholm, *The Legacy of Scholasticism in Economic Thought*, 127–28. [↑](#footnote-ref-6)
7. Domingo de Báñez, *Decisiones de iure et iustitia* (Venice: Apud Minimam Societatem, 1595), 366 (quaest. 77, art. 4, dub. 3, concl. 1). [↑](#footnote-ref-7)
8. See Alonso-Laheras, *Luis de Molina’s* De Iustitia et Iure, 161. [↑](#footnote-ref-8)
9. Luis de Molina, *De iustitia. Tomus secundus de contractibus* (Mainz: Lippius & Mylius, 1602), col. 479 (tract. 2, disp. 365). [↑](#footnote-ref-9)
10. Molina, col. 480 (tract. 2, disp. 365). [↑](#footnote-ref-10)
11. “Qui vendit medicinam infirmo necessariam, sine qua vivere non sperat, posset quantumcunque pretium pro medicina recipere: & ita de aliis,” Juan de Medina, *De restitutione et contractibus* (Ingolstadt: Sartorius, 1581), 197 (quaest. 31). Unless where otherwise noted, translations are my own. [↑](#footnote-ref-11)
12. Melchor de Soria, *Tratado de la iustificacion y conveniencia de la tassa del pan* (Toledo: Ruiz de Pereda, 1627), 31. [↑](#footnote-ref-12)
13. Soria, *Tratado*, 32. [↑](#footnote-ref-13)
14. Soria, *Tratado*, 33. [↑](#footnote-ref-14)
15. Soria, *Tratado*, 77. [↑](#footnote-ref-15)
16. Alexander of Hales, *Summa theologiae*, 4 vols. (Quaracchi: Collegium Sancti Bonaventurae, 1924–1928), 4:723 (pars 3, quaest. 50, membrum 1), quoted in Langholm, *The Legacy of Scholasticism*, 126. Langholm’s translation. [↑](#footnote-ref-16)
17. Langholm, *The Legacy of Scholasticism*, 125. [↑](#footnote-ref-17)
18. Langholm, *The Legacy of Scholasticism*, 125. [↑](#footnote-ref-18)
19. Langholm, *The Legacy of Scholasticism*, 125. [↑](#footnote-ref-19)
20. Conrad Summenhart, *De contractibus licitis atque illicitis* (Venice: Zilettus, 1580), 261. All references to Summenhart are to tract. 3, quaest. 56. [↑](#footnote-ref-20)
21. On Henry of Ghent, see Odd Langholm, *Economics in the Medieval Schools: Wealth, Exchange, Value, Money and Usury according to the Paris Theological Tradition, 1200–1350* (Leiden: Brill, 1992), chap. 10. [↑](#footnote-ref-21)
22. “Si aliquis in foro ubi venduntur equi expertissimus sit circa equorum preciositatem, & scit ipsos intercognoscere, ut in emendis equis quilibet certificari possit circa preciositatem equorum, si decernat inter equos qui secundum communem cursum fori valeant precium quo offeruntur a venditore, aliis hoc ignorantibus, quia circa equorum valorem minus experti sunt; . . . alii cognoscentes eius industriam circa equos statim certificari per eum & eius industriam sciunt quod equi illi valent precium suum, & ex hoc per opus industriae eius circa equos statim facti sunt preciores, ut illis magis valeant proper securitatem valoris iusti quam prius,” Henry of Ghent, *Aurea Quodlibeta* (Venice: de Franciscis, 1613), 1:fol. 43v (quodl. 1, quaest. 40). [↑](#footnote-ref-22)
23. Ghent, *Aurea,* 1:fol. 43v.. [↑](#footnote-ref-23)
24. Summenhart, *De contractibus*, 261. [↑](#footnote-ref-24)
25. Summenhart, *De contractibus*, 261. [↑](#footnote-ref-25)
26. Summenhart, *De contractibus*, 261. [↑](#footnote-ref-26)
27. Summenhart, *De contractibus*, 261. [↑](#footnote-ref-27)
28. Luis Mexía, *Laconismus, seu chilonium pro pragmaticae qua panis precium taxatur in interiori foro hominis elucidatione* (Hispali: Gotherrius, 1569), fol. 55v–56r (concl. 2, nu. 91–92). [↑](#footnote-ref-28)
29. Medina, *De restitutione*, 200 (quaest. 31). [↑](#footnote-ref-29)
30. Mexía, *Laconismus*, fol. 45r (concl. 2, nu. 27). [↑](#footnote-ref-30)
31. Mexía, *Laconismus*, fol. 45r. [↑](#footnote-ref-31)
32. Mexía, *Laconismus*, fol. 44v (concl. 2, nu. 26). [↑](#footnote-ref-32)
33. Soria, *Tratado*, 34. [↑](#footnote-ref-33)
34. Soria, *Tratado*, 80. [↑](#footnote-ref-34)
35. Soria, *Tratado*, 82. [↑](#footnote-ref-35)
36. “La segunda causa de esta dispensacion la justifica la necessidad tan precissa, que ay en la Republica de el oficio de el Labrador, como la ay de el pan, que es sustento necessario de la vida humana; de manera, que si el labrador no tuviesse caudal, ni fuerça para sembrar, era necessario suplirlo, aunque fuera de un erario publico: y si bien se considera, hallaremos, que este efecto puede hazer esta dispensacion de su Magestad, con hazienda publica, porque vendiendo los labradores su pan sin tassa en año esteril a la Republica . . . les dara por el un precio considerable, que les pueda importar, para tener fuerça y caudal, con que siembren; y esto viene a ser como un erario publico, y asseguardo con buena, y fiel administracion, porque no se administrara por comunidad el trigo que se vendiere, sino cada qual labrador administrara el que pudiere vender, y cuy dara de el como de cosa suya,” Soria, *Tratado*, 132–33. [↑](#footnote-ref-36)
37. Soria, *Tratado*, 133. [↑](#footnote-ref-37)
38. Contrary to Chaplygina and Lapidus’s claim that the scholastic always regarded issues of commutative justice to be inseparable from issues of distributive justice; see Irina Chaplygina and André Lapidus, “Economic thought in scholasticism,” in Gilbert Faccarello and Heinz D. Kurz, eds. *Handbook of the History of Economic Analysis*, vol. 2: *Schools of Thought in Economics* (Cheltenham: Edward Elgar, 2016), 20–42, 24. [↑](#footnote-ref-38)
39. Molina, *De iustitia. Tomus secundus de contractibus*, col. 481 (tract. 2, disp. 365). [↑](#footnote-ref-39)
40. Molina, *De iustitia*, col. 466 (tract. 2, disp. 364). [↑](#footnote-ref-40)
41. Molina, *De iustitia*, col. 22 (tract. 1, disp. 12). [↑](#footnote-ref-41)
42. Molina, *De iustitia*, col. 24 (tract. 1, disp. 12). [↑](#footnote-ref-42)
43. Molina, *De iustitia,* col. 24 (tract. 1, disp. 12). [↑](#footnote-ref-43)
44. “Si venditoribus permitteretur in tempore sterilitatis annonam, prout possint, vendere, darentur occasio, ut multi pauperes tantum pretium, quantum pro tritico divites exigerent, non habentes, fame perirent. Et qui non haberent, quod loco pretii darent, praeter vineas, agros, aut domum, cogerentur huiusmodi res pro vili pretio distrahere, ut triticum emant; aut certe ipsis venditoribus, eas pro pane comedendo permutare: & ita fieret, ut in republica qui triticum venale habent, aliorum possessiones, & facultates brevissime exhaurirent, & ditissimi fierent, caeteris in summa miseria & inopia permanentibus,” Medina, *De restitutione*, 218 (quaest. 37). [↑](#footnote-ref-44)
45. Medina, *De restitutione*, 218. [↑](#footnote-ref-45)
46. Mexía, *Laconismus*, fol. 30v (concl. 1, nu 128). [↑](#footnote-ref-46)
47. “Iustitiam esse . . . habitum animi, communi utilitate conservata, suam cuique tribuentem dignitatem; . . . esse aequitatem, unicuique tribuentem pro dignitate uniuscuiusque,” Mexía, *Laconismus*, fol. 26r (concl. 1, nu. 94). The first quotation is an inaccurate rendering of Cicero, *De finibus*, 5.23. The second quotation is an inaccurate rendering of Cicero, *Ad Herennium*, 3.2. [↑](#footnote-ref-47)
48. Mexía, *Laconismus*, fol. 26r (concl. 1, nu. 94). [↑](#footnote-ref-48)
49. Summenhart, *De contractibus*, 263–64. [↑](#footnote-ref-49)
50. Summenhart, *De contractibus*, 264. [↑](#footnote-ref-50)
51. “Si rusticus, vel nobilis miles, aequali labore & periculo pugnent pro republica: nihilominus ob nobilitatem & dignitatem personae militis maius stipendium ei dandum est, ut salvetur iustitia distributiva,” Summenhart, *De contractibus*, 262. [↑](#footnote-ref-51)
52. Mexía, *Laconismus*, fol. 22v (concl. 1, nu. 70). [↑](#footnote-ref-52)
53. Summenhart, *De contractibus*, 262. [↑](#footnote-ref-53)
54. “Servandaque erit in distributione aequalitas. . . . Ita tamen, ut pro uniuscuiusque vicini indigentia, elargiatur, & communicatur usus pauperi, ut pauperi; & honestioribus, sua, ut exigunt qualitates,” Mexía, *Laconismus*, fol. 18r (concl. 1, nu. 42). [↑](#footnote-ref-54)
55. #  Marcus Salón de Paz, *Ad leges Taurinuas insignes commentarii* (Pinciae: Fernandus a Cordoba, 1568), fol. 230v–233r (pars 1, lex 3, concl. 3, nu. 492–509). On Salón de Paz’s political thought, see Salustiano de Dios, *El poder del monarca en la obra de los juristas castellanos (1480–1680)* (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2014), 74–83.

 [↑](#footnote-ref-55)
56. Salón de Paz, *Ad leges*, fol. 232r–v (pars 1, lex 3, concl. 3, nu. 502–3). [↑](#footnote-ref-56)
57. Salón de Paz, *Ad leges*, fol. 233r–v ((pars 1, lex 3, concl. 3, nu. 506–7). [↑](#footnote-ref-57)
58. Mexía, *Laconismus*, fol. 18r (concl. 1, nu. 42). [↑](#footnote-ref-58)
59. Soria, *Tratado*, 49–50. [↑](#footnote-ref-59)
60. Medina, *De restitutione*, 196 (quaest. 31). [↑](#footnote-ref-60)
61. Mexía, *Laconismus*, fol. 93v (concl. 5, nu. 142). [↑](#footnote-ref-61)
62. “Si lege, vel publica autoritate sit rerum iustum pretium determinatum . . . , illud est praesumendum iustum pretium; interim quod non constat taxatores fuisse vel corruptos, vel deceptos in pretii assignatione: iustum enim est pro illis praesumere, qui rempublicam gubernant, interim quod de opposito non constat. De quibus etiam praesumendum est, quod diligentiam debitam apposuerint ad omnia perpendenda, ex quibus pretium venit augendum, aut diminuendum. . . . Et si [taxatio] continuetur, semper est pro illis praesumendum, & eorum taxationi standum; nisi notabilis causa taxationem mutandi appareat; quia tunc cessat praesumptio dicta, nec ex tunc erit iusta praefata taxatio,” Medina, *De restitutione*, 198 (quaest. 31). [↑](#footnote-ref-62)
63. See Harro Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1630* (Cambridge: Cambridge University Press, 2005), 274–274. [↑](#footnote-ref-63)
64. Höpfl, *Jesuit Political Thought,* 275. [↑](#footnote-ref-64)
65. Felinus Sandeus, *In Decretalium libros V, Pars Prima* (Venice: Societas Aquilae Renovantis, 1584), col. 137–39 (lib. 1, tit. 2, De constitut. c. Quae in ecclesiarum); Franciscus Curtius Senior, *Consilia* (Venice: Iunta, 1580), fol. 114v (cons. 49, nu. 90); Alciato, *De praesumptionibus*, 261. [↑](#footnote-ref-65)
66. Felinus, *In Decretalium libros*, col. 138. [↑](#footnote-ref-66)
67. Felinus, *In Decretalium libros*, col. 138. [↑](#footnote-ref-67)
68. Felinus, *In Decretalium libros*, col. 139. [↑](#footnote-ref-68)
69. Curtius, *Consilia*, fol. 98v (cons. 49, nu. 29). [↑](#footnote-ref-69)
70. Curtius, *Consilia*, fol. 98v. [↑](#footnote-ref-70)
71. Felinus, *In Decretalium libros*, col. 138. [↑](#footnote-ref-71)
72. Alciato, *De praesumptionibus*, 262. [↑](#footnote-ref-72)
73. Alciato, *De praesumptionibus*, 269. [↑](#footnote-ref-73)
74. Summenhart, *De contractibus*, 263; Mexía, *Laconismus*, fol. 69r (concl. 4, nu. 12). [↑](#footnote-ref-74)
75. Tomás Sánchez, *Consilia seu opuscula moralia*, 2 vols. (Lyon: Probst, 1634), 1:78 (lib. 1, cap. 7. dub. 4, nu. 1–8). [↑](#footnote-ref-75)
76. Sánchez, *Consilia*, 1: 82–83 (lib. 1, cap. 7, dub. 8, nu. 2–10). [↑](#footnote-ref-76)
77. “En las dispensaciones, que hazen los superiores, no se debe presumir injusta causa, sin que para esso aya razones claras, y evidentes; y mucho menos en esta, que su Magestad haze a los labradores, tan consultada con sus prudentes Consejeros, hecha tambien a peticion de todo el Reyno, despues de aver visto muchos discursos de hombres bien entendidos, y cuerdos . . . y aver visto tambien, todo lo que aqui se alega contra esta dicha permission,” Soria, *Tratado*, 128. [↑](#footnote-ref-77)
78. Soria, *Tratado*, 119. [↑](#footnote-ref-78)
79. Soria, *Tratado*, 119–20. [↑](#footnote-ref-79)
80. Soria, *Tratado*, 35. [↑](#footnote-ref-80)
81. Soria, *Tratado,* 35. [↑](#footnote-ref-81)
82. Soria, *Tratado*, 37. [↑](#footnote-ref-82)
83. Sánchez, *Consilia*, 82. [↑](#footnote-ref-83)
84. “Ipse quoque potest taxare, & revidere, maxime ad quaerelam vendentis, vel procuratis populi, seu Concilii,” Mexía, *Laconismus*, fol. 20r (concl. 1, nu. 52). [↑](#footnote-ref-84)
85. Mexía, *Laconismus*, fol. 20r. [↑](#footnote-ref-85)