



The Production of Knowledge of Normativity in the Age of the Printing Press

Martín de Azpilcueta's Manual de Confessores from a Global Perspective

Edited by Manuela Bragagnolo



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Max Planck Studies in Global Legal History of the Iberian Worlds

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Contents

Preface: Coordinates of an Experiment IX

List of Figures and Tables XII

Notes on Contributors XIV

- 1 Books and the Production of Knowledge of Normativity in the Early Modern Period: The Case of Martín de Azpilcueta's *Manual de Confessores* 1
Manuela Bragagnolo

PART I

Book Production and the Production of Knowledge of Normativity

- 2 Legal Authorship in the Age of the Printing Press: *Manual De Confessores* by Martín de Azpilcueta (1492–1586) 27
Manuela Bragagnolo
- 3 The Flemish Reeditions of Martín de Azpilcueta's Works: A Paratextual Study 79
César Manrique Figueroa
- 4 Professional Book Trade Networks and Azpilcueta's *Manual* in 16th-Century Europe 97
Natalia Maillard Álvarez
- 5 Translating Normative Knowledge: Martín de Azpilcueta and Jesuits in Portuguese America (16th Century) 128
Samuel Barbosa
- 6 *Sed talentum commissum non abscondere*: Moral Obligations of an Author 155
Christiane Birr

PART 2

Circulation and Presence of Azpilcueta's Manual on the Globe

- 7 Martín de Azpilcueta Navarro in the Andes (16th–17th Centuries) 167
Pedro Guibovich Pérez
- 8 Azpilcueta in the Atlantic Book Trade of the Early Modern Period (1583–1700) 186
Pedro Rueda Ramírez
- 9 The Path of Doctor Navarro in Colonial Mexico: The Circulation of Martín de Azpilcueta's Works 219
Idalia García Aguilar
- 10 The Presence of Azpilcueta's *Manual de Confessores* in Portuguese America (16th to 18th Centuries) 256
Airton Ribeiro

PART 3

Production, Circulation, and Use of Azpilcueta's Manual across the Globe

- 11 Reading Azpilcueta in the Valley of Mexico 291
Byron Ellsworth Hamann
- 12 Doctor Navarro in the Americas: The Circulation and Use of Martín de Azpilcueta's Work in Early-Modern Mexico 325
David Rex Galindo
- 13 Martín de Azpilcueta on Trade and Slavery in Jesuit Legal Manuscripts from Iberian Asia 352
Stuart M. McManus
- 14 Pietro Alagona's *Compendium Manualis Navarri* Published by the Jesuit Mission Press in Early Modern Japan 371
Yoshimi Orii

- 15 Making Women Sinners: Guilt and Repentance of Converted Japanese Women in the Application of Alagona's *Compendium Manualis Navarri* in Japan (16th Century) 389

Luisa Stella de Oliveira Coutinho Silva

Index 431

Legal Authorship in the Age of the Printing Press: *Manual de Confesores* by Martín de Azpilcueta (1492–1586)

Manuela Bragagnolo

Abstract

What role did authors have in the production of normative knowledge in the early modern period? The case of Martín de Azpilcueta's *Manual de Confesores* contributes some interesting elements to help answer this question. In particular, it allows us to analyse some of the specific features of early modern authorship which, this chapter argues, was strictly connected to authorial agency and control in the process of production and circulation of the printed book. The extraordinary source of a lawsuit between Azpilcueta and the Spanish printers and booksellers of a pirate edition of the *Manual* sheds new light on this process, and on the crucial role of printing privileges within it. Firstly, through the expert use of the legal tool of printing privileges, Azpilcueta succeeded in defining his authorship and constructing it, thus contributing to the emergence of a creation-based idea of authorship. Secondly, printing privileges allowed him active control over the production, circulation, and consumption of his book.

Keywords

Martín de Azpilcueta – Authorship – Book History – Printing Privileges – Early Modern Globalisation

1 Introduction: Author-Function and Authorial Control

Looking at materiality—namely the materiality of books—for a better understanding of how knowledge is produced is a consolidated approach in the fields of history of knowledge, history of science, and book history today.¹ In the field of legal history, however, this is a relatively recent achievement. For dec-

1 On the history of science approach to knowledge production that takes into account materi-

ades, legal historians have mainly focused on the intellectual output of the so-called author, while the other historical disciplines tended to “overlook the legal domain when handling general subjects of intellectual history”.² Now, things seem to be changing. On the one hand, historians and book historians have shown a new interest in law books.³ On the other, legal historians have started to use the analytical tools of the history of science as a “history of material artifacts”—namely of books—thus stressing that normative knowledge was a “result of a material social process of production”.⁴ This perspective obliges legal historians to rethink the “traditional personage we used to call ‘Author’”, looking at them as someone who in fact shared the “creative process” with many other actors.⁵

Studies from the book history field, dealing specifically with the figure of the author, are particularly helpful for framing the question of authorship. By resurrecting the author, after Roland Barthes declared his “death”,⁶ approaches such as the *aesthetic of reception*, *new historicism*, Bourdieu’s *field theory*, and the *bibliography* sanctioned the return of an author who was no more seen as a sovereign whose intention enclosed *the* meaning of the work. The author that was back in scholarly focus was both “dependent” and “conditioned”: their intentions did not impose themselves on those who transformed the text into a book, nor on those who appropriated the texts via reading.⁷

ality, especially the materiality of books, see Renn and Damerow, “The Hanging Chain”; Blair, *Too Much to Know*; Johns, *The Nature of the Book*; Valleriani, *The Structures of Practical Knowledge*.

2 Hespanha, “Form and Content in Early Modern Legal Books”, 38.

3 See, for instance, Savelli, “The Censoring of Law Books”; Widener, “From Law Book to Legal Book”; Panzanelli Fratoni, “Printing the Law in the 15th Century”; Widener, *Law’s Picture Books*.

4 Hespanha, “Form and Content in Early Modern Legal Books”, 38. On legal historical works which study legal books and manuscripts as material objects, see Osler, “Text and Technology”; Osler, *A Bibliography*; Colli, *Giuristi medievali e produzione libraria*; Hespanha, “Form and Content in Early Modern Legal Books”; Beck Varela, *Literatura jurídica y censura*; Beck Varela, “The Diffusion of Law Books in Early Modern Europe”; Prévost, *Les premières lois imprimées*. As an example of fruitful dialogue between book historians and legal historians, see also the “Focus 1” in the 2021 issue of the journal *Rechtsgeschichte-Legal History*, introduced by Bragagnolo, “Books in Motion and Normative Knowledge Production”. On the importance of manuals and pragmatic books for the production of knowledge and the spread of legal literacy, see Korpiola, *Legal Literacy*; Duve and Danwerth (eds.), *Knowledge of the Pragmatici*; Zhang, *Circulating the Code*. For an overview of the recent approaches to legal materiality, see also Johnson, “Legal History and the Material Turn”.

5 Hespanha, “Form and Content in Early Modern Legal Books”, 38.

6 Chartier, “Figure dell’autore”, 40–41; Barthes, “La mort de l’auteur”.

7 Chartier, “Figure dell’autore”, 41–43.

When thinking about the figure of the author of law books in these terms, it is useful to put their role in the production of knowledge into perspective. This is particularly true if we think about the early modern period when the emergence of print placed the author in a complex network of new actors and practices. Recently, important contributions have shed light on the notion of authorship in early modern jurisprudence, thus filling a gap in the flourishing studies on the history of authorship, which depicted for a long time a “world without jurists”.⁸ But the author of law books still needs to be seen in action, together with the other actors, practices, and new regulations that accompanied the emergence of print. In other words, if we want to know more about the author’s role in the production of normative knowledge in the early modern period, it may be useful to begin with other questions: what place did the author have in the publishing system? Moreover, what constituted an author in the early modern period?

To answer these questions, the case of the *Manual de Confessores* (*Manual*) by the Spanish canon law professor Martín de Azpilcueta (1492–1586) is particularly interesting.⁹ In the transformation and revision process of the *Manual*, which lasted over 35 years, the authorship was something that Azpilcueta actively contributed towards constructing.

Azpilcueta’s case sheds light on different aspects related to the construction of legal authorship in the early modern period. First of all, it allows us to analyse some specific features of early modern legal authorship, which was intimately and traditionally connected to the notion of “authority” and included different typologies of authorial relations to a text.¹⁰

But, more importantly, this case allows us to see in action some of the characters of the “complex and specific operations” which existed behind the construction of—what Michel Foucault has called—the “author-function” in the early modern period, with specific regard to legal texts.¹¹ These operations were, in my eyes, especially related to the author’s *agency* in (and control over) the process of production and circulation of printed books.

8 Beck Varela, “Authorship in Early Modern Jurisprudence”. For the question of authorship and legal books in the Middle Ages, see Colli, “A proposito di autografi”.

9 On Azpilcueta’s biography and an updated bibliography, see Lavenia, “Martín de Azpilcueta. Un perfil”; Tejero, “Azpilcueta, Martín de”; Belda Plans, *Martín de Azpilcueta Jaureguizar*; Decock, “Martín de Azpilcueta”. See also, Arigita y Lasa, *El doctor Navarro*. On the *Manual* and its editorial history, see Dunoyer, *L’Enchiridion confessoriorum*; Muguruza Roca, “Del confesionario ibérico de la Contrarreforma”; Bragagnolo, “Managing Legal Knowledge in Early Modern Times”.

10 Beck Varela, “Authorship in Early Modern Jurisprudence”; Minnis, *Medieval Theory of Authorship*.

11 Foucault, “Qu’est-ce qu’un auteur?”.

Scholars have shown that paratexts, namely the dedicatory letters to the reader, were privileged places where authorship was constructed and illustrated to the reader.¹² And, as this chapter shows, it is not surprising that Azpilcueta consciously used this space. But it was through the expert use of the legal tool of the printing privilege in particular, and through an active role in the networks of book production and circulation, that Azpilcueta first tried to construct his authorship and, subsequently, actively control the production, circulation, and readership of *his* book.

A printing privilege allowed authors to choose the printer and exclude anyone else within a defined territory and for a certain amount of time. This mechanism impeded other printers and publishers from producing editions that were out of control of the privileged authors, thus letting them control the edition and the correctness of their printed work.¹³ In other words, it was a tool that gave the author some power to control the passage from the text to the printed book, as well as its circulation. Although the printing privileges system was originally conceived to protect the interests of other actors involved in the book production—namely printers—recent studies have pointed out that the number of printing privileges asked for by and granted to authors was much higher than estimated in the past.¹⁴ Early modern authors were “well aware of the possibilities offered by the privilege mechanisms” and the printing privilege played a fundamental role in the definition of the nature and function of the author in the publishing system.¹⁵ In this way, not only was the invention—the

12 See Dunn, *Pretexts of Authority*; Richardson, “Manuscript, Print, Orality”; Darnton, “What is the History of Books?”.

13 For an overview of the printing privilege system in Europe, see Keller-Rahbé (ed.), *Privilèges de librairie*. On France, see Armstrong, *Before Copyright*; Pfister, “Les conditions d’octroi des privilèges d’imprimerie”. On Italy, in particular on Venice and Rome see Witcombe, *Copyright in the Renaissance*; Nuovo, *The Book Trade in the Italian Renaissance*. On the Papal privilege system, see Ginsburg, “Proto-Property” and Ginsburg, “Proto-proprietà letteraria ed artistica”. On Spain, see De los Reyes Gómez, *El libro en España y América*, 24–78; De los Reyes Gómez, “Con Privilegio”; Gonzalo Sánchez-Molero, “Los impresores ante el Consejo Real”; De los Reyes Gómez, “La estructura formal del libro antiguo español”; López-Vidriero Abelló, *Privilèges d’impression en Espagne, xve–xviiè siècle*. Printing privileges were only a very small part of the general privilege system, which included both private and public law. For an overview on the «vastissimum Oceanum» of the European privilege system in the early modern period: see Mohnhaupt, “Privileg, neuzeitlich”.

14 Nuovo, “Introduzione. Le politiche legislative sulla stampa in età moderna”, 13.

15 Nuovo, *The Book Trade in the Italian Renaissance*, 208. On the importance of the privilege system in the definition of the status and function of the author in the early modern publishing system, see also Minnuzzi, “Gli autori”, 10; Squassina, “La protezione del Furioso”; Nuovo, “Introduzione. Le politiche legislative sulla stampa in età moderna”, 13. See also, Kostylo, “From Gunpowder to Print”.

‘new’ and ‘useful’ intellectual product—of the author (or inventor) protected, but the printing privilege also contributed to the ‘invention’, to the ‘construction’, of the author himself.¹⁶

Azpilcueta’s awareness of the defining role of authorship that printing privileges granted to authors could perform, as well as the authorial agency in the publishing system, is visible in an extraordinary source: the litigation between Azpilcueta and the printers of a pirate edition that took place before the *Consejo Real de Castilla*, which is analysed in the following pages. This litigation precisely concerned the granting of a printing privilege.¹⁷ The authorship of the *Manual* was debated and contested by the printers, while strongly defended by Azpilcueta. In other words, Azpilcueta’s authorship was defined and constructed in the trial.

But, as we shall see, Azpilcueta’s active role in the trial against the printer’s claims was only the starting point of a series of authorial actions, which included a strategic collection of printing privileges that aimed at controlling the production, the circulation, and somehow even the consumption of the book for over 30 years, throughout an increasing amount of vast territories.

2 The Editorial History of Azpilcueta’s *Manual*

Azpilcueta’s *Manual* had extraordinary success for almost a century. Emilio Dunoyer counted 81 editions printed in Portuguese, Spanish, and Latin between 1549 and 1625, in addition to at least 92 editions if we also count the *Compendia* and the Italian translations.¹⁸ But there were even more editions than this.¹⁹ Among the reasons for this success was probably the fact that Azpilcueta, better known as Doctor Navarro, was an undeniable intellectual and moral authority in his time. When the *Manual* appeared for the first time in

16 See Minnuzzi, “Gli autori”.

17 García Oro, *Los Reyes y los libros*, 73–74. Several lawsuits took place, even between printers, especially for breaking a printing privilege. De los Reyes Gómez, *El libro en España y América*, 55–78.

18 Dunoyer, *L’Enchiridion confessoriorum del Navarro*, 77–108.

19 Taking advantage of the new digital online tools and catalogues (like the *USTC*, *Edit6*) as well as specific studies on newly discovered copies (like the copy of the *Compendium* printed in Japan, analysed by Yoshimi Orii and Luisa Stella Coutinho in this volume—Chapter 14 and Chapter 15), the number of editions rises to over 270, particularly if we count all the editions of the *Manual*, *Compendia*, and the derivative products (*Commentaria* and *Repertoria*) translated into different languages, including the *Opera Omnia*, that appeared between 1549 and 1640.

1549, he held the most prestigious canon law chair at the University of Coimbra (Portugal), the same that he had held in Salamanca beforehand. His fame increased after he moved to Rome in 1567, following the trial of the Archbishop of Toledo. In Rome, he served the Papacy as a consultant of the Apostolic Penitentiary until his death.

Azpilcueta reworked the text time and again across several editions that he directly supervised, following a practice—of authorial transformations—that the print culture inherited from the manuscript one.²⁰ The publication of these editions, in which he modified, updated, and transformed the book, went hand in hand with his move from Portugal to Spain to Rome, thus making the book cross different spatial borders and languages as well as different kinds of readership.²¹ Through this process, the book also spread, almost in real-time, the results of the Council of Trent,²² thereby playing a crucial role in Counter-Reformation Europe.²³ Moreover, when working on the *Manual*, Azpilcueta was in close contact with the greatest cultural, political, and religious global powers of the time, who were directly involved, in different ways, in its production, circulation, and promotion.

It comes as no surprise then that such a book was immediately perceived as a good economic investment for the actors involved in the book market. For the editions he supervised, which are briefly described in the following, Azpilcueta tried to control the production and circulation of the book as much as he could. But this did not stop printers, booksellers, translators, and editors all over Europe from printing, selling, translating, and epitomising the book, often without Azpilcueta's consent, thus making it a 'best-seller', circulating the world.

The first three editions supervised by Doctor Navarro appeared in Coimbra, Portugal, by way of the University printers João da Barreira and João Alvares.

20 On the complex autographic practices of medieval jurists, see Colli, "A proposito di autografi". On the early modern manuscript culture, see Love, *Scribal Publications*; Bouza, *Corre manuscrito*; Richardson, *Manuscript Culture*; Love, "The Manuscript after the Coming of Print". On the "transitive" nature of "fixity" of early printed texts, see Johns, *The Nature of the Book*.

21 See Bragagnolo, "Managing Legal Knowledge in Early Modern Times".

22 On the early circulation, before the 1564 *princeps*, of the collections of the Tridentine decisions, and also on the strategy performed by the papacy to control the publication and circulation of the official version, see Sachet, "Privilege of Rome".

23 Azpilcueta's *Manual* was the first handbook used in the new Tridentine seminars and the basis for the diocesan discussions established by the Council of Trent on cases of conscience. See Prodi, *Settimo non rubare*, 225.

The first and second ones in Portuguese, printed in July 1549²⁴ and December 1552²⁵ and dedicated to the King's brother Dom Henrique, were followed by the third, which was the first edition in Spanish, printed in August 1553²⁶ and dedicated to Princess Juana of Austria. When the second Spanish edition appeared—still dedicated to Princess Juana—in Salamanca in July 1556,²⁷ entirely revised by Azpilcueta and printed by Andrea de Portonariis, Azpilcueta had already moved to Spain. He was still there when the Portuguese translation of this version, still supervised by him, was printed in January 1560, once again in Coimbra and dedicated to the Princess.²⁸ In 1573, the Latin translation by Azpilcueta, with further changes, appeared in Rome, printed by Vittorio Eliano; this time Azpilcueta's dedicatee was the Pope.²⁹ The last authorial revision was printed in 1584, and treasured Azpilcueta's experiences as a consultant of the Apostolic Penitentiary.³⁰ After this final reformation, Azpilcueta wrote and supervised the publication of a compendium in Spanish, dedicated to the King of the united Crown of Spain and Portugal, which appeared in Valladolid in 1586 shortly after his death.³¹

The following provides a summary of work I demonstrated elsewhere on the nature of the transformations made by Azpilcueta across the different editions of his *Manual*.³² Not only did Azpilcueta add—to the base structure of 27 chapters—new paragraphs and sections that had also been printed separately (namely five commentaries on selected passages of *Decretum* and *Decretals*, added to the 1556 edition; a chapter 28 with the normative updates from the Council of Trent to be added to each of the 27 chapters, and the ten *Praeludia* that opened the 1573 Latin *Enchiridion*), but he also performed more sophisticated intellectual operations. First of all, he selected, translated into vernacular, condensed, and then injected into a pragmatic handbook (in particular into the 1552 edition) the learned normative knowledge that he elaborated in Latin, and

24 MC1549.

25 MC1552.

26 MC1553.

27 MC1556.

28 MC1560.

29 EC1573; EC1575.

30 EC1584_Ly; EC1584_Ro; EC1584_Ve.

31 CM1586. Azpilcueta died on 21 June 1586. The printing privilege was issued on 2 August of the same year.

32 See Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 199–207; 214–218; 226–233. Leading the project *Hyperazpilcueta*, I am currently working on the preparation of a digital tool for analysing the differences between the editions of the *Manual*. See <https://www.lhlt.mpg.de/forschungsprojekt/hyperazpilcueta>.

which was related to his university teaching experience. Then, he updated the text, adding (and graphically highlighting with asterisks in the 1556 editions)³³ the answers to the new questions that he received from both the old and New World, as well as the normative updates, namely from the Council of Trent. All these changes were made in a “self-translation” process, which went from Spanish to Latin (and back to Spanish again).³⁴

Regarding the complex editorial history of the *Manual*, one last intriguing point of importance concerns the authorship of the initial text. The text printed in 1549 was not by Azpilcueta; it was written by a Portuguese Franciscan friar, from the *Provincia da Piedade*, who was extremely humble and preferred to remain unnamed.³⁵ In other words, the starting point of our story was an anonymous book. Anonymity was still a *topos* in Renaissance Christian morality, seen as an act of modesty.³⁶ But with the spread of the Reformation, it also became a danger, especially for religious books. For this reason, the Council of Trent had forbidden the printing of anonymous religious books unless they had specific approval. This was precisely what happened with the 1549 edition. As can be read in the dedication to the reader, this edition was made under the initiative of the King's brother and General Inquisitor of Portugal, Dom Henrique, who was certainly among the more active leading religious figures in Portugal and who made frequent use of the printing press for the sake of religious reform.³⁷ Azpilcueta was asked to check the orthodoxy and correctness of the text from a doctrinal point of view, and to publish the corrected version. He revised the text and added an introduction containing an explanation for about 90 unclear passages of the *Manual*—which he said he had been asked to clarify—once its 27 chapters had been printed but not publicly disseminated. Here began the intellectual process of revision and translation, which accompanied Azpilcueta until the end of his life, as the handbook increasingly became *his* work.

33 Using asterisks to highlight editorial updates was a very original strategy. A similar but not identical logic stood behind the use of asterisks by Antonio de Nebrija's sons in their editions of Nebrija's dictionary. See Hamann, *The Translations of Nebrija*, 25.

34 On the specificities of “self-translation”, see Hokenson and Munson, *The Bilingual Text*; Cordingley (ed), *Self-Translation*. On Azpilcueta's self-translation practice, see Bragagnolo, “Les voyages”.

35 Bragagnolo, “Managing Legal Knowledge in Early Modern Times”, 200.

36 Delle Donne, “Perché tanti anonimi nel medioevo?”; Rizzi and Griffiths, “The Renaissance of Anonymity”.

37 On Dom Henrique and his leading role in religious reformation in Portugal, see Polonia, “Espaços de Intervenção religiosa”. On Dom Henrique's use of the printing press for his religious reformation, see Paiva, “Bispos, imprensa, livro e censura”, 691.

This transformation process is mirrored in the changes in role attribution on the frontispiece of the different editions. In 1549, the authorship is clearly attributed to the Portuguese Franciscan friar, while Azpilcueta is presented as the one who examined and approved the text.³⁸ In 1552, authorship is still ascribed to the friar, but the revisions of the text, which were so radical that the book seemed a different one, are attributed to both authors.³⁹ If we look at the 1553 Spanish edition, the author remains the friar, but the revisions are credited to Azpilcueta only.⁴⁰ The 1556 edition marks a turning point: the authorship is fully attributed to Azpilcueta, as based on the text written by the friar.⁴¹ Finally, the 1573 Latin edition only mentions Azpilcueta as the author, and discusses *his* authorial translation of *his* text.⁴² Here, the authorship is clearly inscribed in the book itself, through the Azpilcueta family's coat of arms printed on the front page. The celebration of his authorship increased from 1584, when the Lyon, Venice, and Rome editions started to include the reproduction of Azpilcueta's portrait, which would also be printed on the front page of the 1586 Spanish *Compendium*. The portrait—that legend has it was accomplished in secret without Azpilcueta's consent—also opened the 1574 biography by Simon Magnus de Ramelot.⁴³

We might think that the role attributions simply mirror a smooth intellectual process of appropriation of the *Manual* by Azpilcueta through its many transformations. But this would mean looking at only a part of the story. In fact, in

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- 38 MC1549: "Composto por hu[m] religioso da ordem de sam Francisco da provincia da piedade./Foy vista e examinada e aprovada a prese[n]te obra por o Doutor Navarro [...]".
- 39 MC1552: "Cõposto antes por hũ religioso da ordem de S. Francisco da provincia de piedade. E visto et em algũs passos declarado polo muy famoso Doutor Martim de Azpilcueta [...]. E despois [...] tã reformado et acrecetado polo mesmo Author et o dito Doutor [...], q[ue] pode parecer outro".
- 40 MC1553: "Cõpuesto antes por vn religioso dela ordẽ de sant Frãcisco de la p[ro]vincia de la piedad, y despues visto y en alguno passos declarado por el muy antiguo y muy famoso doctor Martin Azpilcueta [...]. Y agora [...] tan reformado y acrecentado por el mismo Doctor en materias, sentẽcias, alegaciones y estilo, que puede parecer otro".
- 41 MC1556: "Compuesto por el Doctor Martín de Azpilcueta [...], por la orden de un pequeño, que en Portugues hizo un padre pio de la piißima Provincia de la Piedad. Acrescentato agora por el mesmo Doctor con las decisiones de muchas dudas, q[ue] despues de la otra edicion le han embiado".
- 42 EC1573: "Complectens pene resolutionem omnium dubiorum, quae in sacris confessionibus occurrere solent [...]: iampridem sermone Hispano compositum, et nunc Latinitate donatum, recognitum, decem Praeludiis, et quamplurimis aliis locupletatum, et reformatum, ab ipsomet auctore".
- 43 EC1584_Ly; EC1584_Ro; EC1584_Ve. On the importance of visually representing authorship via the author's portrait, see Chartier, "Figure dell'autore", 66. See also, Widener, "From Law Book to Legal Book".

1554, at a time when legislation about book production and the book market in Spain was about to be defined,⁴⁴ something happened that contributed to raising this authorial awareness—something that both allows us to observe the deep connection between the author-function and the agency of the authors in the publishing system of the time and provides us with some very rare insights into early modern legal authorship: Azpilcueta became involved in one of the most interesting lawsuits to be held before the royal courts.⁴⁵

Before discussing the lawsuit, it is useful to make some brief remarks about the notion of early modern legal authorship. Moreover, we shall see how this notion is mirrored in and constructed through the paratexts of the different editions of the *Manual*, as well as how it evolves across the editions.

3 Early Modern Legal Authorship

Early modern authorship was very different from today's, according to which we could say, very generically, that an author is anyone who writes a book. In the early modern period, the connection between an author and a text included different types of activities. According to the medieval theory of authorship, the notion of authorship was strictly related to *auctoritas*. Moreover, there was at least a fourfold taxonomy of authorship, with different degrees of importance and *auctoritas*, that went from the *scriptor*—the mere scribe—to the *auctor*—who writes *de suo* but draws on the statements of other men to support his own views—and then through the *compiler*—who adds together or arranges the statements of other men, adding no opinion of his own—and the *commentator*—who strives to explain the views of others, adding something of his own by way of explanation.⁴⁶

Laura Beck Varela has shown that the importance of authority and a similar taxonomy were also in place for legal authorship.⁴⁷ Together with the *materiarum collector*, the *auctor*, who, like a bee, selects the material of others, the *auctor* who adds his opinion, and the *primus inventor*, legal authorship also

44 After the 1554 *Ordenanza* by Charles I and Philip II, which centralised the licensing functions in the hands of the *Consejo Real de Castilla*, the book market would have been regulated by the 1558 *pragmatica*, issued by Philip II and Princess Juana. See De los Reyes Gómez, *El libro en España y América*, 185–187; 193–207.

45 García Oro and Portela Silva, *La Monarquía y los libros en el siglo de oro*, 73–74.

46 Minnis, *Medieval Theory of Authorship*, 94.

47 Beck Varela, "Authorship in Early Modern Jurisprudence", 270. In his *De usu iuris civilis et canonici in Belgio Unito* (1657), Voet defines five typologies of legal authorship.

included the notion of *auctor* as the authority who approves, confirms (*comprobare*), or acknowledges legal texts or institutions.

Therefore, actions such as approving someone else's text were fully part of early modern legal authorship. And, at least at the beginning of the story, the construction of authorship mirrored in Azpilcueta's *Manual's* dedications to the reader also follows this direction. The dedication to the reader was a space consciously used by Azpilcueta all his life.⁴⁸ In the different editions, referring to the amount of work that he put into the revision of the book, Azpilcueta progressively built on different levels of authorship. While in the first edition his function is limited to approving and confirming the text written by the anonymous Friar—who is fully acknowledged as the author—thus giving *his* authority to it, in the end Azpilcueta fully becomes the *auctor* in the higher sense.

According to Foucault, the “penal appropriation” of the discourses was one of the crucial moments for the emergence of the author-function.⁴⁹ The author-function was then conceived as a tool against the spread of books considered heterodox and dangerous. In this light, we can read the disposition of the Council of Trent (April 1546) that affirmed that no anonymous books in the religious field should be printed, and imposed a rigorous mechanism of control.⁵⁰ Someone had to be responsible for these books and, in the case of the 1549 anonymous text, Azpilcueta fulfilled this. In this case, his “authorial” contribution consisted of granting his authority to a text that otherwise would have been considered apocryphal, and its publication unauthorised.⁵¹

Moving onto the subsequent revisions, Azpilcueta still gave his authority to the text, but in a richer and more complex way: his “authorial” contribution was no longer the simple work of checking and approving someone else's text, but became mainly associated with the important work of modification and improvement of the initial anonymous text, reforming it, adding new parts, and finding new solutions. In the dedication to the reader of the 1552 edition, also reproduced in the 1553 edition—Azpilcueta worked contemporarily on these two texts and the acknowledgment of his authorial revisions is shown, as we have seen, especially in the title page of the Spanish edition—he stressed the

48 See Estela-Guillermont, “Política y paratexto”, 367–378.

49 Foucault, “Qu'est ce qu'un auteur?”. See Chartier, “Figure dell'auteur”, 45.

50 Concilii Tridentini Sessio IV, 8 Apr. 1546. Alberigo (ed), *Conciliarum*, 664–665. See De los Reyes Gómez, “La estructura formal del libro antiguo español”, 13.

51 MC1549, El doctor Martín de Azpilcueta Navarro al lector: “El postrero por temer que como el autor por su humildad no quiere nombrarse: se tenía por apocripha, [...], con que su gran fructo se impidiese”.

huge amount of physical and intellectual effort that went hand in hand with the transformation of the book, that only a man of his doctrine and experience could provide. Reforming certain half pages required the work and study needed for preparing an entire *repetitio* (an academic exercise that usually took days to prepare), and other pages required the same study and work as many good lessons at the most important chair in canon law.⁵²

But the real change happened in the 1556 edition, and the dedication to the reader shows Azpilcueta's awareness of having fully become the author of the *Manual*. Here, Azpilcueta stresses the great difference between the small initial book ("un Manual pequeño"), clearly attributed to the anonymous Franciscan friar, and the big *Manual* which appeared in 1556 ("hezimos este grande"), that followed the small one only in its structure.⁵³ The Franciscan friar *wrote* the first one, which Azpilcueta was responsible for conforming to the norms of the Council of Trent. Due to this function, some readers attributed the *Manual* to Azpilcueta, and this weighed heavily on him.⁵⁴ But it was clear that the method, order, and substance of this small book ("methodo, arte, orden, ni substancia") did not correspond to Azpilcueta's years of accumulated wisdom, nor to his doctrine or the clarity of mind that God had granted him. Azpilcueta *wrote* the big one ("hezimos este grande, siguiendo solamente la orden y manera delos capitulos de aquel").⁵⁵

From the dedication to the reader, we also understand that several different contributors—pious and learned men from different religious orders, and even the readers, especially Azpilcueta's pupils—were involved in this transformation process.⁵⁶ They were asked by Azpilcueta to provide questions, which he answered in the subsequent editions of the *Manual*. It is clear that this process augmented the value and credibility of the final product.⁵⁷

The authorial awareness is even stronger in the Latin edition, where Azpilcueta presents himself using the term "*auctor*". The story is summarised again: he had checked the content of the initial *Manual* as a book censor of an

52 MC1552, "Al pio lector".

53 MC1556, "Al pio lector".

54 MC1556, "Al pio lector": "Por lo qual quedaua yo obligado a dar cuenta del, segun el sacro Concilio Tridentino. Y aun lo, que mas pesasdo nos fue, por los mas se tomo por obra nuestra, lo que oy dia algunos piensan".

55 MC1556, "Al pio lector".

56 MC1556, "Al pio lector". Jesuits, Dominicans, and Franciscans are mentioned. He makes reference to an anonymous Jesuit, who posed a lot of questions ("un monton de questiones"), and refers to the Dominican Luis de Granada. Special attention is given to Antonio da Zurara, a Franciscan from the Provincia da Piedade.

57 MC1552, "Al pio lector".

anonymous book (“incerto auctore”) and, once the book had been printed under his censorship (“sub mea censura”), he further corrected and augmented it (“censitum, correctum, et auctum”), fully rewrote it in Portuguese and Spanish (“quare rursus ex integro oportuit me illud tam hispano quam lusitano sermone componere”), and dedicated it to Dom Henrique and Princess Juana. Then, asked to by the Council of Castile, he corrected, reformed, and augmented the book (“recognovi, reformavi et auxi”), working with the printer Portonariis, locked up together (*inclusus*) for about a year within the walls of his typography (“intra domum typographicam, unum circiter annum inclusus”). But then several bad editions, translations, and compendia appeared across the years without his consent—here the reference is likely to Francisco de Sessé’s Latin translation, printed in Venice in 1573—thus pushing him to provide his own authorial Latin translation, once again transformed and largely revised.

Among the reasons that Azpilcueta listed for undertaking this venture despite being in his 80s was the need to add, delete, change, and move parts of the text: all operations that, he stressed, only he, as the author, was allowed to perform. Only he, as the author, was allowed to revise and modify the text (“oportebat multa addere, demere, mutare, & transponere, quae *nemini ut auctori licebant*”); only he could change the structure, inserting the content of the *Comentarios* in the right places of the handbook (“medulla eorum [of the *Comentarios*] opportunis locis eius inserta, quae *nulli interpreti, praeterque Auctori facere licebat*”); and only he was allowed to add the *Praeludia* at the beginning, and at the same time insert in the right places the normative updates from the Council of Trent—that he had published earlier in the *Capitulo 28*—as well as the answers to several new questions that he had received (“praemittenda erant ei 10 praeludia, [...] simul inserenda opportunis locis omnia quae sacrosancr. Concil. Tid, [...] novo additionum eius c. 28 & aliis ad variorum, varia quaesita responsis, quae etiam nulli interpreti praestare licebat *praeterque mihi Auctori, qui gratia Deo, ea praestare sategi*”).⁵⁸

Stressing that only he, as the author, was allowed to modify his own text, was a very strong authorial claim. It was not simply grounded in the privilege he held but can be seen as an interesting early instance in the emergence of authorial assertiveness.

Was it the huge amount of work that Azpilcueta put into the transformation of the text that led him to so firmly state his authorship from the 1556 edition on? The answer is more complicated than a simple “yes”. My hypothesis is that, in certain cases, the emerging authorial awareness, here initially related

58 EC1573.

to traditional ideas of authorship connected to the intellectual work of checking, improving, and reforming someone else's text—activities that particularly belonged to the jurists' mindset⁵⁹ could clash with the printers' economic interests that set the publishing system in motion as such. This clash, which triggered and enhanced Azpilcueta's authorial and active intervention in seeking the King's protection via the printing privilege system, is visible in the trial that involved Azpilcueta and the Spanish printers of the 1554 pirate edition of the *Manual*, to which it is time to turn our attention.

4 Authorial Agency in Court: Legal Authorship on Trial

In 1554, a few months after the Spanish edition of the *Manual* appeared in Coimbra, Portugal (August 1553), the publisher, printer and bookseller of Italian origins, Juan María de Terranova, together with Jacobo de Liarcari⁶⁰ and Guillermo de Millis,⁶¹ active between Salamanca and Medina del Campo, decided to print and sell it for the first time in Spain. The book appeared in Medina and was almost identical to the one printed in 1553 in Coimbra. Interestingly, the only missing part was a papal printing privilege, granted to Azpilcueta for his canon law lectures on *Decretum* and *Decretals*, mentioned, as a summary, in the 1549 edition and then entirely reproduced in the 1552 and 1553 editions.⁶² Apart from the privilege, all the other pages were carefully reproduced in both their

59 In the Middle Ages and early modern period, learned law traditionally consisted of the practice of commenting, making glosses, interpreting, and therefore updating the authoritative *corpora iuris*; it was a continuous reference to authoritative texts, often "organised" and rendered on the page "into multi-levelled hierarchised comments". Hespanha, "Form and Content in Early Modern Legal Books", 20.

60 On Juan María de Terranova and Jacobo de Liarcari, see Ruiz Fidalgo, *La imprenta en Salamanca (1501–1600)*, vol. 1, 79–80; 88–92; 73–75. On the printing press in Medina del Campo, see Pérez Pastor, *La imprenta en Medina del Campo*; De la Mano Gonzalez, *Mercaderes e impresores*.

61 MC1554. On Guillermo de Millis, see Ruiz Fidalgo, *La imprenta en Salamanca (1501–1600)*, vol. 1, 73–75.

62 The privilege had been granted to Azpilcueta by pope Paul III in 1543, forbidding anyone but the printers and booksellers chosen by him from printing, selling, or donating to anyone his university canon law lectures on *Decretum* and *Decretals*. It was valid for seven years from the publication of the works. In this way, the pope acknowledged not only the professor's great work, but also his economic investment ("*tuis propriis expensis*"). The privilege was used for the first time in 1545 and fully reproduced in Azpilcueta's 1547 *Relectio De restitutione spoliatorum*. See Azpilcueta, *Commento en romance*, 1545; Azpilcueta, *Relectio siue iterata praelectio*, 1547.

content and form, including the complex system of “finding devices” made of daggers and marginal numbers.

This edition was the starting point of a lawsuit—one of the most striking conflicts between authors and booksellers that took place before the royal courts in the *siglo de oro*.⁶³ The core question at stake related to the authorship of the book, acknowledged and protected by a printing privilege granted to Azpilcueta by Philip II: a privilege which was issued after the papal one—which is not mentioned at all in the trial—and which expressly focused on the *Manual*. Azpilcueta’s authorship, together with the legitimacy of the King’s privilege, were both strongly questioned by Terranova.

There are two archival documents at our disposal at this stage of the research: two *cartas ejecutorias reales*, meant to order the authorities to comply with the final judgement pronounced in the trial. The documents relate to two different lawsuits, both ending before the *Consejo Real de Castilla*.⁶⁴ One of the two *cartas*, issued by Charles V, and preserved at the Archivo General de Simancas, relates to the last instance of judgement, before the *Consejo Real de Castilla*, of the lawsuit started by Terranova against Azpilcueta.⁶⁵ It provides a general overview of the litigation because it summarises all the previous phases. The other one, preserved at the Archivo de la Real Chancillería de Valladolid, relates to the lawsuit requested by Azpilcueta against Terranova and his partner, Millis.⁶⁶ Azpilcueta addressed the *Corregidor* of Medina; then the lawsuit moved in appeal to the *Real Chancillería* de Valladolid, and then before the *Consejo Real de Castilla*.

The litigation lasted just over a year (between March 1554 and June 1555). The documents are of extraordinary interest. Of course, these kinds of sources are incomplete, only summarising the lawsuits and reproducing the judgements. Nevertheless, they allow us to have an idea of the rhetorical strategies which were used by both sides, especially Azpilcueta’s own voice on authorship. Most importantly, this lawsuit is one of the rare sources available on early modern legal authorship not just in Spain, but very likely in the whole of western Europe.

63 García Oro, *Los Reyes y los libros*, 73–74.

64 On the *cartas ejecutorias*, namely the ones preserved at the Archivo de la Real Chancillería de Valladolid, see Marchena Ruiz, “El registro de Reales Ejecutorias”. In general, on the criminal procedure in Early Modern Spain, see Villalba Pérez, *La administración de la justicia penal*.

65 AGS, RGS, LEG 155506, n. 297. See García Oro and Portela Silva, *La Monarquía y los libros*, 74; 470–471 note n. 117. The document (AGS, RGS, LEG 155506, n. 297), is transcribed in the “colección diplomática” (doc. n. 36), 231–242.

66 ARCHVA, ejecutorias, Caja 894, 41. See Bécares Botas, *Guía documental del Mundo del Libro Salmantino*, 53.

As already mentioned, the story starts at the beginning of 1554, some months after the printing of the 1553 Spanish edition in Coimbra, when Terranova, together with Liarcari and Millis, decide to print the book in Medina. Thanks to its famous book fair, Medina was an important branch of the European book market, placed at the centre of the Castilian commercial axis.⁶⁷ By that time, the book had proved to be very successful: in less than two years, all the 2,000 printed copies had sold out.⁶⁸ It comes then as no surprise that two printers saw it as a good investment and wanted to print it in the town of the book fair.

The chronology is not clear on this point, but we can imagine that while Terranova was printing the book in Medina, Azpilcueta (likely after finding out about it) was addressing the *Consejo Real de Castilla*, asking for and obtaining a printing privilege for 10 years for a book entitled “*Manual de Confessores*” that he had written in Castilian.⁶⁹ From the text of the privilege, granted on 29 March 1554 by Prince Philip II, we understand that the privilege prohibited anyone except Azpilcueta (and the printer of his choice) from printing, selling, importing, or exporting the book in and from the territories of the kingdom of Castile.⁷⁰ The punishment consisted of a fine of 50,000 *maravedis*, in addition to the loss of both the copies already printed and sold, as well as the moulds and printing tools used for the edition. This privilege already caught the attention of book historians because it expressly mentioned the requirement to use a specific font—“*letra romana antigua*”—and this was an exceptional case with legislation that was directly intertwined with typography.⁷¹ The specific reason for this requirement, as the documents of the trial show, is discussed below.

At this point, Terranova, who in the same months proved to be very active in suing commercial partners and booksellers, addressed the *Consejo Real de Castilla*, opening the first phase of the trial.⁷² In particular, Terranova asked the

67 García Oro and Portela Silva, *La Monarquía y los libros*, 95–98.

68 MC1552, “Al pio lector”.

69 AGS, RGS, LEG 155506, n. 297, fols. 1^r–1^v (García Oro and Portela Silva, *La Monarquía y los libros en el siglo de oro*, 232): “Y el dicho dotor [...] diciendo que había/conpuesto el dicho libro, pidió en el nuestro Consejo de Camara privilegio por diez años del dicho libro para que otro ninguno no le pudiese imprimir ni bender, el cual se le conçedio por nos”.

70 The text of the privilege was later reproduced in the 1557 Spanish edition and the 1560 Portuguese edition. “El Principe”, Valladolid, 29.03.2554 in MC1557; MC1560.

71 De los Reyes Gómez, “*La estructura formal*”, 40. A copy of the privilege is preserved at AGS, CCA, CED, 123, fol. 77^r.

72 Terranova was involved in at least three litigations between 1554 and 1555, one with the Sevillian book merchant Alonso Gómez, another with Gaspar Sánchez, and one with the Portuguese book merchant Leonel Suero. See Bécares Botas, *Guía documental del Mundo del Libro Salmantino*, 257–258. ARCHVA, Ejecutorias, Caja 821, 2; ARCHVA, Ejecutorias, Caja 804, 13; ARCHVA, Ejecutorias, Caja 9, 2.

Consejo Real de Castilla to withdraw Azpilcueta's privilege and to prevent him from selling the copies that Azpilcueta had printed. On the same occasion, Terranova asked for permission to sell the books that he had already printed.⁷³ Three orders of reasons stood behind his claim: firstly, the book that he printed was not by Azpilcueta, but was written by a Franciscan friar. Secondly, in his eyes, Doctor Navarro's contribution was limited to the addition of some marginal notes and quotations in Latin. Thirdly, according to him, the book had already been printed, two or three times.⁷⁴

Philip II, who at that time was in England for his marriage with Mary Tudor, signed a *real cédula* with which he asked Azpilcueta to send his privilege back, giving the printer a *provisión real* to sell the already printed copies.⁷⁵ However, in the meantime, Azpilcueta notified the privilege to Terranova and this opened what can be seen as the second phase of the trial.⁷⁶ He addressed the justice of Salamanca and Medina, where Terranova kept the books that he had been printing, denouncing the printer, together with his partner Millis, and asking for the seizure of the books and for the application of the punishments provided for the violation of the privilege.⁷⁷ The court documents lead us to

73 AGS, RGS, LEG 155506, n. 297, fol. 1^v (García Oro and Portela Silva, *La Monarquía y los libros*, 232): "por una petición quel dicho Juan Maria presento ante los del dicho nuestro Consejo [...] nos suplico mandasemos rebocar el dicho privilegio, e que el dicho dotor no bendiese ningunos libros que oviese fecho ynpremir y le diesemos licencia para quel pudiese bender los libros que tenia ynpresos".

74 AGS, RGS, LEG 155506, n. 297, fol. 1^r (García Oro and Portela Silva, *La Monarquía y los libros*, 232): "dixo, que un frayle de la orden de San Francisco avia fecho un libro que se yntitulaba Manual de Confesores, en el qual el dicho dotor Nabarro havia puesto en las marxenes las cotas en latin, e que avia sido tan bendible, que se avia ynpreso por el dicho dotor dos vezes o tres, e que visto por el dicho Juan Maria que avia falta de libros lo ynprimio".

75 AGS, RGS, LEG 155506, n. 297, fol. 1^v (García Oro and Portela Silva, *La Monarquía y los libros*, 232): "E visto por los del nuestro Consejo se mando dar e se dio una nuestra çedula firmada del Serenisimo Prinçipe Rey de Ynglaterra para quel dicho doctor ynbiase ante los del nuestro Consejo el dicho privilejo oreginal que tenia para ynpremir el dicho libro, y ansimesmo se dio provision para quel dicho Juan Maria pudiese bender los libros Manual de Confesores que tuviese ynpresos".

76 On the different ways in which the obtaining of a privilege could be notified, making the existence of it known to third parties, see Nuovo, *The Book Trade in the Italian Renaissance*, 222–231.

77 ARCHVA, ejecutorias, Caja 894, 41, fols. 1^r–1^v: "parece que en la dicha villa de Medina / del Campo a diecisiete días del mes de diciembre de mil y quinientos y cincuenta y cuatro años, ante el dicho licenciado Cabero, teniente de corregidor, susodicho pareció presente Pedro de Salazar mercader vecino de la ciudad de Salamanca en nombre del dicho doctor Martín de Azpilcueta e hizo presentación de cierto poder que de susodicho tenía signado de Francisco Sao, escribano del número de la ciudad de Salamanca, juntamente con cual presentó una mi Cédula Real su tenor de la cual es este que se sigue: el príncipe,

understand that other printers were also involved in the business, namely Juan Delgado and Diego Nájera.⁷⁸ They both agreed to stop printing the book and confessed that all the 26 or 27 folios (*pliegos*) of the book which had already been printed had all been brought to Terranova's house.⁷⁹

In this context, Terranova confessed to keeping up to 32 reams (*resmas*) of printed paper at his place ("en su casa"), which were then seized. He also confessed to having sold more than 1,500 copies of the *Manual* at half a *ducado* each. For all these reasons, in Azpilcueta's eyes, Terranova had incurred the punishment that the privilege imposed.⁸⁰ In his defence, Terranova rejected

por cuanto por parte de vos el doctor Martín de Azpilcueta Navarro, [...] nos ha sido hecha relación cual vos habéis compuesto en romance castellano un tratado de conciencia intitulado Manual de Confesores [...]; ARCHVA, ejecutorias, Caja 894, 41, fols. 3^r-3^v: "por virtud de la dicha cedula y poder el dicho Pedro de Salazar, en el dicho nombre y en la mejor vía en forma que de derecho dijo, que denunciaba y denunció del dicho Juan María de Terranova y de Guillermo de Miles, librerros vecinos de la dicha villa de Medina [...] contra el tenor y forma de lo contenido en la dicha Cédula, habían imprimido y hecho imprimir el dicho libro Manual de Confesores y vendido muchos cuerpos de él después que aquel le había sido notificado la dicha mi Cédula, la cual se les había sido notificado habría seis o siete meses poco más o menos, por cual así haber hecho los susodichos y cada uno de ellos habían caído e incurrido en las penas contenidas en la dicha mi Cédula por lo cual pidió al dicho teniente los condenase en ellas y las aplicase a quien la dicha mi Cédula las aplicaba y sobre todo, pidió justicia y juntó la denuncia en forma y pidió así mismo, mandase [a] prender a los susodichos y embargarles todos los libros que tuviese impresos y aparejados con que se habían imprimido, atento/que por la dicha mi Cédula los tenían perdidos demás de la dicha pena, condenándoles así mismo en ellos conforme a la dicha mi Cédula".

78 On Diego de Nájera, Esteban Garcia de Nájera's brother, both members of the well-known family of printers active in Zaragoza, see Pedraza-Garcia, "Minor Printing Offices", 317-318, note n. 32.

79 ARCHVA, ejecutorias, Caja 894, 41, fol. 4r: "[...] Y Guillermo de Horteiga, alguacil, [...] recibió juramento de los dichos Diego de Nájera y Juan Delgado, y les fue preguntado donde tenían los veinte y seis o veinte siete pliegos que en sus dicha declaraban que tenían impresos del dicho libro de un mes a esta parte, los cuales dijeron que todos los había llevado a su casa el dicho Juan María de Terranova [...]."

80 ARCHVA, ejecutorias, Caja 894, 41, fols. 4^r-5^r: "después de lo cual el dicho Juan María de Terranova fue preso y le fue tomado su dicho y confesión, el cual fue dado en fiado, después de lo cual, el dicho alguacil fue en casa del dicho Juan María de Terranova del cual tomó juramento en forma y le fue preguntado qué tanto pliegos tenía / en su casa impresos del dicho libro Manual de Confesores, el cual dijo que tenía hasta en treinta y dos resmas de papel impresos del dicho libro, las cuales depositó el dicho alguacil en poder de Francisco de Prado, platero, el cual se dio por depositaron de ellos. [...] y el dicho Juan María había vendido más de mil y quinientos cuerpos como el mismo lo confesaba / a medio ducado cada uno, sin otras cuarenta y tantas resmas que tenía impresos que estaban embargadas, en lo cual haber hecho habían caído e incurrido en las penas contenidas y declaradas en el dicho mi privilegio y Cédula".

all the accusations and insisted on his claims: the book he printed, written by the Franciscan friar, was different from the one protected by the privilege. Furthermore, Terranova referred to the other litigation pending before the *Consejo Real de Castilla* in which Azpilcueta was asked to produce the privilege in question.⁸¹

In the end, the action moved to the *Consejo Real de Castilla*, which also received the original printing privilege granted to Azpilcueta. Terranova insisted on requiring that Azpilcueta be forbidden from selling the copies that he had printed. Azpilcueta argued against Terranova's point about the authorship of the book, that limited his intellectual contribution to the mere addition of some marginal notes.⁸² Here a question became crucial: the question of authorship of the *Manual* as the condition for him to be entitled to the privilege. In

81 ARCHVA, ejecutorias, Caja 894, 41, fols. 5^r–6^r: “Y [...] Diego Sánchez, en nombre del dicho Juan María de Terranova, [...] dijo que declarando la dicha acusación no haber lugar, debía de absolver y dar por libre [...], porque el dicho doctor Navarro no tenía el privilegio que se decía en la dicha acusación para imprimir/el libro Manual de Confesores que los dichos sus partes imprimieron, porque [...] el libro [...] que sus partes imprimieron, era compuesto por un fraile francisco de la provincia de la Piedad, así era muy diferente del libro del dicho privilegio [...] porque el dicho libro que los dichos sus partes imprimieron había sido impreso otras tres veces antes del dicho privilegio [...], lo otro, porque por razón de los susodichos estaba dada licencia a las dichas sus partes para imprimir el dicho libro y estaba pleito pendiente ante los del mis Consejo, ante quien estaba mandado que se exhibiese originalmente del dicho doctor Navarro el dicho privilegio y así, durante dicho tiempo no había podido / usar del dicho privilegio el dicho doctor Navarro, según que parecía por la provisión y otras pendencies en el dicho proceso presentada a donde pidió al dicho mi teniente remitiese la causa”.

82 AGS, RGS, LEG 155506, n. 297, fols. 1^v–2^v (García Oro and Portela Silva, *La Monarquía y los libros*, 232–233): “sobre ello se litigo ante las dichas justicias por ambas partes y se yzo proceso sobre ello y se dio sentencia por el [...] allcalde de la dicha çiudad de Salamanca por la cual remitió / la dicha causa ante los del nuestro Consejo e del dicho auto por parte del dicho Juan Maria de Terranoba se presento ante los del dicho nuestro Consejo con un testimonio signado de escrivano publico en grado de apelacion, en no haber mandado y declarado la dicha justicia el dicho dotor Nabarro no poder ynpremir ni bender dicho libro, y [...] nos fue suplicado ansi lo mandasemos prober, y [...] mandamos traer ante nos el dicho proceso de la dicha causa fecha ante la justicia de Salamanca, y se traxo y presento ante los del nuestro Consejo originalmente juntamente con el privilegio original que el dicho dotor Nabarro tenía de la ynpression del dicho libro, adonde Martín de Azpilcueta [...] dixo que en cunplimiento de la dicha nuestra çedula ganada a pedimento del dicho Juan María que le fue notificada azia presentacion del dicho privilegio oreginalmente y [...], dixo que la relacion que el dicho Juan Maria avia fecho para ganar la dicha çedula havia sido falsa y falta e tanvien lo era la con que gano otra nuestra carta e probision para bender como avia vendido en gran perjuicio del dicho su parte mil e quinientos libros yntitulados Manuales de Confesores, después de la notificación que se le yzo del dicho privilegio”.

fact, Azpilcueta grounded his defence and his claims on the authorial nature of his intellectual work on the initial text. In Azpilcueta's responses to Terranova's statements, it is possible to appreciate his defence, in the trial, of his authorship of the book, based on the authorial quality of his intellectual work on the initial anonymous text. He was the *author* of the book, for several different reasons, which he referred to when replying to Terranova's points, one after another.

As a preliminary remark, Azpilcueta stressed that even for the initial anonymous text, his authorship was legally acknowledged. The (Portuguese) *Manual* by the anonymous friar, that Azpilcueta had approved and published in 1549, as well as adding explanations for the 90 dubious passages, had to be considered as if it had been written by Azpilcueta himself. This was according to the norms of the Council of Trent—Azpilcueta implicitly referred to the aforementioned session iv, 8 April 1546.⁸³ The Council, in fact, prohibited the publication of anonymous books on religious matters, and we know that the reason for this requirement was to be able to attribute responsibility for erroneous or heretical content in such books. I believe that in that passage Azpilcueta proposes his own interpretation of the conciliar norms by saying that the Council attributed the authorship of those books to the one chosen to authorise the printing or who printed them (“que da por autor al que tiene autorizado o haze ynpremir obra de quien en ella no se nombra”).⁸⁴ But it is for the Spanish version, which was the one printed by Terranova and protected by the privilege, that Azpilcueta expressed at its best his capacity of persuasion, building up a set of arguments to prove the authorial nature of his work.

In his first point, Azpilcueta insisted on the originality and great amount of work involved in the intellectual process of revising and reworking the anonymous friar's book. Even though he kept the structure of the *Manual's* 27 chapters, his contribution to the book could not be reduced to the adding of marginal notes, as Terranova claimed.⁸⁵ It was a substantial work, which was presented as being deeply rooted in the legal intellectual work, traditionally

83 See Concilii Tridentini Sessio IV, 8 Apr. 1546. Alberigo (ed), *Conciliorum*, 664–665. (Decrees concerning the edition and use of the sacred books).

84 AGS, RGS, LEG 155506, n. 297, fols. 2^r–2^v (García Oro and Portela Silva, *La Monarquía y los libros*, 233): “y el Manual questava publicado por hecho de frayle francisco se avya publicado syn nombrarse el en el y declarado por nobenta declaraciones /del dicho su parte y autorizado por carta suya y avia hecho ynpremir por el y por consyguiente avya quedado por compuesto y hecho por el y estava obligado a dar razon del conforme al Sacro Concilio Tridentino que da por autor al que tiene autorizado o haze ynpremir obra de quien en ella no se nombra”.

85 AGS, RGS, LEG 155506, n. 297, fol. 2^v (García Oro and Portela Silva, *La Monarquía y los libros*, 233): “Y el dicho Juan María había hecho relación quel dicho su parte no hizo en el quel

made by specific activities, such as the interpretation of, and comment on, other (usually ancient and authoritative) texts.

It comes as no surprise then that Azpilcueta compared his work on the *Manual* written by the friar with the long tradition of the most important commentators of canon law corpora, namely the *Decretals*. His arguments allow us to understand the extent to which law at his time was perceived as what has been defined as a long process of “intertextuality”,⁸⁶ in which the commentary by an author became the source of comments by another, in a never-ending chain of quotations. According to Azpilcueta, because of the quantity and quality of the work he put into it, what he did with the anonymous friar’s *Manual* was much more than what the most famous commentators of the *Decretals*—from the medieval masters to those authors closer in time to him—did on that text, using, of course, the previous comments produced by former commentators. In particular, he argued, what he did on the initial handbook was more than what was done by Hostiensis—Enrico da Susa—in his comment on Innocent IV’s *Novellae*; and more than what Giovanni d’Andrea did on Hostiensis’ text; and more than what Petrus de Ancharano and Antonio da Butrio did on Giovanni d’Andrea’s one; more than what Panormitanus—Niccolò Tedeschi—did on da Butrio’s work; and more than what Felino and Decio did on Panormitano’s one.⁸⁷ So, ultimately, the Spanish *Manual* protected by the privilege (and unlawfully printed and sold by Terranova) differed from the one written by the Franciscan friar far more than the works by the above mentioned “modernos” differed from the ones written by the “antiguos”.⁸⁸ As a consequence of that, the “Leitura” of the “antiguos” done by the “modernos” could not be considered the same works, even though there were many literal quotations. Thus, even

ymprimio, y del qual dicho privilegio habla mas de añadir las cotas de la margen a uno que se havia publicado por de un fraile”.

86 See Hespanha, “Una historia de textos”, 187–196.

87 AGS, RGS, LEG 155506, n. 297, fol. 2^v (García Oro and Portela Silva, *La Monarquía y los libros*, 233): “pero atenta la cantidad y calidad de entrambos, havya hecho más sobrel quel Hostiense sobre lo que Inocencio y Juan Andres sobre lo que el Hostiense y que Ancharano, Antonio y el Cardenal, sobre lo que Juan Andres y que Panormitano, sobre lo que Antonio y el Cardenal, y aun más que Felino y Decio sobre lo que Panormitano”.

88 AGS, RGS, LEG 155506, n. 297, fol. 2^v (García Oro and Portela Silva, *La Monarquía y los libros*, 233): “y que mas diferia el manual conthenido en el dicho privilegio ynpremiado y vendido por el dicho Juan Maria, quel dicho su parte compuso del que se publicó por de solo dicho ynçierto autor frayle, que difieren las obras de los sobredichos mas modernos de las de los mismos susodichos mas antiguos inmediatos suyos y porque consiguiente, aisy como la letura de ostiense no era de Ynoçencio ni la de Juan Andres de Hostiense, ni la de Panormitano de Antonio aunque en muchas partes de los más modernos estavan trasladadas muchas cotaduras de los mas antiguos a la letra”.

more so, the *Manual* written (“compuesto”) by Azpilcueta, was another, different book from the initial one because there were not two identical pages and, more importantly, they were written in different languages.⁸⁹

The language issue was the second point made by Azpilcueta. He clearly stated that all the words in the book protected by the privilege and printed and sold by Terranova were in Spanish (“eran castellanas”), while the book attributed to the anonymous author was in Portuguese, except for the Spanish explanations of doubtful passages and the dedication to the reader.⁹⁰ We could then argue that, in his eyes—as happened in the papal printing privilege system in which privileges were usually granted for translations as well⁹¹—translation was an authorial activity.

The third major point, then, was related to what he added to the book. He argued that not only did he rework, translate, and revise the friar’s work, but he also added new sections, to the extent that it was clear that the book printed by Terranova and protected by the privilege was much larger. In particular, Azpilcueta had added the doctrine, on which he grounded the answers to specific questions.⁹² He also reworked and largely expanded the last chapters, dedicated to the particular state of kings and lords (“señores”), excommunication, and interdictions.⁹³

89 AGS, RGS, LEG 155506, n. 297, fol. 2^v (García Oro and Portela Silva, *La Monarquía y los libros*, 233–234): “por mas fuerte razon, el manual conpuesto por el dicho su parte no hera del ynçierto frayle por cuyo se avia publicado el primero, pues ninguna página se hallaria en el uno uniforme a la otra y casy todas del todo disformes”.

90 AGS, RGS, LEG 155506, n. 297, fol. 2^v (García Oro and Portela Silva, *La Monarquía y los libros*, 233–234): “y todas las palabras del manual conthenido en el dicho privilegio e ynpremido e vendido por el dicho Juan Maria heran castellanas y todas del que se atribuya al ynçierto autor eran portuguesas sacadas noventa declaraciones y la carta para el letor quel dicho su parte añedio en castellano”.

91 See Ginsburg, “Proto-Property”, 354.

92 AGS, RGS, LEG 155506, n. 297, fol. 3^r (García Oro and Portela Silva, *La Monarquía y los libros*, 234): “y el contenido en el dicho privilegio y vendido por el dicho Juan Maria hera mayor los dos tercios que aquel del ynçierto autor contando las alegaçiones de la margen de que aquel parecia aunque con mucho menos palabras se deçia mucho mas del de su parte que con la mejor orden e arte se ebitaba el reluçir de aquello otro porque el dicho su parte añadio toda la general e universal doctrina que havia en este para rayzes y çimientos de las particulares preguntas y decisiones”.

93 AGS, RGS, LEG 155506, n. 297, fol. 3^r (García Oro and Portela Silva, *La Monarquía y los libros*, 234): “porque en los capitulos que se siguen despues de los mandamientos que eran casi los dos tercios de este muy poco se havia tomado del otro y aquello muy mudado y mejorado mayormente en lo de los estados de los Reyes y señores, y las dexcomuniones entredichos, suspensiones y yrregularidades”.

The differences between the two books became clear when comparing them, and several qualified readers—namely lecturers and students of the University in Valladolid, Salamanca, and Coimbra, as well as the fathers of the *Provincia da Piedade*—already acknowledged Azpilcueta's authorship, recognising the complexity of his intellectual work on the first version by the friar.⁹⁴ An element that helped the readers to acknowledge Azpilcueta's authorship was found in the title page and the paratexts. With a very interesting interplay between the argumentation in trial and the book's paratexts, one of the court documents makes reference to and literally reproduces those parts in which Azpilcueta himself had stressed the huge amount of work he put into the transformation of the first book, as well as the difference in method and doctrine between the two texts.⁹⁵

Azpilcueta's defensive line also included a detailed list of what Terranova concealed. In his eyes, it was clear that the printer, to obtain permission to sell the books, had omitted or concealed several fundamental points: he did not mention the royal privilege, of which he already had notice;⁹⁶ he omitted the fact that the *Manual* by the friar, approved by Azpilcueta, should be attributed to him according to the norms of the Council of Trent;⁹⁷ and he also lied when he affirmed that the book had been published two or three times beforehand—there had been only one edition of the *Manual* in Spanish.⁹⁸ More importantly,

94 AGS, RGS, LEG 155506, n. 297, fols. 3^r–3^v (García Oro and Portela Silva, *La Monarquía y los libros*, 234): “todos los lectores y oyentes de la universidad de esta villa de Valladolid, Salamanca y de Coynbra donde se imprimio una vez el primero y este dos veces, una en portugues y otra en castellano y aun por todos los padres de la probincia de la Piedad de la cual se dize ser / el que yzo el primero, atribuyen todo lo en el contenido al dicho su parte”.

95 AGS, RGS, LEG 155506, n. 297, fol. 3^v (García Oro and Portela Silva, *La Monarquía y los libros*, 234): “Porque ben quel dicho mi parte dixo en la carta que escribió al lector en esta, así quando se ynprimió en portugues como quando se ynprimio en castellano [...], que diez años antes no pudiera hacer lo que en aquel hizo en aquel tiempo”. See “Al pio lector”, MC1552.

96 AGS, RGS, LEG 155506, n. 297, fol. 4^r (García Oro and Portela Silva, *La Monarquía y los libros*, 235): “Juan Maria para ganar la dicha çedula real de la liçençia para bender los dichos libros callaba y no se haçia mençion del dicho previlegio que le estava ya notificado”.

97 AGS, RGS, LEG 155506, n. 297, fol. 4^r (García Oro and Portela Silva, *La Monarquía y los libros*, 235): “callaban tambien quel fraile a quien dicho Juan Maria lo atribuía havia de dexado de nombrarse por autor del primer libro simple que hizo y quel dicho su parte lo havia autoriçado con lo de reber y añadir tantas declaraciones y una carta del doctor, por lo cual quedaba por suyo y a su cargo por el dicho Santo Concilio”.

98 AGS, RGS, LEG 155506, n. 297, fol. 4^r (García Oro and Portela Silva, *La Monarquía y los libros*, 235): “y tambien había dicho en ella contra verdad notoria que el dicho su parte lo

Terranova also concealed the fact that Azpilcueta was working on a second Spanish edition in Salamanca, as the printed folios that Azpilcueta presented to the *Consejo Real de Castilla* showed.⁹⁹ This is a crucial point because it allows us to understand that during the trial, Doctor Navarro had already started to print the edition which would appear in 1556, printed by Portonariis. We can then imagine that it was with this major reformation of the book in mind, having already started to work on it in Portonariis' house in Salamanca,¹⁰⁰ that he had asked for and obtained the contested privilege of Castile.

But there was another fundamental point at stake, that in turn Terranova promptly underlined by accusing Azpilcueta of obreption (a false narration of a fact, that he would have made in order to obtain the privilege, in such a way as to conceal the impediment to its achievement) and subreption (more generally the concealment of a fact in order to obtain what would otherwise not be obtained). In the printers' eyes, Azpilcueta had requested a privilege for a book that had already been printed, and therefore misrepresented to the *Consejo Real de Castilla* that he was about to print a book for the first time. And we know that, in general, the only works that could be protected by a printing privilege at that time were unpublished texts, never printed before.¹⁰¹

The fact that the book mentioned in the privilege had already been printed was indeed true. What was not true was that Azpilcueta had concealed it from the *Consejo*. More importantly, Charles v's reasons for granting the privilege were not related to the protection of unpublished works.

One of the *cartas* reveals, in Charles v's own words, that Azpilcueta had already informed the *Consejo Real de Castilla* that the privilege was requested for an already-printed book. It was clear both at court, in Salamanca, and in the great majority of the kingdoms, that the book had already been printed in Coimbra. The problem was that the text was barely readable. For this reason, the privilege expressly mandated the use of a specific humanistic font, *antiqua* ("letra romana antigua"),¹⁰² making it one of the exceptional cases in which the

avia hecho ynpremir dos o tres veces [...] lo que era notificado no se aver imprimido en castellano más de una vez".

99 AGS, RGS, LEG 155506, n. 297, fols. 4^r–4^v (García Oro and Portela Silva, *La Monarquía y los libros*, 235): "así mismo avia callado que el dicho su parte lo queria tornar a ynpremir conforme a lo que le mandabamos por el dicho privilegio y que estudiaba sobre ello para lo hacer mucho más mejorado como ya / había comenzado hacer en Salamanca segun constaba por los plyegos que presentó ynpresos de molde".

100 See EC, 1573, "Candido pioque lectori".

101 See Nuovo, "Introduzione. Le politiche legislative sulla stampa", 12.

102 AGS, RGS, LEG 155506, n. 297, fol. 6^r (García Oro and Portela Silva, *La Monarquía y los libros*, 236–237): "porque el que presento era uno de los dichos manuales ynpresos en Coynbra

legislation was directly intertwined with typography.¹⁰³ In other words, Azpilcueta also took care of improving the readability of the text, to facilitate the diffusion of the book, suggesting the use of a different and more readable font than the original *rotunda* used in the previous editions. The emperor stressed that the reason that moved him to grant the privilege was not related to publishing an already-printed book, but to reward Azpilcueta's great intellectual work on the *Manual*, as was clearly stated in the privilege.¹⁰⁴ Moreover, the book was dedicated to his daughter, Juana. And, finally, the emperor wanted such a useful book, namely the much better and largely improved version Azpilcueta was working on, to be printed in the Spanish kingdoms.¹⁰⁵ For his royal benignity, he did not mention this aspect in the privilege and decided only to refer to the font issue. The reason for this was that Azpilcueta had done that huge amount of work for the emperor's service.¹⁰⁶ Charles v stated that he already had granted privileges for already-printed books, especially in the case of privileges granted to the author of the book or his heirs, as happened for the works by Antonio de Nebrija and Juan López de Palacios Rubios.¹⁰⁷ In conclusion, Azpilcueta had

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- muchos dias antes lo mandaron ver al rector del colegio de San Pablo [...], y el lo vio y hyzo relacion dello, y [...] era notorio en esta corte y en Salamanca y en gran parte de estos reinos, que estaba ynpreso en Coynbra y averse presentado el dicho libro ynpreso en Coynbra e no haber parecido bien la letra de aquella ynpresion, pusieron en el privilegio la causa que no se solia ni acostumbraba poner de que fuese de letra romana antigua".
- 103 De los Reyes Gómez, "La estructura formal del libro antiguo español", 40. A copy of the privilege, then reproduced in the 1560 Portuguese edition, is preserved at AGS, CAA, CED, 123, fol. 77^r.
- 104 AGS, RGS, LEG 155506, n. 297, fol. 6^r (García Oro and Portela Silva, *La Monarquía y los libros*, 237): "y la causa que me avia movido a conçeder el dicho privilegio no avia sido porque el libro no ynpreso se ynprimiese de nuebo, sino para gratificar lo mucho que su parte trabajo en su composicion".
- 105 AGS, RGS, LEG 155506, n. 297, fol. 6^r (García Oro and Portela Silva, *La Monarquía y los libros*, 237): "y tanvien de ver que se lo dedicaron a la Serenisima Prinçesa, y aun por bentura de querer que se tornase a ynpremir un tan buen libro en estos reynos mejor y mejorado y como esta comenzado azer segun constaba por el quaderno presentado".
- 106 AGS, RGS, LEG 155506, n. 297, fol. 6^v (García Oro and Portela Silva, *La Monarquía y los libros*, 237): "y aun por mi real benidad no puse espresamente este cargo, sino solamente que lo hziere ynpremir de letra romana antigua, pues quel dicho su parte por mi servicio avia querido azer todo lo susodicho".
- 107 AGS, RGS, LEG 155506, n. 297, fol. 6^v (García Oro and Portela Silva, *La Monarquía y los libros*, 237): "no se podia dezir que yo no suelo dar privilegios para ynpremir libro que estuviere ya impreso, mayormente dandose al autor de la obra, e a sus herederos como constaba por los privilegios que he dado en tiempos pasados para ynpremir obras de Antonio de [Nebrija] y del doctor Juan López de [Palacios] Rubio". On the privileges granted to the heirs of Nebrija's works, see De los Reyes Gómez, *El libro en España y América*, 60–66; Hamann, *The Translations of Nebrija*.

correctly named himself the author: the example Charles v gave was the one of Justinian, who named himself the composer of the *Digests* without adding anything new to them.¹⁰⁸ Here, Charles v did not entirely render the creation-based nature of Azpilcueta's argument, which went far beyond the idea of authorship in the sense of exercising authority over the preparation and dissemination of a work (like in the case of Justinian). But this did not change the outcome of the judgement.

The reasons provided by Azpilcueta in support of his argument were not finished: the new edition started by Terranova was bad—containing lies—and faulty, and would cause huge damage to the *Republica* if it was completed and disseminated. Those who bought the faulty Terranova edition would, by mandate of the emperor (“por mi mandado”), have also needed to buy the new edition, which was much improved in letters, doctrinal references, decisions, and repertories, thus having wasted their money on the first. It was for preventing such damage that Azpilcueta asked for the privilege.¹⁰⁹

The aim of serving the community and contrasting the printers' and booksellers' speculations, by assuring that the book would have been sold at a low price, was the last reason that Azpilcueta gave in the trial for his request for the privilege. By asking for the privilege, he wanted to make sure that nobody could sell the book at a high price. As was his custom with the books he printed, he intended to print the book at its own costs, and to give several copies to poor clerics and students, selling it at a half or a third of the price of its value (therefore selling it at a lower price than the one fixed by the King's *tasa*), avoiding the intermediation of booksellers, thus facing the handbook for confessors' 'famine' (*carestia*).¹¹⁰ In doing so, Azpilcueta entrusted his agent Pedro de Salazar—a merchant from Salamanca, who had been particularly active in

108 AGS, RGS, LEG 155506, n. 297, fols. 6^v–7^r (García Oro and Portela Silva, *La Monarquía y los libros*, 237): “porque en el pedimiento hecho por el dicho su parte estaba heficazmente respondido a lo que se alegaba dezir ser el dicho manual de otro pues el podia declarar su dicho conforme a su carta a el letor que lo declara autor y pues el emperador Justiniano se llamo asimesmo componedor de los Digestos sin añadir nada de suyo a ellos”.

109 AGS, RGS, LEG 155506, n. 297, fol. 7^r (García Oro and Portela Silva, *La Monarquía y los libros*, 237): “y la ynpression que agora nuebamente la parte contraria havya comenzado a hazer era mala, mentirosa, en muchas partes casy çiega, [...] y seria grandisimo daño de la republica que se acabase de hacer, por los que comprasen dellos en saliendo esta otra ynpression de su parte con la hultima [...] por mí mandado començada tan mejorada en letras, alegaçiones, decisiones, y en dos materias muy deseadas en recapitulacion y repertorio mucho mejores havian de comprar dellos con gastos escusados, y su parte havya pedido el dicho privilegio por evitar el dicho daño de la republica”.

110 AGS, RGS, LEG 155506, n. 297, fol. 7^r (García Oro and Portela Silva, *La Monarquía y los libros*, 238): “y pidió también el dicho privilegio para que no se diese a otros que los procuraban para benderlos muy caro como se vendian algunos otros ynpresos con privilegio, para que

the first part of the lawsuit¹¹¹—with the task of selling the copies at less than half a *ducate* each, while Terranova had been selling it at seven or eight *reales*: that means that the price set by Azpilcueta was about one third lower than the price asked by Terranova.¹¹²

Even though it is important to read the argumentations in the trial bearing in mind their rhetorical and strategic nature, these two last aspects imply Azpilcueta's direct involvement in the publishing system. Not only did he know how the printing privilege system worked, but from these passages we can also clearly understand that his agency in the publishing system included the choice of the agents entrusted to sell the book as well as the attempt to define the price.¹¹³

Before moving on to the judgement, it is important to stress one last point: Charles v's direct involvement in the edition has already been mentioned, but it is perhaps noteworthy that this was not the first time that Azpilcueta's work was part of Charles v's plans; not only was Azpilcueta's move from Salamanca to Coimbra in 1538 led by Charles v, but even the beginning of his career in Salamanca related to the emperor's political design.¹¹⁴ Moreover, due to the strong connections between the kingdoms of Spain and Portugal (Charles v's daughter, Juana, played a crucial role in the publication of the *Manual* in Spain, being the Princess of Portugal and then regent of Spain¹¹⁵), one should not be surprised by the fact that the same *Manual* sponsored by the Portuguese King's brother, was then promoted by the emperor to be printed in the Kingdoms of Spain.

haciendo ynpremir a su costa pudiese hacer lo que a hecho syempre en nuebe libros que avia ynpreso, que avia dado muy mucho de cada ynpresion graçiosos a sus señores y amigos y oyentes y a otros muchos pobres clérigos, religiosos y estudiantes, a medio y a tercio del preçio de su valor, y que ningunos se havyan bendido tan caros como se pudieran vender conforme a la tasa real que en el mi Consejo se suele hazer. E Dios sabia, como por hebitar la carestia de los dichos manuales, para que todos los pudiese conprar avya hecho el dicho su parte harta azienda por no quererlos vender a quien los rebendiese mucho mas caros".

111 This could be the same Pedro de Salazar whose signature marks the "Prologo" page of the copy of the 1556 edition, which belonged to the collection of the monastery of San Antonio de Texcoco, and of the copy of the 1557 edition preserved at the Complutense library in Madrid, both analysed by Byron Hamann in this volume (Chapter 11). We can imagine that Azpilcueta's agent was involved in the selling of these copies.

112 Useful information on the relationship between reales and ducates can be found in Pettas, *A Sixteenth-Century Spanish Bookstore* and in Vilaplana Persiva, *Historia del real de a ocho*.

113 On Azpilcueta's active engagement in the choice of agents for selling the book, see César Manrique Figueroa's contribution in this volume (Chapter 3).

114 Lavenia, "Martín de Azpilcueta. Un perfil", 51; 61.

115 On Princess Juana see Martínez Millán, "Juana de Austria"; Villacorta Baños, *La jesuita: Juana de Austria*.

As can perhaps be guessed, the story ends with a judgement from the *Consejo Real de Castilla*, pronounced in Valladolid on 12 February 1555 and later confirmed on 6 April and 28 June 1555: Terranova received the licence and exclusive right to sell only the books printed before the notification of the printing privilege. Azpilcueta was granted the right to keep his privilege in every respect and, according to it, was asked to bring the book to the *Consejo Real de Castilla* for assessing of its price (*tasa*).¹¹⁶ Thanks to the printing privilege, Azpilcueta was acknowledged as the author of the *Manual*, with the revisions, transformations, improvements, and translation of the initial text into a different language all being considered as authorial work.

5 Authorial Agency in the Publishing System: Printing Privileges

If we carefully read the 1556 dedication to the reader, we can now see that Azpilcueta condensed in a few lines for his reader his version of the story—the one he fought for, for about a year, in the trial with Terranova. In particular, we can now better understand the importance of stressing the difference between the small initial book (“pequeño”) by the anonymous friar and the big one (“este grande”) that Doctor Navarro introduced to his reader.¹¹⁷ This difference, Azpilcueta said, was visible when comparing the two texts and was also acknowledged by the *Consejo Real de su Magestad*. For this reason, he wrote, the last one had ruled against the printer who published it in violation of the royal privilege that had been granted to him for having *written* the book:¹¹⁸

Deziamos tambien, que viendo despues, que ni su [of the 1549 Portuguese *Manual pequeño*] methodo, arte, orden, ni substancia respondia a estas canas y edad, ni a la opinion de letras, resolucion y claridad, de que Dios sin se la merecer nos ha hecho merced, *hezimos este grande*, siguiendo solamente la orden y manera delos capitulos de aquel, en lo qual solo se

116 AGS, RGS, LEG 155506, n. 297, fol. 8^r (García Oro and Portela Silva, *La Monarquía y los libros*, 239): “Visto por los señores del Consejo de sus Magestades el negocio ques entre el doctor Navarro de la una parte y Juan Maria de Terranova librero, de la otra, [...] dieron licencia al dicho Juan Maria de Terranova para vender los libros llamados Manual de Confesores que se tenia ya ynpresos y havia hecho ynpremir hasta el dia que por parte del dicho dotor Nabarro, le fue notificado el privilegio que de la ynpresion del dicho libro le fue conçedida, y no otros algunos que despues aca hobiere ynpreso, e mandaron que el dicho dotor Nabarro se le guarde su privilegio en todo y por todo como en el se contiene, y que conforme a el doctor Nabarro traya a tasar el dicho libro al Consejo”.

117 “Al pio lector”, MC1556.

118 “Al pio lector”, MC1556.

parece conel, como por la vista de entrambos evidentemente *lo mostramos ante el consejo Real de su Magestad, que en contradictorio juyzio de vista y reuista sentencio contra los, que lo han imprimido, contraveniendo al priuilegio real que por auer compuesto se me dio.*

So, let us return to our question: was it the huge amount of work that Azpilcueta put into the transformation of the text that led him to so firmly state his authorship from the 1556 edition on? The answer would be yes, but that this amount of work was acknowledged by Charles V in the trial and then protected with the printing privilege. Azpilcueta's huge amount of work transformed the Franciscan friar's book into something different, and he was therefore acknowledged as the author of it. From the 1556 edition on, Azpilcueta *became* the author of the big *Manual*.

If we look at the printing privileges that Azpilcueta collected for this edition, which started while the litigation with Terranova was still pending, we can say that he sought protection that covered the entire Iberian Peninsula, gathering privileges for ten years from all the kingdoms of Spain and Portugal.¹¹⁹ We can also say that the privilege somehow reflected the narrative which then came out of the trial, protecting first Azpilcueta's revisions of the *Manual* and then the book as being his authorial work.

A few months after obtaining the privilege that had been contested in the trial, Azpilcueta sought and obtained a privilege from the King of Portugal in August 1554. It covered all the works that Azpilcueta had written and would write during the next ten years, forbidding anyone but the persons authorised by Azpilcueta from printing, selling, or importing the mentioned books.¹²⁰ An appendix of the privilege, which was dated less than a month later, was especially dedicated to the *Manual* that he had "reformed", followed by the mention of all the other works that he intended to "reform".¹²¹ After the first judge-

119 Of the practice of asking for printing privileges for the several kingdoms that composed the Monarchy in Spain, see De los Reyes Gómez, "La estructura formal del libro antiguo español", 40.

120 "Privilegio del Rey de Portugal" (Lisboa, 6.08.1554), in MC1556: "Para que pessoa algũa [...], nõ possa imprimir, nem vender en meus reynos e senhorios, nẽ trazer imprimidas de fora deles as obras, que ho dito doctor Martín de Azpilcueta tem compostas, e composer, nẽ algũa delas, saluo a pessoa, que para yssotiuier sua licença Porque a tal pessoa somente podera imprimir e vender as ditas obras, e outra algũa nã, como dito he: e ysto por tempo de dez ãnos, que començarõ da feytura deste aluara: sob pena de quem o contrayro fizer, perder todos os volumes, que aõsi imprimir ou vèder: e pagara cincoenta cruzados: ametade para os catiuos, y a outra ametade para quem os acusar".

121 "Privilegio del Rey de Portugal" (Lisboa, 4.09.1554), in MC1556: "E ey por bem, que este aluara acima escrito, e ho priuilegio de que nele faz mençam, se cumpra e guarde inteiramente no Manual de Confessores, que o dito doctor Martín de Azpilcueta *reformou*, e em

ments of the trial were pronounced, Azpilcueta also asked for another privilege for printing and selling the book in the kingdom of Castile, this time directly addressing the princess, Juana. In May 1555, he obtained the privilege for printing and selling the revised versions of his academic commentaries, as well as the *Manual*, for ten years.¹²² Finally, almost one year after the final sentence was issued and one week before the date that can be found in the colophon—10 July 1556—he obtained the privilege for Aragon. Once again, it was granted by Princess Juana, and covered the work *written* by Azpilcueta: both his academic commentaries and the *Manual*.¹²³

So, what did it mean to be an author of law books? To a certain extent, we could say that the authorship of law books—as was the case in commentaries on texts, especially biblical or Patristic ones—included the act of controlling, approving, transforming, improving, updating, and translating a text. They were all typical intellectual activities related to writing on legal matters, corresponding to an idea of authorship that early modern authors were well aware of.¹²⁴ But in the age of the printing press, being an author also meant being acknowledged as an author by the secular or religious power, and the printing privileges granted to the authors were the tools that allowed this external acknowledgment. This was also true in the early modern Iberian Peninsula, where privileges were frequently granted to authors.¹²⁵ It is fair to say, then, that this system of printing privileges contributed, also in the Iberian Peninsula, to a better definition of the function of authors in the publishing system. This is also true for this specific kind of authorship of law books.

qualquer outra obra, que ele *reformatar*. E mando, que esta postilha se cumpra, posto que nã seja passado por la Chancelaria, sem embargo da ordenançã em contrayro. Manoel da Costa o fazem Lisboa a quatro dias de Setembro de. 1554". Italics mine.

122 "El Rey" (Valladolid, 04.05.1555), in MC1556: "Y que por tornar a *reuer* las dichas obras [vna lectura delas tres distinciones postreras, de pœnitêtia ...; vn libro intitulado Manual de confesores] y las *mejorar*, auia des dexado de leer y ganar vn gran salario por año, supplicãdonos que atẽto a ello os diessemos licẽncia, para que vos o la persona, que v[ost]ro poder ouiesse y no otra alguna pudiessedes imprimir las dichas obras por tiẽpo de diez años, ansi la intitulada *Manual de confesores*, como las demas suso dichas todas las vezes, que las quisiesse des imprimir y vender, visto por los de nuestro cõsejo, fue acordado que deuiamos mandar dar esta nuestra cedula". Italics mine.

123 "El privilegio de Aragon" (Valladolid, 03.07.1556), in MC1556: "Por quanto por parte de vos el doctor Martin de Azpilcueta [...] se ha recorrido a nos diziendo que atendido que os auemos dado licencia y facultad para imprimir en estos Reynos de Castilla todas quantas vezes quisieredes dentro de diez años, las obras por vos compuestas que son la lectura de algunas distinciones del commienço del Decreto [...] y el libro llamado Manual de confesores, y penitentes [...]".

124 See Beck Varela, "Authorship in Early Modern Jurisprudence".

125 De los Reyes Gómez, *El libro en España y América*, 34–36. Privileges were usually granted to authors, editors, or heirs, but could also be granted to translators or commentators.

It is interesting to observe that a sort of protection of the idea of authorship which extended to the modification, improvement, and transformation of an already existing work was somehow already in place, especially in legal matters, in the papal privilege system. As Jane C. Ginsburg has recently shown, popes mainly granted printing privileges to the authors. And these privileges also covered the interpretations of, new versions of, additions to, commentary on, and translations of already existing texts. The special protection of the authors, through a kind of “proto-copyright” which allowed them to control the printed text, was a way of ensuring the orthodoxy and doctrinal correctness of the texts, which was the main interest protected by the privilege system in Rome. In other words, such privileges rewarded the care that “the author or printer have taken to ensure the work’s accuracy (and conformity to Church doctrine).”¹²⁶ Granting a printing privilege for the different redactions and “derivative works”, and therefore attributing a sort of authorial status to the one who produced the changes, also functioned to make the texts adhere to the rigors imposed by the Church.¹²⁷

It is clear that Azpilcueta knew the papal privilege system, addressing it not only for the first editions of the *Manual*, but also his lectures on the *Decretum* and *Decretals* and especially the five commentaries (*cinco comentarios*) on usury, changes, simony, defence of one’s neighbour, and theft that he wrote as a complement to the *Manual* from the 1556 edition on. Could we assume that Azpilcueta’s case in some way shows a kind of translation to the Iberian Peninsula of the model established by the papal privileges, which protected authorship and extended it also to the transformations and commentaries of a text? Or was it a common practice, for law books, in continental Europe? At the present state of research, it is hard to say. But it is undeniable that the protection asked for by Azpilcueta was quite similar to the one granted by the popes to the authors of new texts and of revised texts or commentaries.

In any case, the Portuguese and Spanish paths only provide a beginning to the story. Once having been fully acknowledged by the judgement as the author of the “big” 1556 *Manual*, Azpilcueta spent his entire life revising it and trying to control its production and circulation, as well as the quality of the prints, by asking for and obtaining printing privileges for each new revised version.¹²⁸ And his strategy improved when he moved to Rome where he worked at the service of the Supreme Tribunal of the Apostolic Penitentiary. Even though he

126 Ginsburg, “Proto-Property”, 367.

127 Ginsburg, “Proto-proprietà letteraria ed artistica”, 118–119.

128 This was a strategy that another legal celebrity, Prospero Farinacci, put in place. See Ginsburg, “Proto-property”, 361.

would never deny the Franciscan beginning of the story, *Manual de Confessores* became *his* most famous book.

6 Far beyond the Iberian Peninsula: Privileged Authorial Control and the European Book Market

Azpilcueta, in fact, collected an impressive number of printing privileges for the *Manual* in strategic moments (when the privilege was about to expire) so that he had uninterrupted protection all his life in a great number of territories, thus covering a large part of the European and global market. My impression is that he was following a specific strategy for controlling the production and selling of the *Manual*, being an active participant in a system that was becoming increasingly complex and sophisticated. Of course, even during Azpilcueta's life, several editions appeared which were not supervised by him and several printers and translators even obtained different printing privileges, for other versions of the *Manual*, in territories not yet controlled by him, especially *Compendia* and the Italian translations.¹²⁹ But this did not stop his efforts.

Let us have a closer look at the printing privileges that Azpilcueta collected over time. At first, his targets were the territories of the Spanish Monarchy, where he asked for and obtained printing privileges for printing and selling the Spanish *Manual* for a total of 22 years, from 1555 until 1579. In 1565, when the validity of the first Castilian privilege was about to expire, Philip II renewed for six more years the author's privilege to print and sell the *Manual* in the territories of the Spanish Monarchy:¹³⁰ this privilege was reproduced in the 1566 Valladolid edition by Francisco Fernández de Córdoba and in the Estrella edition by Adrián de Amberes, printed the same year, so we can imagine that Azpilcueta entrusted both printers who were active in different Spanish kingdoms. In 1569, Azpilcueta asked for the privilege for printing the *Capítulo 28*, which contained all the updates to be added to the 27 chapters, related to the Council of Trent. Here, the protection system went in a different direc-

129 For instance, in 1556, Joannes Steelsius, active in Antwerp, obtained a printing privilege for four years; in 1567, the Portuguese printer Antonio de Maris obtained a privilege from the King of Portugal for printing the Portuguese *Compendium* by Masseo da Elvas. It is also interesting that the 1573 Latin translation by Francisco de Sessé, which was not supervised by Azpilcueta and presents a slightly different title (*Manuale confessorum*), makes reference to some privileges ("cum privilegiis") in the frontispiece (EmoBooktrade: ID 3381).

130 "Don Felipe por la gracia de Dios" (Madrid, 16.12.1565), in MC1566_Cor; MC1566_Anv.

tion and was centred at the *Consejo Real de Castilla's* hands: as we can read in the privilege, reproduced in the 1570 edition of the *Capítulo 28* by Adrián Ghemart and sold in Antonio Suchet's bookshop, all printers were allowed to print this update of the *Manual* but with the explicit requirement to reproduce the text according to the original. After being printed, the edition needed to be inspected to assess the conformity with the original.¹³¹ In 1570, before the expiration of the 1565 privilege, Azpilcueta asked Philip II for and obtained the prolongation of the privilege for printing and selling the *Manual* and the *Capítulo 28* for another six years, starting from the expiration of the previous privilege:¹³² once again Azpilcueta chose Francisco Fernández de Córdoba, who printed the edition in Valladolid, and sold it, once again, in Suchet's bookshop.

In the meantime, Azpilcueta had moved to Rome and started working on the Latin edition of the *Manual*, which was first printed by Eliano in 1573. From this moment, we see his strategy become even more sophisticated. For the publication of this Latin text, Azpilcueta first asked for and obtained a printing privilege from Pope Gregory XIII.¹³³ In November 1580, right before its expiration, the Pope renewed the privilege for the Latin *Enchiridion* but, previously, in March 1580, he renewed for a further ten years the privilege for his commentaries and lectures on canon law. Azpilcueta used this for the Latin translation of his five commentaries for ten years.¹³⁴ As we know, this section was initially printed in Spanish as an addition to the 1556 edition; later, the summary of each commentary was inserted into some of the chapters of the 1573 Latin *Enchiridion* and, finally, the Latin translation of a revised and augmented version of the commentaries was printed, in 1580 in Rome, by the papal printshop "aedibus populi romani".¹³⁵ A few months later, in November, Azpil-

131 "Don Felipe por la gracia de Dios" (Madrid, 21.05.1569), in C281570_Gemart: "Y por la presente damos licencia y facultad à qualquier Impressor destes nuestros Reynos, para que por esta vez pueda imprimir el dicho Libro y Manual, y Capitulo, con lo nuevamente añadido, que de suso se haze mención, fin que por ello cayga ni incurra en pena alguna. Y mandamos que la tal impressión se haga del dicho Libro original, que va rubricada cada plana, y firmada al fin del, de Domingo de Cauala nuestro Scriuano de Camara, y de los que residen en el nuestro Consejo. Y que después de impresso no se pueda vender ni venda el dicho Libro, sin que primero se trayga al nuestro Consejo, juntamente con el dicho Original: para que se vea si la dicha impressión esta conforme al Original".

132 "Don Felipe por la gracia de Dios" (Madrid, 10.03.1570), in MC_1570.

133 "Gregorius PP. XIII" (Rome, 5.11.1572), in EC1573.

134 "Gregorius XIII" (Rome, 01.03.1580) in CU1580. See Ginsburg, "Proto-Property", 404. This privilege renewed the ones issued by Paul III (1543) and Pius V (1571).

135 On the papal typography, see Sachet, "In aedibus Populi Romani".

cueta obtained the privilege for ten years for the further transformations and improvement of his works, including the Latin *Enchiridion*.¹³⁶ At the present state of research, it seems that the third papal privilege was used for the first time in the 1584 edition printed in Rome by Giorgio Ferrari. The total duration of the papal privileges amounted to 17 years.¹³⁷

The Latin editions printed in Rome reproduce the papal privileges but also make reference to the privileges of the King of Naples, of other Italian powers, and the Venetian Senate. While for the other territories more research is needed, we already have some information about the Venetian privilege, granted to Azpilcueta by the Senate in December 1572 for twenty years, for printing it in Venice or, if the book was printed elsewhere, selling it in the Venetian territories.¹³⁸ Another printing privilege, giving Azpilcueta the same powers as the previous one, was then granted by the Doge in 1580 for twenty years. This one was reproduced, together with the 1580 papal privilege, in the 1584 Venice edition by Francesco Ziletti. As can be read on the front page, this edition was specifically made with Azpilcueta's consent and the consent of the 1584 Roman printer, Giorgio Ferrari.¹³⁹

In the meantime, for controlling the production and circulation of the Latin edition in the Spanish monarchy, Azpilcueta addressed the King of Spain once more. Philip II granted him the privilege to print and sell the Latin *Enchiridion* in Castile in 1574 for ten years.¹⁴⁰ The privilege expressly mentioned the fact that the edition should reproduce the one printed in Rome in 1573 and, as usual, only those who were authorised by Azpilcueta could print it. To my knowledge, the first edition in which this privilege was used was the 1575 Antwerpian edition by the famous printer Christophe Plantin.¹⁴¹ This edition, which reproduced the papal privilege as well, also showcases the summary of the royal privilege granted by the King of Spain to both Azpilcueta and Plantin, who was the printer

136 "Gregorius XIII" (Rome, 21.11.1580), in EC1584_Ro; EC1584_Ve; EC1584_Ly; CM1586. See Ginsburg, "Proto-Property", 404–405.

137 The 1572 papal printing privileges would have also been reproduced in the 1575 Lyon edition, as well as in the 1575, 1579, and 1581 Antwerp editions, (EC1575_Plant; EC1579_Plant; EC1581_Plant; EC1575_Ly_Rouille).

138 The privilege dates to the 20.12.1572. ASV, Senato Terra 49, fol. 114^r, [EmoBookTrade database: ID 3381].

139 "Nicolaus Deponte Dei gratia" (Venice, 3.12.1580). [EmoBookTrade database ID 4139] EC1584_Ve.

140 "Privilegio y licencia" (Madrid, 27.04.1574).

141 On Azpilcueta's correspondence with Plantin, see César Manrique Figueroa's contribution in this volume (Chapter 3).

that Doctor Navarro chose for the circulation of the Latin edition in the Spanish territories. The privilege was granted for 12 years.¹⁴²

The surviving letters, which date from December 1573 to April 1575, sent by Plantin to Azpilcueta and his helpers, allow us to have a glimpse into the concrete actions that characterised the authorial control over the publication and circulation of books. In general, the printer carefully reports the status of the publication and updates the author about formal and bureaucratic requirements, especially regarding financial issues.¹⁴³ In this regard, he repeatedly asks Azpilcueta for the money that he needs to accomplish his work, that the author, who was also financing this edition, had to send. From the letters, we understand that in the winter of 1575, due to lack of financing from Azpilcueta, the printer was forced to interrupt the publication.¹⁴⁴ However, the work was accomplished thanks to the financial support of some of his friends.¹⁴⁵

Plantin's letters reveal, once again, Azpilcueta's control over the production and circulation of the book, and his active role in the professional network of printers and booksellers. Plantin expressly asks Azpilcueta about some details on the specific typographic font he wants to use for the edition.¹⁴⁶ But, thinking about the commercialisation of another of his works, *Apologia* in Spain, he also gives the printer specific instructions about the person to send the copies of the book to. Unsurprisingly, it is Suchet in Valladolid, whom we have seen active in the production and commercialisation of the supervised editions of the *Manual* in the Spanish territories. After receiving Azpilcueta's letter, Plantin has to change his original plans and ask his mediator, the Portuguese Francisco Mendes, to give the parcel to Suchet instead of to Gasparo de Portonariis, as he originally planned.¹⁴⁷ Unfortunately, the parcel never reached its destination.¹⁴⁸

From this letter, we also understand that in the supervision of the edition Azpilcueta had at least two helpers. The first one was Simon Magnus Ram-

142 "Privilegii Summa" (Brussels, 12.06.1575), in EC1575_Plant.

143 Denucé (ed.), *Correspondance de Christophe Plantin*, letters n. 504 (28.12.1573), 44–45; n. 506 (6.01.1573), 47–48; n. 528 (19.05.1574), 87.

144 Denucé (ed.), *Correspondance de Christophe Plantin*, letters: n. 608 (21.02.1575), 241; n. 611 (12.03.1575), 247.

145 Denucé (ed.), *Correspondance de Christophe Plantin*, letter: n. 622 (22.04.1565), 271.

146 Denucé (ed.), *Correspondance de Christophe Plantin*, letter: n. 506 (6.01.1574), 47–48. See Chartier, "Figure dell'autore", 70.

147 Denucé (ed.), *Correspondance de Christophe Plantin*, letter: in Spanish, n. 555 (3.09.1574), 133.

148 Denucé (ed.), *Correspondance de Christophe Plantin*, letter: n. 621, 270.

lotaeus, a South-Netherlandish jurist and priest who was Azpilcueta's disciple and friend and member of his *familia*.¹⁴⁹ He was also the author of the biography of his master, printed in Rome by Eliano in 1574. The poem that closes the Plantin edition was written by him.¹⁵⁰ The name of Ludovicus Magnus Rupeforti Decanus, who was doyen of the church of Notre Dame de la Visitation in Rochefort in the prince-bishopric of Liège, also appears in the correspondence.¹⁵¹

But the Low Countries were not Azpilcueta's final horizon. In 1582, Azpilcueta asked for and obtained a printing privilege from the King of France and Poland for ten years for the publication of the new version of the Latin *Enchiridion*.¹⁵² It is not surprising that, for the French market, Azpilcueta chose one of the most important French printers, Guillaume Rouillé. Rouillé had already printed the Latin edition in Lyon in 1575, and the edition showcased the 1572 papal privilege, as well as the 1574 Spanish King's one. The French royal privilege appears in the 1584 edition, in which the 1580 papal privilege was also reproduced. There the celebration of Azpilcueta's authorship is inscribed in the book itself, through a wonderful portrait.

The last privilege that Azpilcueta obtained was for his authorial *Compendium* written in Spanish. The privilege was issued in August 1586 by the King of the unified crowns of Spain and Portugal and the book was printed the same year in Valladolid, once again by Suchet.¹⁵³ Azpilcueta died in June of the same year.

Looking at the privileges, and at the editions for which these privileges are used, we can now start to outline some of the control strategies that Azpilcueta put in place for his *Manual*. Not only did he ask for and obtain a printing privilege for every new revision of the *Manual* he was issuing, but he also obtained the extension of a previous privilege for printing and selling the same version (this happened, for instance, with the 1565 Spanish privilege). From the reproduction of the printing privileges in the editions, we can guess that Azpilcueta also simultaneously entrusted several printers, active in different territories of the Spanish Monarchy, with printing the same version of the book. This already

149 Dencú (ed.), *Correspondance de Christophe Plantin*, letter: n. 519 (18.03.1574), 71.

150 Dencú (ed.), *Correspondance de Christophe Plantin*, letter: n. 528 (10.05.1574), 87; n. 608 (21.02.1575), 241. On Ramelot, see Arigita y Lasa, *El doctor navarro*, 435–440.

151 Dencú (ed.), *Correspondance de Christophe Plantin*, 48; letters 504 (28.12.1573), 44–45; 608 (21.02.1575), 241. I thank Werner Thomas for helping me with the identification of this person.

152 “Extraict du privilege du Roy de France & Pologne” (Paris, 11.04.1582).

153 “El Rey” (S. Lorenzo del Escorial, 02.08.1586).

occurred with the Spanish *Manual*, which was simultaneously reprinted in 1566 in Valladolid, Castille, and Estella, Navarra.¹⁵⁴

Azpilcueta's strategic use of printing privileges improved with the Latin editions that appeared when Azpilcueta was in Rome. It is interesting to note that from the Latin edition on the *Manual* rapidly ceased to be printed in Spanish: this language continued to be used only for the *Compendia*. For his Latin *Enchiridion*, Azpilcueta entrusted different printers in different European countries. And together with the universal papal privilege, he asked for and obtained privileges from different local political powers. Therefore, the Latin *Enchiridion* was first published, under Azpilcueta's control, in Rome (1573) together with the papal privilege (in the 1573 latin edition, the privileges from the King of Spain and other Italian political authorities were mentioned).¹⁵⁵ Then it appeared in Antwerp (1575, 1579, 1581: the editions showcase both the papal privilege and the royal privilege of the King of Spain).¹⁵⁶ Next, the book appeared in Venice (1579, 1581) and Lyon (1575):¹⁵⁷ these editions reproduced the papal privilege and made reference to privileges granted by the kings of Spain, Naples, Venice, Milan, Ferrara, and almost all other Italian political powers. A few years later, the book was printed with the full protection of both the Pope, and the local political authorities, simultaneously in Rome (1584), Venice (1584), and Lyon (1584).¹⁵⁸ The *Compendium* was Azpilcueta's last effort.

But death did not stop Azpilcueta from trying to define the afterlife of his *Manual*. In his last will, he identified the heirs and printers to whom his privileges should be transferred.¹⁵⁹ Francisco Ramírez and Martín de Zuría inherited the papal privilege, as well as the ones granted by the other Italian political powers, for printing his works in Italy. Miguel de Azpilcueta and Suchet in Valladolid were granted the one for printing and selling the book in Spain. The legacies contained specific clauses about giving part of the profits to poor people. Alongside the privilege, the heirs also inherited money to print the book. Here, a new chapter of the editorial history of the book began.¹⁶⁰

154 MC1566_Cor; MC1566_Anv.

155 EC1573.

156 EC1575_Plant; EC1579_Plant; EC1581_Plant.

157 EC1579_Ve_Giunti, and Guerra; EC1581_Ve_Guerra; EC1575_Ly_Rouille.

158 EC1584_Ro; EC1584_Ve; EC1584_Ly.

159 Larramendi de Ollara, Ollara, *Miscelánea*, 188–189.

160 On the printing privileges sought by Azpilcueta's heirs, see Ginsburg, "Proto-Property", 357, 368, 405, 420, 439.

7 Concluding Remarks: Authorial Control and the Production of Normative Knowledge

In the previous pages, I hope to have highlighted some paths towards a better understanding of the author's role in the production of normative knowledge in the early modern period. Not only did the author have an active role in the transformation of the text through different editions, following the practice of authorial transformation that the age of the printing press inherited from the manuscript tradition, but this was also a process in which Azpilcueta involved the readers, namely his pupils and expert readers, asking, in the dedication to the reader, for suggestions and help in identifying unclear passages which could then be improved in subsequent editions. But, most importantly, he had active agency in the publishing system, and this involved several dimensions.

On the one hand, Azpilcueta made strategic use of the title pages and paratexts of the book to define and communicate his authorship to his readers, thus contributing to the emergence of a creation-based notion of authorship, sanctioned by the judgement of the lawsuit with Terranova, and then asserted more strongly in the last editions.

On the other hand, it was mainly through his expert use of the printing privileges granted to authors, that he "constructed" his authorship. In the trial with Terranova, the privilege was the tool through which Azpilcueta's authorship, contested by the printers and firmly defended by Azpilcueta, was acknowledged by the authority and power of the emperor, and therefore protected.

Privileges then became the tools that Azpilcueta consciously used to play an active role in the publishing system, allowing him to have some control in all the phases of the "communications circuit".¹⁶¹ Firstly, Azpilcueta could control the production of the book and the transformation of the text into a book through the active choice of the printer. This gave the author the possibility of choosing and controlling not only the doctrinal and formal correctness of the book, but also formal aspects like the fonts. Secondly, he also actively participated in the circulation of the book; Azpilcueta selected some of the most important printers active in Europe at the time. In some cases, he simultaneously entrusted to several printers, active in different European territories, the task of printing the most recent and updated version of the text, probably as an attempt to ensure greater dissemination of the controlled and supervised version of the text. Furthermore, he not only chose the printers, but also the agents involved in the dissemination and selling of the book. Thirdly, thanks to

161 Darnton, "What is the History of Books?"

the privileges, he could also, at least in theory, make decisions about the price of the book, ensuring that it would be sold at an affordable price, thus enlarging its potential readership.

Roger Chartier has shown that the authorial need to control the dissemination of a text—checking the formal correctness and making decisions on formal aspects—became one of the fundamental expressions of the author-function since Petrarch's time, allowing the reader to decipher in the forms of the book the intention behind the creation of the text.¹⁶² Therefore, this was neither new nor specific to early modern print culture. But since Petrarch's time much had changed. The new scale of book production, circulation, and consumption, and the new stakes connected to the book trade, required new and sophisticated authorial strategies. As demonstrated, Azpilcueta is an excellent case in point of such strategies.

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162 Chartier, "Figure dell'autore", 67; 69; 70.

Appendix

TABLE 2.1 Printing Privileges Granted to Azpilcueta

Nr.	Privileges granted to Azpilcueta	Authority	Scope (territories)	Issue date	Duration (number of years)	Starting from
1	Dilecto filio Martino de Azpilcueta, Rome 08/01/1543	Pope, Paul III	Rome, Universal Church	08/01/1543	7	From publication
2	El Principe (Valladolid, 29.03.1554)	Prince, Felipe II	Castile	29/03/1554	10	From Cédula
3	Privilegio del Rey de Portugal (Lisbon, 6.08.1554; Lisbon, 4.09.1554)	King, Juan III	Portugal	04/09/1554	10	From Alvara
4	El Rey, (Valladolid, 04.05.1555)	Princess, Juana de Austria	Castile	04/05/1555	10	From Cédula
5	El privilegio de Aragon (Valladolid, 03.07.1556)	Princess, Juana de Austria	Aragon	03/07/1556	10	From Cédula
6	Don Felipe por la gracia de Dios (Madrid, 16.12.1565)	Felipe II	Castile & Aragon	16/12/1565	6	From Cédula
7	Don Felipe por la gracia de Dios (Madrid, 21.05.1569)	Felipe II	Castile & Aragon	21/05/1569	not specified	not specified
8	Don Felipe por la gracia de Dios (Madrid 10.03.1570)	Felipe II	Kingdoms of the Crown of Castile	10/03/1570	6	not specified
9	28.05.1571	Pope, Pius V	Rome, Universal Church	10/05/1571	7	From publication
10	Gregorius PP. XIII (Rome, 5.11.1572)	Pope, Gregory XIII	Rome, Universal Church	05/11/1572	7	From publication

Year commencing	Year ending	Protected works	Scope (activities)	Penalty for violation
		Lectures on Decretum and Decretals	Printing, once printed storing at home or elsewhere, selling or donating	Excommunication
1554	1564	Manual, Castellano	Printing and selling in Castilian kingdoms, or selling it outside them	Loss of the prints made and sold, printing tools used, and moulds; 50,000 <i>maravedis</i> fine
1554	1564	New revisions and improvement to Azpilcueta's works; Improvements to Manual, Castellano	Printing and selling in Portuguese kingdoms, or selling there when printed elsewhere	Loss of the books; 50 <i>cruzados</i> fee
1555	1565	Manual, Castellano (improved by Azpilcueta); any other improvement to his other works	Printing and selling in Castilian kingdoms	Loss of the prints, moulds, and printing instruments used; 10,000 <i>maravedis</i> fee
1556	1566	Azpilcueta's works; Manual, Castellano	Printing and selling in Aragon kingdoms	1,000 golden <i>florines</i> ; Loss of books, moulds, and tools
1565	1571	Manual, Castellano	Printing and selling in Castilian kingdoms (prorogation)	Loss of the prints, moulds, and printing instruments used; 10,000 <i>maravedis</i> fee
not specified	not specified	Cap. 28	All printers could print it but need to reproduce the original. Control of conformity needed before selling	20,000 <i>maravedis</i>
1570	1576	Manual, Castellano & Cap. 28	Printing and selling in Castilian kingdoms (prorogation)	Loss of the prints, moulds, and printing instruments used; 10,000 <i>maravedis</i> fee
		Commentaries on pontifical law	Printing, once printed storing at home or elsewhere, selling or donating	Excommunication
1573	1581	Commentaries and treatises; Enchiridion	Printing, once printed storing at home or elsewhere, selling or donating	Excommunication

TABLE 2.1 Printing Privileges Granted to Azpilcueta (*cont.*)

Nr.	Privileges granted to Azpilcueta	Authority	Scope (territories)	Issue date	Duration (number of years)	Starting from
11	(Venice 20.12.1572)	Senate	Venice	20/12/1572	20	From privilege
12	Privilegio y licencia (Madrid, 27.04.1574)	Felipe II	Kingdoms of the Crown of Castile	27/04/1574	12	From Cédula
13	Privilegii Summa, Brussel (12.06.1575) – to both Azpilcueta and Plantin (chosen printer)	Felipe II	Kingdoms of the Crown of Castile	17/06/1575	12	From privilege
14	Gregorius XIII, Rome (01.03.1580)	Pope, Gregory XIII	Rome, Universal Church	01/03/1580	10	From publication
15	Gregorius XIII, Rome (21.11.1580)	Pope, Gregory XIII	Rome, Universal Church	21/11/1580	10	From privilege
16	Nicolaus Deponte Dei gratia (Venice, 3.12.1580)	Doge, Niccolò Daponte	Venice	03/12/1580	20	not specified
17	Extrait du privilege du Roy de France & Pologne, (Paris, 11.04.1582) – Azpilcueta and Rouillé (chosen printer)	King, Henri III	France	11/04/1582	10	From first Publication
18	El Rey, S. Lorenzo del Escorial (02.08.1586)	King, Felipe II	Kingdoms of the Crown of Castile	02/08/1586	10	From Cédula

Year commencing	Year ending	Protected works	Scope (activities)	Penalty for violation
1572	1592	Enchiridion	Printing or, when printed elsewhere, selling in Venetian territories	300 <i>ducati</i>
1574	1586	Enchiridion	Printing and selling in Spanish territories; obligation to print the edition printed in Rome, 1573	Loss of the books; 10,000 <i>maravedis</i>
1575	1587	Enchiridion	Printing and selling	General indication of severe punishments
1580	1590	Revision of Azpilcueta's lectures and commentaries on Decretum and Decretals	Printing, once printed storing at home or elsewhere, selling or donating	Excommunication; 500 <i>ducats</i> ; Loss of books in Azpilcueta's favour
1580	1590	Revision of Azpilcueta's works; Enchiridion	Printing, once printed storing at home or elsewhere, selling or donating	Excommunication
1580	1600	Enchiridion	Printing in Venetian territories and, if printed elsewhere, selling there	300 <i>ducati</i>
1582	1592	Azpilcueta's works; Enchiridion	Printing, selling, and distributing all Azpilcueta's works (and the Enchiridion) in territories of the King of France	Arbitrary fine and confiscation of books
1586	1596	Compendio	Printing and selling	50,000 <i>maravedis</i> fine

TABLE 2.2 Printing Privileges granted to Azpilcueta and Editions

Edition	Dilecto filio Martino (Rome 08.01.1543)	El Principe (Valladolid, 29.03.1554)	Privilegio del Rey de Portugal (Lisbon, 6.08.1554; Lisbon, 4.09.1554)	El Rey (Valladolid, 04.05.1555)	El privilegio de Aragon (Valladolid, 03.07.1556)	Don Felipe por la gracia de Dios (Madrid, 16.12.1565)	Don Felipe por la gracia de Dios (Madrid, 21.05.1569)
MC1549	×						
MC1552	×						
MC1553	×						
MC1556			×	×	×		
MC1557		×	×	×	×		
MC1560		×	×	×	×		
MC1566_Anv				×		×	
MC1566_Cor				×		×	
MC1570						×	
Cap281570_Ghemart							×
EC1573							
EC1575_Ly_Rouille							
EC1575_Plant							
EC1579_Plant							
EC1579_Ve_Giunti							
CU1580							
EC1581_Plant							
EC_1581_Ve_Guerra							
EC1584_Ro							
EC1584_Ly							
EC_1584_Ve							
CM1586							

Don Felipe por la gracia de Dios (Madrid 10.03.1570)									
Gregorius PP. XIII (Rome, 5.11.1572)	x								
Venice (20.12.1572)		x							
Privilegio y licencia (Madrid, 27.04.1574)			x						
Privilegii Summa (Brussels, 12.06.1575)				x					
Gregorius XIII (Rome, 01.03.1580)					x				
Gregorius XIII (Rome, 21.11.1580)						x			
Nicolaus Deponde Dei gratia (Venice, 3.12.1580)							x		
Extrait du privilege du Roy de France & Pologne (Paris, 11.04.1582)								x	
El Rey (S. Lorenzo del Escorial, 02.08.1586)									x

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Index

The name of Martín de Azpilcueta himself has not been indexed since he is the main topic of the whole book.

- Abreu, Sebastião de 270–273
Accursius 265
Agua, Joseph de 239
Aguilar, Francisco de 113
Agundez, Diego de 239
Alagona, Pietro 14–17, 20, 90, 237–238, 371–372, 374–381, 385, 389, 392–393, 409, 412, 418–419, 421–422
Alcántara, Pedro de 210–211
Alciato, Andrea 265
Alcocer, Francisco 214
Almeyda, Domingo de 205–206
Alvares, João 32, 99–101, 109
Alvarez, Manuel 375
Amato, Raimondo 114
Amberes, Adrián de 58, 113
Ancharano, Petrus de 47
Anchietta, José de 266–267
Andrea, Giovanni d' 47
Angelieri, Giorgio 117
Angelis, Giuseppe de 83
Aquinas, Thomas 145, 159–160, 265
Arangoiti, Domingo 238
Arias de Ugarte, Hernando 180–181
Arias Montano, Benito 83
Arias, Pedro de 239
Aristotle 356, 360
Arriaga, Pablo José de 172
Arzis, Juan de 237
Ascargorta, Juan de 273
Ascensión, Martín de la 381
Avendaño, Fernando de 176
Ávila, Esteban de 15, 176, 195, 197, 197*n*
Ávila, Francisco de 176
Azor, Juan 212, 382
Azpilcueta Navarro, Juan de 10, 15, 132–135, 136*n*, 138, 138*n*, 156, 162, 258, 261
Azpilcueta, Miguel de 63
Azurara, Antonio da 9

Baer Delphius, Sebastianus 88
Baldus 359–360
Báñez, Domingo 161

Banosso de Vera, Francisco 241
Barbosa, Samuel 9, 15, 20, 156*n*, 156*n*, 162*n*, 246*n*
Barreira, João de 32, 99–101, 109, 112
Barrera, Andrés 100*n*
Barrera, Juan de 100*n*
Barreto, Diego 181
Barthes, Roland 28
Bautista de Viseo, Juan 19, 328, 337, 340–345
Bautista Montejano, Alonso 239
Becerra, Hernando 382–383
Bechi, Agustín 237, 238
Beck Varela, Laura 36
Bellarmino, Roberto 210
Bellerus, Joannes II 90
Bellerus, Petrus I 89–90, 376, 377*n*
Bellerus, Petrus II 90
Beltrán, Luis 339
Berigen, Godefroy 105
Berigen, Marcellin 105
Bernat, Antonio 14, 120
Bernuz, Pedro 107–108
Berrio y Zaldívar, Miguel José Calixto de 223*n*
Beyerlinck, Laurentius 90
Bindoni, Francesco 116
Bindoni, Gaspare 116
Birr, Christiane 8
Bonacina, Martín 212
Borges, Jorge Luis 291–292, 294
Borromeo, Carlo 271
Bosius, Andreas 246
Bourdieu, Pierre 28
Boyer, Benito 197, 201–202
Boyer, Jacques 110*n*
Bragagnolo, Manuela 9–11, 82*n*, 84*n*, 86*n*, 98*n*, 99*n*, 102*n*, 115, 118, 121, 143, 156, 188, 197, 224, 231*n*, 246, 292*n*, 320, 327, 331, 347
Bustanza, Pedro de 208
Butrio, Antonio da 47
Buzendone, Belchior 404

- Cajetan (Cardinal, Tommaso De Vio) 6, 179, 263–264, 330, 332, 336–337
- Caldera Mendoza, Antonio 236
- Calepinus, Ambrosius 207, 375
- Camilli, Camillo 15, 117
- Campo, Juan del 246
- Canal de la Madrid, Bartolomé de la 207
- Cánova, Alejandro de 104, 104*n*
- Canto, Francisco del 197
- Carletti di Chivasso, Angelo 330, 336–337
- Carmona, Bartolomé de 199
- Carmona, Fernando 199
- Carranza, Bartolomé de 2, 32
- Carrillo, Juan 190
- Cartagena, Gregorio de 236, 237*n*
- Castillo, Juan del 208
- Caxa, Quirício 134, 139*n*, 139–142, 144, 264–266
- Cepeda, Mateo de 246
- Cerqueira, Luis 375
- Charles IX (King of France) 84–85
- Charles V (Emperor) 41, 50–53, 55, 102, 108
- Chartier, Roger 65
- Chavarría, Juan de 239
- Cicero 302
- Clave, Benito 105
- Coci, Jorge 108
- Collado, Diego 410
- Colveniers, Georges 90
- Coma, Pedro Mártir 210, 212
- Concepción, Francisco de la 241
- Concepción, Juan de la 19, 327, 338–340, 345
- Concina, Daniello 271, 277
- Contreras y Valverde, Vasco de 178*n*
- Corcuera, Pedro de 110*n*
- Córdoba, Antonio de 180
- Corella, Jaime de 271, 273–274, 276–277, 280
- Coutinho Silva, Luisa Stella de Oliveira 16, 20, 31*n*, 356*n*
- Covarrubias y Leyva, Diego de 265
- Covarrubias, Carlos de 195, 210
- Covarrubias, Sebastián 308
- Crossley, John N. 373
- Cruz, Blas 206
- Cruzelaegui, Bartolomé 238
- Cueto, Manuel 239
- Cueva, Gabriel de la 181
- Danwerth, Otto 329
- Daon, Roger-François 271, 279
- Darnton, Robert 4, 8
- Decio, Filippo 47
- Delgado, Juan 44
- Diana, Antonio 212
- Dias, Blas 374
- Díaz de Abrego, Andrés 206
- Díaz de Herrera, Melchor 301, 318
- Díaz del Toral, Cristóbal 236
- Díaz, Casimiro 383
- Díaz, Francisco 318
- Dongen, Hendrik Zibertus 376–377
- Dos Mártires, Bartolomeu 375
- Dover, Paul 198
- Drexel, Jeremias 373
- Dunoyer, Emilio 31, 331
- Duve, Thomas 129, 259, 329
- Ehalt, Rômulo da Silva 381–382
- Eliano, Vittorio 33, 59, 62
- Elliott, John H. 187, 187*n*
- Elvas, Maseo da 13–14, 58*n*
- Enríquez, Enrico 212, 214
- Erasmus, Desiderius 193
- Eraso, Antonio de 87
- Ertborn, Anna van 82, 90
- Escobar, Alonso de 204
- Espinosa de los Monteros, Antonio de 224*n*
- Espinoza, Francisco de 239
- Estavillo, Francisco de 223*n*
- Estrada, Juan de 244
- Farnese, Alexander 89
- Felino (see Sandeo, Felino Maria)
- Fernández de Córdoba, Francisco 14, 58–59, 113, 120–121
- Ferrari, Giorgio 60
- Ferrer, Juan 102, 106
- Figuera, Gaspar de la 211
- Florence, Antoninus of 330
- Flores, Luis 382
- Focher, Juan 338, 343
- Foucault, Michel 29, 37
- Franco, Gonzalo 190

- Fróis, Luís 390–391, 398, 400, 414–416
- Fumo, Bartolomeo 332, 337
- Galarza, Juan de 236
- Garate, Lorenzo de 195, 197
- García Aguilar, Idalia 18, 328*n*, 329*n*, 336*n*, 345*n*, 346*n*
- García Gómez, Beatriz 300
- García-Baquero González, Antonio 191*n*
- Garriga Acosta, Carlos 188
- Ghemart, Adrián 59, 83
- Ghénart, Antoine 118
- Gil, Juan 193*n*, 203*n*
- Giolito de Ferrari, Gabriele 104*n*, 115–116
- Giolito de Ferrari, Giovanni 115
- Giolito, Giovanni 116
- Giolito, Giovanni Paolo 116
- Giunta, Lucantonio II 115
- Giuvara, Petrus (see Alagona, Pietro)
- Godínez Maldonado, Juan 207–208
- Gómez Briceño, Felipe 209, 213
- Gómez, Alonso 42*n*, 107*n*
- Gómez, Alvar 106
- Gómez, Pedro 20, 378–382, 385
- González de Moya, Juan 198, 201
- González, Domingo 382
- González, Francisco 208
- González, Tirso 209
- Gotō, Sōin 410
- Grafton, Anthony 302
- Granada, Luís de 9, 373
- Gregory I (Pope and Church Father) 160
- Gregory XIII (Pope) 59, 335
- Guerreiro, Fernão 390, 404
- Guerrero, Jose 294*n*, 302
- Guerrero, Simón 301, 318
- Guglionesi, Niccolò da 19, 115–116
- Guibovich Pérez, Pedro 15, 17, 205, 276, 279, 296, 310*n*, 328*n*
- Gutiérrez, Francisco 181
- Gutiérrez, Isidro 239
- Haliczer, Stephen 170
- Hamann, Byron Hellsworth 19, 53*n*
- Harvey, Gabriel 302
- Henry (Cardinal, later King of Portugal) 7, 33–34, 39, 53
- Hönen 403*n*, 406
- Huamán Poma de Ayala, Felipe 171
- Hurtado de Mendoza, Lucas 205, 208
- Hutson, Scott R. 292
- Infantes Buil, Carlos 321
- Íñiguez de Lequerica, Juan 120
- Innocent IV (Pope) 47
- Ippen 403*n*
- Isabel II (Queen of Spain) 297
- Jansen, Nils 333
- Jaramillo, Diego de 120
- Jardine, Lisa 302
- Jerónimo, Miguel 112
- Jesús María, Juan de 223*n*
- Jiménez, Juan 239
- John III (King of Portugal) 131, 157
- Juana of Austria (Princess of Portugal) 33, 39, 54, 53, 56
- Kant, Immanuel 294
- Kitagawa, Tomoko 391
- Kitanomandokoro, Nei 391
- Konishi, Yukinaga 418
- Laguna, Juan 239
- Lárraga, Francisco 182, 242, 277, 279–280
- Ledesma, Bartolomé de 332, 337
- Ledesma, Pedro de 180, 212, 214
- Ledezma, Pedro 224*n*
- León Pinelo, Diego de 176
- León, Juan de 120
- Leonard, Irving 190, 225
- Liarcari, Jácome (Jacob de) 40, 42–43, 102, 105, 107
- Liguori, Alphonsus 275, 279
- Lima, Tomás da Encarnação Costa e 277
- Lipsius, Justus 213
- Llamas, Jerónimo 212
- Loayza, Jerónimo de 170
- López Aguado, Juan 243
- López de Palacios Rubios, Juan 51
- López Gay, Jesús 391
- López, Blas 157
- Lorenzana y Buitron, Francisco Antonio 330*n*
- Losa, Alonso 238
- Loyola, Ignatius of 131, 269, 375

- Machado, Juan 212
 Madre de Deus, Gaspar da 273
 Magnus Ramlotaeus, Simon 35, 61
 Magnus Rupeforti, Ludovicus 62
 Maillard Álvarez, Natalia 11, 12, 14, 17, 225, 320
 Maldonado, Beatriz 109
 Maldonado, Brígida 109n
 Manrique Figueroa, César 11, 53n, 60n, 108n, 225, 245, 295, 377, 377n
 Manuzio, Aldo 88
 Marcocci, Giuseppe 359
 Marín de Nava, Juan 199, 206
 Maris, Antonio de 58n
 Mark, Saint 338–339
 Martínez Ruiz, Enrique 192n
 Martínez Lozano, Miguel Angel 321
 Mata, Bartolomé 239
 Mathes, W. Michael 190n
 Mazzolini da Prierio, Sylvester 330, 332, 336–337, 340n
 McManus, Stuart M. 18, 20
 Medici, Catherine de (Queen of France) 84–85
 Medina, Bartolomé de 180, 205, 210, 212–213, 273, 278, 332
 Medina, Juan de 207, 327, 341
 Medina, Miguel de 341
 Mendes, Francisco 61
 Mendieta, Jerónimo de 338
 Mendoza, Fernando de 178
 Meneses, Mariana de 208
 Menues, Francisco 86
 Mercuriano, Everardo 377
 Mexía, Diego 186, 203–204, 238
 Mexía, Fernando 186, 203–204
 Middleton, Richard of 265
 Millis, Guillermo de 40–43, 102–106
 Mogrovejo, Toribio Alfonso de 174–175, 181
 Molina, Luis de 146, 353–355, 360, 364
 Mollinedo y Angulo, Manuel de 174
 Monforte, Francisco 239
 Morales, Francisco 382
 Morehart, Chris 292
 Moretus Family 80
 Naitō, João 389
 Nájera, Diego de 44, 105
 Nebrija, Antonio de 51
 Nichiren 403n, 406
 Niebla, Diego de 112
 Nishiguchi, Junko 393
 Nóbrega, Manuel da 10, 15, 129, 132–142, 144, 162, 258, 261–266, 268
 Noydens, Benito Remigio 211
 Nunes Barreto, Melchior 374
 Nuñez de Illescas Zambrano, Juan 206
 Núñez Pérez, Francisco 113n
 Núñez Rivera, Valentín 300n
 Núñez, Diego 120
 Nutius, Martinus I 80–82, 89, 91, 108
 Nutius, Philippus 89
 Obara, Satoru 375, 379n, 380n, 381n
 Organtino, Gneccchi-Soldo 390, 398
 Orii, Yoshimi 16, 20, 31n, 90n, 356n, 409n
 Oroz, Pedro de 19
 Ortigoza, José Gregorio de 238
 Ortiz Lucio, Francisco 210, 212
 Ōsumi, Kazuo 393
 Oturi, Felipe 190
 Pardo del Castillo, Lorenzo 206
 Pardo, Osvaldo 327, 327n, 345
 Pasio, Francisco 381
 Paul III (Pope) 40n, 335, 344
 Pedraza, Juan de 180, 273, 337
 Pedro Bernardo, Joseph de 237n
 Peña Montenegro, Alonso de la 179, 270–271, 327
 Peña, Vicente de la 220
 Pérez Bocanegra, Juan 178
 Pérez, Francisco 206
 Pescioni, Andrea 120
 Petrarch 65
 Philip II (King of Spain) 33, 41–43, 58–60, 82, 84–85, 87, 89, 102, 169–170, 193, 213
 Picazo, Joseph 243
 Pinelo, Lucas 210–211
 Pius V (Pope) 83, 85, 115, 181
 Plancarte, Cristóbal 245
 Plantin, Christophe 60–62, 79–80, 83, 85–89, 91, 118, 120, 213
 Plaza, Juan de la 326
 Polanco, Juan de 6, 140
 Pontével, Domingos da Encarnação 277

- Portonariis, Andrea de 33, 39, 50, 81, 86,
108–112, 117, 297, 308, 314
- Portonariis, Domingo de 109, 117
- Portonariis, Gaspar de 61, 86, 118, 120
- Portonariis, Pedro de 112
- Portonariis, Vincent de 104, 109, 115
- Possevino, Giovanni Battista 181
- Prosperi, Adriano 212*n*
- Puente, Luis de la 209–210
- Pulman, Juan 86
- Ramírez, Francisco 63
- Rangel, José 242
- Rappaport, Joanne 187
- Reina Maldonado, Pedro de 179
- Reluz, Alonso 201
- Rex Galindo, David 19
- Ribadeneira, Marcelo 400
- Ribeiro, Airton 15, 18
- Ribera, Diego de 195, 239
- Río, Francisco del 208–209
- Rivadeneira, Pedro de 107
- Rivera, Hipólito 239
- Robles, Blas de 120
- Rocolet, Pierre 373
- Rodrigues, Simão 128, 132, 137, 258, 262*n*,
263–264
- Rodríguez de Valcárcel, Francisco 193, 206
- Rodríguez Lupercio, Francisco 239
- Rodríguez Navarrijo, Ignacio 237
- Rodríguez, Isabel 108
- Rodríguez, Juan de 243
- Rodríguez, Manuel 6, 180, 203, 207, 210,
212–213, 327, 337–341, 340*n*, 343, 346
- Rosales, Domingo de 204, 208
- Rouillé, Guillaume 62, 83–85, 117
- Ruch, Barbara 393
- Rueda Ramírez, Pedro 14, 15, 17, 112, 225,
227, 235, 270, 296, 300*n*, 328*n*, 330*n*,
331, 331*n*, 345*n*
- Ryōkei, Diogo 414
- Ryōnin 403*n*
- Sá, Manuel de 6, 180, 212–213, 247, 273, 276,
375
- Saez Escribano, Juan 206
- Salazar, Eugenio de 300
- Salazar, Pedro de 43*n*, 52, 53*n*, 106, 297,
299–302, 316, 318, 321
- Salinas y Córdova, Buenaventura de 175
- Salinas, Antonio 239
- Salvatierra, Martín de 113
- San Agustín, Gáspar de 382, 383*n*
- San Román, Diego de 110
- Sánchez, Andrés 200
- Sánchez, Gaspar 42*n*
- Sánchez, Tomás 180–181, 382
- Sandeo, Felino Maria 47
- Santiago, Pedro de 211
- Santiesteban, Agustín de 239
- Sardinha, Pedro Fernandes 128, 134, 137,
263, 264
- Scotus, John Duns 265
- Sebastião (King of Portugal) 366
- Shinran 403*n*, 404, 406–407
- Sicardo, José 383
- Sixtus V (Pope) 383
- Soria, Diego de 198
- Sosa, Francisco Alfonso de 229*n*
- Soto, Domingo de 161, 265–266, 332, 360
- Soto, Pedro de 332
- Sousa, Tomé de 258
- Spiritu Sancto, Antonius a 273*n*
- Steels, Johanna 90
- Steelsius, Joannes 58*n*, 80–82, 80*n*, 81*n*, 82*n*,
89, 90*n*, 91, 112, 245, 377*n*
- Steelsius, Widow of (see Ertborn, Anna
van)
- Suárez, Francisco 179
- Suárez, Miranda 291–292, 294
- Suchet, Antonio 59, 61–63, 86, 118, 120,
246
- Suelves, Miguel de 108*n*, 113*n*
- Suero, Leonel 42*n*, 107, 120
- Suero, Manoel 107
- Susa, Enrico da 47
- Sutro, Adolph 295
- Takamure, Itsue 391
- Tavares, António 276
- Tedeschi, Niccolò (Panormitanus) 47
- Terranova, Juan María de 40–50, 52–55, 64,
102, 104–107, 120
- Toledo, Francisco de 181, 210, 212–214
- Toro, Simón de 239
- Torrentinus, Laevinius 118
- Toyotomi, Hideyoshi 374, 380, 391
- Trepana Quinto, José 239

- Treviño, Juan 202
 Trigosus, Petrus 88
 Tristán, Francisco 197, 206
 Trouillot, Michel-Rolph 294
 Tudor, Mary 43
- Úbeda, Antonio de 236
 Ulpian 360
- Valignano, Alessandro 372, 378, 384–385
 Vallejo, Tomás 209
 Vargas, Juan de 207, 209
 Vassalini, Simone 202
 Vatable, François 202
 Vaz, Gomes 20, 352–367
 Vega Sarmiento, Pedro de 208
 Vega, Alonso de la 180, 212–213
 Veracruz, Alonso de la 343
 Vicente López, Cristina 321
 Vilaplana, Hermenegildo 346*n*
 Vilela, Gaspar 374
 Villalobos, Enrique de 180, 211–212, 269, 274,
 277
- Villanueva Zapata, Diego de 206
 Vitoria, Francisco de 180
 Voede, Ghislain de 88
- Ward, Nawata 391
 Watson, Alan 352
 Wigandt, Martin 273, 277
 Wilkinson, Alexander S. 194, 194*n*
- Xaques, Juan 105
 Xaverius, Franciscus 8, 10, 131, 135, 156–161,
 163, 374, 394, 398, 409
- Yta, Juan de 246
- Zambrano, Melchor 180
 Zamorano, Pedro 187
 Ziletti, Francesco 60, 117
 Zumárraga, Juan de 330
 Zúñiga, Pedro de 382
 Zuría, Martín de 63

This volume explores the production of knowledge of normativity in the age of early modern globalisation by looking at an extraordinarily pragmatic and normative book: *Manual de Confessores*, by the Spanish canon law professor Martín de Azpilcueta (1492–1586). Intertwining expertise, methods, and questions of legal history and book history, this book follows the actors and analyses the factors involved in the production, circulation, and use of the *Manual*, both in printed and manuscript forms, in the territories of the early modern Iberian Empires and of the Catholic Church. It convincingly illustrates the different dynamics related to the materiality of this object that contributed to “glocal” knowledge production.

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