



# 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**



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

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## Preface: Coordinates of an Experiment

This book is the outcome of an experiment. The experiment originated from two premises: the awareness of a strong (although not exclusive) connection, in history, between law and the written page; and the idea that knowledge is, today, much like it was in the past, also the product of different material and social processes of production. In particular, I started the experiment with the aim of reaching a better understanding about how knowledge of normativity was produced in the early modern period, which was the time of the first globalisation and the media revolution that accompanied the emergence of the printing press. For a deeper understanding of this phenomenon, it was not sufficient to look at legal texts as intellectual outputs of the so-called “author”. It was also necessary to look at books as material objects: objects in which knowledge was embedded, stored, and mobilised on a global scale; objects, the production, circulation, and consumption of which—according to Robert Darnton’s “communication circuit”—contributed to the production of knowledge itself.

To explore this, we therefore required interaction and dialogue between at least two disciplines: book history and legal history. With this purpose in mind, I put together a team of experts from the two fields, who shared the task of analysing—using different perspectives, methods, tools, sources, and research questions—the object on our lab table, which was an early modern normative global bestseller: Martín de Azpilcueta’s *Manual de Confessores*. Looking at Azpilcueta’s *Manual* as a material object meant considering all three pillars of Darnton’s “communication circuit” on the early modern global scale. Thus, the members of the team were chosen according to their expertise on different geographic areas, enabling us to cover as much as possible of the four parts of the early modern world.

Thanks to the results of the experiment, found in the chapters of this volume, we can follow different actors, places, and factors that contributed toward shaping the early modern knowledge of normativity. First, in addition to discussing author’s agency in the publishing industry (Bragagnolo; Manrique Figueroa), this book shows different communities of actors with different relationships to the printed page. These communities were made up of the first readers of the *Manual*, who were asked by Azpilcueta to provide questions and who participated in the transformation process of the book (Bragagnolo); missionaries who consulted Azpilcueta from the mission and whose letters were used as a means to produce and disseminate knowledge of normativity (Barbosa; Ribeiro); and missionaries who possessed copies of the *Manual*

or of the *Compendia* and put these into practice in the missionary territories both in the Western (Barbosa; Ribeiro) and Eastern parts of the Early Modern Empires (McManus; Orii; Coutinho Silva), sometimes adapting Azpilcueta's erudite knowledge to the local needs of their missions in the printed and hand-written texts and confessional manuals that they authored (McManus; Orii; Rex Galindo). Authors of the several *Compendia* of the *Manual*, who transformed and adapted the text for different readerships, are also present in the following pages. Moreover, the contributions in this volume shed new light on all those actors involved in the production and circulation of the book as a material object: institutional and political powers granting licences and printing privileges (Bragagnolo; Manrique Figueroa), as well as printers, publishers, booksellers, agents, and shippers (Manrique Figueroa; Maillard Álvarez; Rueda Ramírez; Orii). Last but not least, owners and readers of Azpilcueta appear in this volume: missionaries (Jesuits in particular), clerics, legal professionals, governors, and physicians (Rueda Ramírez), as well as confessors and priests—who had to acquire the knowledge they needed to perform confession according to the norms of the Council of Trent (Guibovich Pérez)—and friars who read the books that belonged to the collections of institutional libraries—such as the Franciscan monasteries in New Spain (García Aguilar)—and who sometimes left traces on the printed page (*manicules*, for instance) of their reading practice (Hamann).

Furthermore, the authors of this volume show that the distribution, circulation, and presence of the *Manual* on a global scale is also a fundamental component of the production of knowledge of normativity. Some of the chapters portray the actual presence of the book in a certain geographic area, shedding light on the time span in which the book was requested, shipped, sold, present on the bookshelves of private and institutional libraries, and possessed by readers. Commercial and religious channels brought different editions of Azpilcueta's *Manual* and *Compendia* to the Americas and Asia: we find copies of it in the book market, on the ships that brought books and other goods from Seville to New Spain and Tierra Firme, between the 16th century and the first half of the 17th century (Rueda Ramírez); in conventual and private libraries in New Spain (García Aguilar; Rex Galindo), Brazil (Ribeiro) (clearly losing its importance, and being replaced by other titles by the 18th century), and Asia (Orii).

Finally, together with the never-ending revision and transformation processes performed by an “authority” like Azpilcueta (and, later, by both Franciscans and Jesuits), which made the book suit different contexts and readers (Bragagnolo; Orii), the need to spread the norms of the Council of Trent was among several factors that explain the extraordinary diffusion and pres-

ence of Azpilcueta's *Manual* on a global scale (Guibovich Pérez; Rex Galindo). These factors, which contributed to explicating the demand for the book in the Atlantic book trade (Rueda Ramírez), were intertwined with other factors, such as the economic interest of the actors involved in the book production and trade—printers, publishers, booksellers—who saw in the *Manual* an exceptional business opportunity (Maillard Álvarez).

The Max Planck Institute for Legal History and Legal Theory is the context in which the idea of this collective volume was conceived and this experiment put into practice. It is thanks to the stimulating teamwork at the Institute, the seminars and workshops, and, most of all, the always inspiring discussion with Thomas Dube and colleagues in Frankfurt, that the idea to make Azpilcueta's *Manual* the object of cross-observation by legal historians and book historians, and to look at it from a global perspective, came to fruition.

But this book is first and foremost the outcome of a dialogue among the authors, who formed a very productive working group. Everyone agreed to look at Azpilcueta's *Manual* as a material object, with their own categories, methodologies and sources. I made available to the authors a database containing the metadata and digital reproduction of all the editions of the *Manual* and derivative products that I had compiled over the last few years, as well as my passion for this incredible story. All the members of the group accepted the challenge. We all met together three times, always virtually, to share methods, questions, and bibliographies, and exchange provisional versions of our chapters, which gave consistency to the volume. With part of the team, we also presented the first results of our research at the fifth CHAM International conference, that took place in Lisbon in July 2021. And a final virtual conference, involving all the members of the working group, took place in January 2022.

I have the impression that we were able to provide quite an interesting overall picture. For me, it has been a very enriching journey. I am very grateful to each and every author who accepted the challenge to start new research, at a very complicated moment in time (during the COVID-19 pandemic). In that context, working with an international team of scholars based all over the world forced us into long online meetings, which were unavoidably too early for the members of the team based in the West, and too late for those living in the East. I am also grateful to Rômulo da Silva Ehalt, Laura Beck Varela, Matthew J.K. Hill, Fupeng Li, Alexandra Woods, Otto Danwerth, and Andrea Ottone who animatedly participated in the discussion and enriched the debate. It has been a heroic enterprise! Thank you, all!

*Manuela Bragagnolo*

April 2023

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

Manuela Bragagnolo

## Abstract

This chapter provides an introduction to the emblematic and exemplary case study which is the object of this collective volume: Martín de Azpilcueta's *Manual de Confessores*. Moreover, it gives the methodological coordinates of the interdisciplinary experiment that has involved the authors of the chapters of this book, who contributed to what we could call a “material approach to legal history”. Coming from history, book history, and legal history, the authors of the book looked at Azpilcueta's *Manual* as a material object, according to Robert Darnton's *Communications Circuit*, considering both the production, circulation and consumption of it on a global scale. The overall picture sheds some light on the production of knowledge of normativity in the Age of Early Modern Globalisation.

## Keywords

Book History – Legal History – Knowledge of Normativity – Early Modern period

### 1 Producing Knowledge of Normativity in the Age of Early Modern Globalisation: A Material Approach

In 1574, when the first biography of Martín de Azpilcueta (1492–1586), better known as Doctor Navarrus, appeared in Rome, he was 81 years old, and a celebrity.<sup>1</sup> He was worshipped as a monarch of law (“*iuris monarcha*”) and considered a living legal library (“*pectus suum fecit bibliothecam iuris*”) for his

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1 On Azpilcueta's biography and an updated bibliography, see Lavenia, “Martín de Azpilcueta. Un profilo”; Tejero, “Azpilcueta, Martín de”; Belda Plans, *Martín de Azpilcueta Jaureguizar*; Decock, “Martín de Azpilcueta”. See also, Arigita y Lasa, *El doctor navarro*.

incredible legal erudition.<sup>2</sup> Moving to Rome in 1567, following the trial of Bartolomé de Carranza, was the last step in a long, wandering scholarly life that culminated in him holding the most prestigious canon law chair in both the University of Salamanca and the University of Coimbra and becoming a reference figure in the early modern Iberian Empires and beyond. During his years in Rome, he was appointed consultor of the Apostolic Penitentiary, and he was a source of knowledge for the popes and the Roman curia.

We can easily assert that Azpilcueta was an authority in his time. When the 1574 biography was printed, his fame was so impressive that even a live portrait of him was made in secret (“clanculum”), unbeknown to him.<sup>3</sup> While his portrait was most wanted in Roman palaces, one of his books could be found in everyone’s hands; a book that, according to his biographer, condensed, in one object, the knowledge of an entire legal library (“locupletissimam bibliothecam”):<sup>4</sup> Azpilcueta’s *Manual de Confessores*. The *Manual* was a real bestseller, reaching the four parts of the known world. Copies of it were everywhere: shipped from Seville to the New World and from Goa to Japan; in Tridentine Seminars; in the first missionary libraries in Asia and the Americas, as well as in priests’ hands.<sup>5</sup>

Azpilcueta’s *Manual* is the object of this collective study. The prominent place of Doctor Navarrus in the early modern legal world remains a crucial part of this story, but the emphasis of this analysis is not placed on the ‘author’ as such, nor purely on his legal thinking, but rather on the *Manual* as a material object. In fact, by looking at the book in its materiality, Azpilcueta’s *Manual* provides an exemplary case to better understand a broader phenomenon, which is the main focus of this volume: the production of “knowledge of normativity” in the age of early modern globalisation.<sup>6</sup> If we think about legal history as history of knowledge, it becomes clear that understanding the process of production of this knowledge is one of the major tasks of legal historians.<sup>7</sup>

The substantial connection between law and the written word has been greatly studied. Legal history in Europe in this sense has been conceived as a continuous process of diachronic intertextuality, and the evolution of normat-

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2 Ramlotaeus, *Vita*.

3 Ramlotaeus, *Vita*.

4 Ramlotaeus, *Vita*.

5 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”.

6 On the approach of considering legal history as history of knowledge, see Duve, “Legal History as a History of the Translation”.

7 Duve, “Legal History as a History of the Translation”.

ive orders in time as an unceasing process of translating normative information into knowledge of normativity, through the embedding of this information into different contexts by different epistemic communities and communities of practices.<sup>8</sup> This process of knowledge production relied on textual practices, deeply rooted in the history of the media in which that knowledge was stored.<sup>9</sup> In this context, books,—especially printed books—occupied centre stage. Looking at the materiality of books to better understand how knowledge of normativity was produced means adopting one of the most interesting methodological points that history of science, knowledge, and books have to offer to legal historians: “knowledge” is and was “also a result of a material and social process of production, where the traditional personage we used to call ‘author’” shared the creative process with many other actors and factors, “technical processes, social arrangements, economic opportunities, intellectual styles or conditions”.<sup>10</sup>

It comes as no surprise then, that in this process, the media revolution related to the emergence of print in the early modern period played an interesting role. In fact, even though the printing press was not *per se* an agent of change, and manuscript circulation continued as a conscious alternative to prints for a long time, it radically transformed the quantity of legal information available, as well as extending its distribution both in terms of area and target readers.<sup>11</sup> In particular, the interplay between the development of the printing press and the European expansions to other continents contributed to *global* book production, circulation, and consumption, in which new actors—printers, editors, booksellers, and merchants—played a fundamental role.<sup>12</sup> How both the “nature” of early modern books and the logic of the book trade shaped knowledge, especially early modern science, is currently being investigated.<sup>13</sup> How it contributed to the production of knowledge of normativity on a global scale remains to be explored. The main goal of this collective volume is to contribute to a better understanding of this phenomenon.

This “material” approach that looks at legal books as material objects is particularly meaningful if we want to analyse how the production of knowledge

8 Duve, “Pragmatic Normative Literature”, 3. See also Hespanha, “Una historia de textos”.

9 Duve, “Pragmatic Normative Literature”, 9.

10 Hespanha, “Form and Content”; Beck, “The Diffusion of Law Books”; Renn and Damerow, “The Hanging Chain”. For an overview on the impact of the material turn on legal history, see Johnson, “Legal History and The Material Turn”.

11 Eisenstein, *The Printing Press*; Johns, *The Nature of the Book*.

12 Nuovo, *The Book Trade*; González Sánchez, *New World Literacy*.

13 Johns, *The Nature of the Book*. Valleriani and Ottone, *Publishing Sacrobosco's De sphaera*.

of normativity worked in the Iberian Words. One of the several components of this multifaceted legal culture, which was deeply connected to the construction and functioning of the Iberian Empires, as well as to the global missionary activity, was precisely related to the transformation and adaptation of European learned legal tradition, which travelled from Europe to even the remotest frontiers of the global Iberian empires, thus producing new knowledge. The construction of this legal culture was the outcome of complex processes of cultural translation and “glocal” knowledge production that as yet have not been fully explored.

The essays of this volume are the outcome of an intense dialogue between book historians and legal historians, who agreed to focus on one normative book that was particularly meaningful for the production of knowledge of normativity in the early modern Iberian Empires. By combining questions and methods from both disciplines, the essays of this volume look at the materiality of the *Manual* by following Robert Darnton’s “communication circuit”.<sup>14</sup> In particular, the authors looked at the three pillars of Darnton’s circuit, the “production”, “circulation”, and “consumption” of Azpilcueta’s *Manual* on a global scale, taking into special account the actors involved, and the global dimension that the circulation acquired between the 16th and the 17th centuries.

Focusing on Azpilcueta’s *Manual* as a material object when studying this global phenomenon was thus a natural choice for two reasons. The first one is connected to the emergence of moral theology as a new producer of knowledge of normativity. The second one is related to the specificities of Azpilcueta’s *Manual* in the 16th-century editorial landscape that helped it circulate all over the world.

## 2 Martín de Azpilcueta’s *Manual*: An Emblematic and Extraordinary Case

To understand why a handbook for confessors is a particularly meaningful case for studying the production of knowledge of normativity in the early modern period on a global scale, we have to first look at the importance of moral theology as a field of normative knowledge production. In the age of early modern globalisation, the European expansion to other continents went hand in hand with the universalistic spread of the Catholic church as the universal religion

14 Darnton, “What is the History of Books”; Darnton, “What is the History of Books? Revisited”. See also, Bellingradt and Salman, “Books and Book History in Motion”.

to all nations. In this context, moral theology, related to the *forum internum* of conscience, developed as an independent discipline with universal vocation, serving both the diffusion of Catholicism as a universal religion and the construction of the early modern empires.<sup>15</sup> While the prohibition of interpretation pronounced by the Council of Trent contributed to canon law losing its importance, moral theology became the context in which new solutions could be found to the burning questions that missionaries and practitioners had to face in global colonial contexts in many fundamental fields, including marriage, slavery, usury, and trades.<sup>16</sup> Institutions such as the “School of Salamanca”, which can be understood as an epistemic community active in the intellectual centres of the Iberian worlds—like the Universities of Salamanca and Coimbra—dominated the production of normative knowledge in the field. By applying and adjusting the interpretative normative grid of moral theology, theologians and jurists of the School received the flow of information from the peripheries of the Iberian Empires, and tried to give answers to questions and doubts, instructing missionaries, practitioners, and merchants about how to act to avoid sin. This was a “network of global normative knowledge production”,<sup>17</sup> that functioned on a textual basis: the main outcome of the network were manuscripts and printed books. Particularly relevant were “pragmatic” normative books that circulated widely, bringing—especially to the practitioners in the periphery of the early modern empires—the epitomised knowledge needed to produce normative statements.<sup>18</sup>

With the growth of the Iberian empires, confession became a global phenomenon and confessional manuals became crucial tools in a strategy to construct Christian colonial societies. In the 16th century, handbooks for confessors were among the books that were produced and sought after on a global scale, and this was also due to the central role that the Council of Trent gave the sacrament of Penance. Coming from the long tradition of the *summae confessorum*, confessional manuals were largely updated with the norms of the Council of Trent and Jesuits were among the most productive authors of confessional manuals for colonial contexts.<sup>19</sup>

Although the essential content was usually similar, with the core consisting of a repository of sins based on the decalogue and the seven capital sins, these manuals often required a specific adaptation to the target reader. The 16th

15 Marcocci, “Conscience and Empire”.

16 Duve, “Pragmatic Normative Literature”, 6.

17 Duve, “The School of Salamanca”.

18 Duve and Danwerth (eds.), *Knowledge of the Pragmatici*.

19 Županov, “I am a Great Sinner”.



FIGURE 1.1 Map visualising for each place of print, the number of editions of Azpilcueta's *Manual* and derivative products (1549 to 1640)

century saw the production and publication of a huge number of confessional manuals, of very different kinds. An explosion of editions spread from Europe to all over the world, alongside the need, especially in the post-Tridentine era, to provide simplified, epitomised, and accessible tools.<sup>20</sup> Together with more erudite confessional manuals, addressed to a learned readership, often in Latin, and showcasing a more complex structure, other kinds of handbooks, in vernacular, often structured in a question and answer format, came into existence. These were addressed to a less sophisticated lay reader or confessor. And the same structure, accompanied by the use of vernacular, even native language, was used for the handbooks translated and adapted for the newly converted population, namely those printed at the frontiers of the Iberian Empires, integrating questions related to the specific contexts in which they were produced.<sup>21</sup>

In this landscape, Azpilcueta's *Manual* constitutes an exceptional and emblematic case. It clearly stands out due to its incredible number of editions (around 270, if we count editions, reeditions, and derivative products) issued over 91 years, from 1549 to 1640. Even compared with other bestsellers of the time (such as Tommaso de Vio's *Summa*, Manuel Rodrigues' *Suma de casos*, Juan de Polanco's *Directorium*, or Manuel de Sá's *Aphorismi Confessariorum*), no one else reached similar success. This editorial success was closely associated with the wide-spread and early presence of the *Manual* on a global scale, especially in the missionary contexts in America and Asia. Our knowledge about its presence and relevance highlighted by the historiography has been confirmed and—above all—enriched by new elements in the new research contained in the articles of this volume.

Among the reasons for this success it is likely that, due to its editorial history, the *Manual* was able to change its skin many times, thus becoming different editorial products, with different levels of complexity and structures, addressed to very different readerships, from the most erudite to the simplest. If we think about the supervised editions, they involved a transformation process led by Azpilcueta himself, consisting of self-translations into different languages (Spanish and Latin), normative updates (namely related to the Council of Trent), doctrinal additions, consistent structural revisions, additions of new sections often printed separately, and finally even epitomisation into a vernacular *Compendio*.<sup>22</sup> The initial small book (Coimbra, 1549) on which the *Manual*

20 Turrini, *La coscienza*.

21 Interesting examples for India (in Tamil Language) and China are presented in Županov, "I am a Great Sinner"; Standaert and Dudink, *Forgive Us Our Sins*.

22 The structure remained the same, with twenty-seven chapters in which the moral doctrine about conscience was systematised in the following way: nine first introductory chapters



was based, was written by an anonymous Franciscan friar from the *Provincia da Piedade*. The general Inquisitor, Dom Henrique, asked Azpilcueta to check and improve it, thereby giving with the authority of his name the reliability needed for religious books to be printed—it was forbidden to print anonymous religious books. Here started the complex transformation process from a small vernacular *Manual* to a big Latin *Enchiridion* which reflected all the erudition and knowledge of the canon law professor.<sup>23</sup> The editorial history of the *Manual* (at least if we consider the supervised editions of the book) followed Azpilcueta's own move from Portugal to Spain to Rome. This process was influenced by the agency of other actors, among whom there were also powerful and important printers, who contributed to transforming the book from the local product of the first editions to a universal catholic bestseller.

The whole process lasted almost 40 years, from 1549 to 1586, and reflected the political, social, legal, and religious transformations and changes that happened in Europe, the Iberian Empires, and around the globe during this time. Thanks to his special position at the centre of the global networks of normative knowledge production of the Iberian Empires and the Universal Church, Azpilcueta was able to capture the changes and store them in the different supervised editions of the book. We might ask ourselves why he engaged in this exhausting revision process that lasted until the very last years of his long life. Among the possible reasons is the idea that Azpilcueta, as well as his relative, Francisco Xavier, felt a duty to share his knowledge as a moral obligation (Birr).

### 3 Producing Books, Producing Knowledge: Actors, Agency, Materiality

Looking at the materiality of the book contributes to highlighting some of the reasons for its global success. Moreover, it allows us to see different layers of the production of normative knowledge and the intricate relation of it to the fascinating editorial history of the book. In this regard, it is particularly

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dedicated to the sacrament of penance (1–9); 15 chapters presenting a repertory of the sins, according to the Decalogue (11–20); five commandments of the Church (21); seven sacraments (22); seven capital sins (23); five senses and works of mercy (24); one chapter on “professional morals” (25); and, finally, chapter 26 dedicated to the penitence to be imposed and chapter 27 dedicated to ecclesiastical censorship. Cfr. Muguruza Roca, “Del confesionario ibérico de la Contrarreforma”.

23 On the transformation process of the supervised editions, see Bragagnolo, “Managing Legal Knowledge”.

meaningful to look at the first of the elements of Darnton's "communication circuit"—book production—namely, to look at the actors and factors involved in the production of the *Manual*.

### 3.1 *The World in a Book: Azpilcueta and the Communities of Knowledge Production*

The exceptional position of the author, thanks to his authority and knowledge, at the centre of different networks, epistemic communities, and communities of practices of local and global knowledge production, was likely one reason that contributed to the success of the book. The author's position was also one of the aspects that influenced the production of the normative knowledge stored and mobilised in it.

The complex transformation process of the supervised editions of the *Manual* was deeply connected to Azpilcueta's participation in different communities. Firstly, the continuous feedback from the communities and networks Azpilcueta belonged to, that characterise the construction of the *Manual*, is visible when looking at the first and maybe smallest community of knowledge production, consisting of a selected group of readers of the *Manual*. Azpilcueta set up a special relationship with his readers, namely in the preface that he addressed to them in all the editions. Readers were asked to send questions, new cases of conscience, and doubts relating to the current edition. This chimes in with the "instability" and "epistemic indeterminacy" of early modern books, always conceived as imperfect and improvable objects.<sup>24</sup> This dynamic, related to the materiality of the printing process, is clearly visible from the 1549 edition: a simple handbook, in Portuguese, which showcases sections entitled "preguntas" with specific questions actually asked by some of the readers. Moreover, it opens with 93 explanations for unclear passages by Azpilcueta, answering doubts sent to him by the readers of the text before it was distributed. This section sets the stage for the subsequent authorial work of textual transformation (often rendering updates graphically visible on the printed page) on which Azpilcueta then grounds his own authorship of the book (Bragagnolo). The community of readers, who contribute significantly to the production of knowledge stored in the book, increases in the subsequent editions, involving Franciscan friars (including, among others, the anonymous author of the initial text, and Antonio da Azurara, who is explicitly mentioned in the 1556 edition), Jesuits in the archbishopric of Evora, and Dominicans like Luís de Granada, who all helped Azpilcueta to improve and update his book

24 Johns, *The Nature of the Book*.

with the solution of new cases. It is through such communication, and thanks to Azpilcueta's prominent place in global networks of normative knowledge production, like the Universities of Salamanca and Coimbra, and later, once in Rome, the Apostolic Penitentiary, that the contemporary world around him finds its place in the *Manual*.

The University of Coimbra, in particular, provides the context in which the first editions of the *Manual* took shape and is, for this reason, a particularly interesting community to look at. It was not only the context that shaped the missionaries who later went to the peripheries of the Empire, sharing with their professors the same categories and intellectual tools, but it also provided the setting for a continuous exchange between the missionaries, facing unceasingly new situations in the peripheries of the Empire, and the theologians and jurists of the University, who elaborated and framed the doubts sent to them through the juridical categories of moral theology.

It is not surprising then that, thanks to Azpilcueta's privileged position, the questions addressed to him, especially from the Indies, were integrated into his *Manual* through the updates that he added in each new edition that he supervised. Azpilcueta's personal network, which links him and the *Manual* first and foremost with the Jesuit missions both at the eastern and western part of the Portuguese Empire, helps in this process (Barbosa). From this point of view, the year 1549 is particularly significant. It is not only the year in which the first edition of the *Manual* appeared, while Azpilcueta was still teaching at the University of Coimbra. But in the same year, the expansion of the Portuguese empire to West and East went hand in hand with the settlement of the first missions in Brazil and in Japan. In both cases the Jesuits who led the mission were strongly connected with Azpilcueta. Manuel da Nóbrega and Juan de Azpilcueta, who went to Brazil, were both students of Azpilcueta in Coimbra; Juan was also Azpilcueta's nephew. Francis Xavier, who reached Japan from Goa, was a relative of Azpilcueta. We can very well imagine then that Azpilcueta's personal connections with the missionaries were so widely spread, and therefore his privileged position of knowing which kind of problems the missionaries in Asia and America had to face contributed to the enrichment of the content of the *Manual*.

The logic of the ongoing accumulation of new cases was closely associated with the text's linguistic journey (from Portuguese to Spanish to Latin), following Azpilcueta's moves from Portugal to Spain to Rome. New cases from Colonial Spain quickly entered the *Manual*, together with the normative updates, almost in real time, of the Council of Trent. All these elements made it become an object suited first to confessors and penitents in Portugal, then to the needs of the Portuguese and Spanish Empires, and finally—with the complex and

erudite Latin *Enchiridion*, addressed to a select number of well-read and expert readers—to the universal Christianity across the globe. With the authorial *Compendio* in Spanish (1586)—the language of the empires unified under the Spanish crown—he once again addressed modest confessors, who would not be able to access the latest more erudite versions of the book.

### 3.2 *Book Trade Logics, Confessional Needs, and Authorial Agency: Coordinates of an Interplay*

This incredible process involving constant updates to the book was the outcome of a careful undertaking of control and supervision, during which Azpilcueta implemented a series of sophisticated strategies that reveal his agency in the book market. It is especially through his expert use of the tool of the printing privilege granted to authors that Azpilcueta tried to define and seek protection for his authorial work in the *Manual* against the numerous attempts to print it by the European commercial printers and booksellers. The last ones were driven by the economic interest to engage in the business of printing and selling a book which proved to be very successful from the early prints. Azpilcueta's active participation in a lawsuit against the Spanish publishers and printers of a pirate edition of the *Manual*, at a time in which the concept of "authorship" was still under construction, allows us to see the extent to which printing privileges were powerful tools; when granted to authors, they gave them the possibility of controlling the publication process, as well as the circulation of the book (Bragagnolo).

Through knowledgeable use of the printing privileges, Azpilcueta not only protected his intellectual work, but also his economic investment. In fact, he directly paid for all the editions that he supervised (Bragagnolo). This financial engagement allowed him to choose the most powerful printers and publishers currently leading the European printing industry (Bragagnolo; Maillard Álvarez; Manrique Figueroa). Azpilcueta's strategy even reached the point of identifying the agents involved in the selling of the book, trying to ensure for the supervised version of the book a circulation at least in the Iberian Peninsula and likely in the American Viceroyalties (Bragagnolo; Manrique Figueroa; Maillard Álvarez, Hamann). He not only used this strategy with the *Manual*, but also with other books by him, namely *Apologia*, as can be seen when looking at the Flemish editions (Manrique Figueroa). And he also tried, in his last will, to control at least part of the production of the *Manual* after his death (Bragagnolo).

But this was only one side of the coin. In fact, the production and circulation of the book, even in Azpilcueta's lifetime, was also related to several other factors that were not on Azpilcueta's radar, including the agency of other actors. If we want a deeper understanding of the production of knowledge of norm-

ativity when looking at Azpilcueta's *Manual* as a material object, we should consider the interplay between Azpilcueta's agency and these other factors.

The logics related to the book trade, intertwined with the religious and political needs of tools like reliable confessional manuals, especially in missionary contexts, are fundamental factors that we have to keep in mind if we want to understand the multiplication of editions and the spread of the book all over the world. Among the actors involved in the production of normative knowledge, especially as far as the production and circulation of the book is concerned, a special place is reserved for two typologies of actors: those who produced the book and commercialised it—printers, publishers, and booksellers—and those who intervened more in the textual transformation process, namely the authors of *compendia*. It is important to note, there is no clear-cut line between the production of the book as a material object and its textual transformation, and the two typologies of actors intermingle and intertwine.

### 3.3 *Beyond Azpilcueta: Actors of Normative Knowledge Production*

The *Manual* proved to be an extremely remunerative business. The data related to the first print run shows amazing numbers (2,000 copies for the 1549 edition). Sometimes the actors involved in the production of the book worked against Azpilcueta, triggering his increasingly sophisticated authorial strategies of control of the book's production and circulation (like in the case of the pirate edition of the Spanish *Manual*, which was at the basis of the lawsuit and of the complex printing privileges strategy set up by Azpilcueta). Sometimes they worked in synergy with Doctor Navarrus, like in the case of the printers that he chose for the supervised editions. In both cases, working in synergy with Azpilcueta or against him, they played a fundamental role in the design, manufacture, and distribution of the book (Maillard Álvarez).

We can also say that the transformation process of the book, that went hand in hand with the development of Azpilcueta's strong agency in the production and circulation of the supervised editions, interacted with the logics of the book market. The authorial transformation of the *Manual* as an intellectual work was accompanied by a continuous changing of skin of the commercial product, attracting different kinds of printers and publishers. Initially, the Portuguese and Spanish *Manual* was a more local product, and the production was dominated by the Iberian and Flemish printers, who were subject to the Spanish monarch. Once the fame of the book increased, especially after the appearance of the main authorial transformations of the text (Salamanca, 1556; and Rome, 1573), the European publishers from the axis of the Catholic printing industry (Venice, Rome, Lyon, and Antwerp) joined the stage, thus contribut-

ing to a broader international diffusion of the text (Maillard Álvarez). After Azpilcueta's death, (with 75 editions in 54 years) the *Manual* remained an international book, the production of which was centralised by the main European publishers of the Catholic printing industry (especially Venice, Paris, and Antwerp).

A similar story, but with a slightly different chronology, can be told about the *compendia*. In the production, transformation, and circulation of the book, creators of *compendia* were crucial actors as well. Their transformations, in particular, enlarged the readership of the *Manual*. Due to the high complexity of the Spanish and Latin supervised versions, several authors, especially belonging to the religious orders, started to compile *compendia* from the *Manual*, trying to satisfy the need for reliable tools that could be used by lay confessors. Azpilcueta's erudite *Manual* was then transformed into a small, portable *compendium*. The smaller size, condensed content, and transformed structure (questions and answers or alphabetical order) were suitable not only for the European readership, but also for the colonial contexts. Several *compendia* of the *Manual* appeared, in different languages, which were then in turn translated into other languages. Also, non-supervised translations appeared. This high production of *compendia* and translations contributed to producing a kaleidoscope of books that multiplied the presence of Azpilcueta's *Manual* all over Europe and the entire world. But these *compendia* and translations, at least those that were published during Azpilcueta's life, always came a bit too late without having integrated his latest updates. This was also one of the reasons that pushed Azpilcueta to translate the *Manual* into Latin, and to finally issue his own supervised *Compendio* in Spanish (1586), in an attempt to control the production and circulation of the supervised versions of the work to which he had dedicated his entire life.

If we look at the *compendia* as objects and products, what catches our attention is the difference between the production and circulation of them during Azpilcueta's lifetime and after his death. In general, the number of editions of the *compendia*, which were printed between 1567 and 1626, is impressive (96). If we consider that only 16 were printed during Azpilcueta's life (between 1567 and 1586), that, among them, only one was authored by him (printed only once, in 1586), the remaining 80 being printed after his death, we can postulate that the success of the *compendia* was higher after Azpilcueta's death than during his lifetime. Looking at the actors, as well as the different interests involved in the production of the book, can help us formulate some hypotheses about why.

*Compendia* began being printed in 1567 and the authors belonged to religious orders. Azpilcueta issued his own *Compendio*, in Spanish, in 1586. Before that, the only *compendium* that appeared during Azpilcueta's lifetime, in Por-

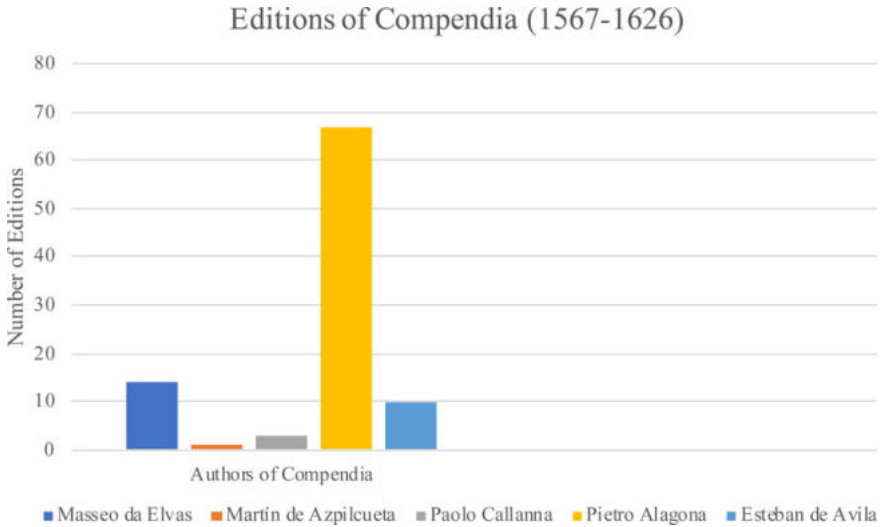


FIGURE 1.2 *Compendia* of Azpilcueta's *Manual* (number of the editions printed between 1567 and 1626)

tuguese, was by a Franciscan friar, Masseo da Elvas, who belonged to the same *Provincia* of the anonymous author of the initial *Manual* (1549). The author expressed the need for a simplified tool for confessors, who were unable to access the version of the *Manual* that had been greatly transformed, enriched, and updated by Azpilcueta. Masseo's *Compendio & Sumario* was then translated into Spanish by Antonio Bernat (1579). Both the Portuguese and the Spanish versions of this *Compendio* showcase the structure of direct questions in the section dedicated to the repertory of the sins: a structure that was mostly used in rural contexts as well as in colonial ones. For this reason, this *compendium* has been described as a model for the confessional manuals in colonial contexts.<sup>25</sup>

Fifteen editions of Masseo's *Compendio* (in Portuguese and Spanish) appeared between 1567 and 1586, and it completely stopped being printed after the publication of Azpilcueta's own vernacular *Compendio*, by Francisco Fernández de Córdoba, the same year in which he died. While, at the same time, the supervised editions of the *Manual* were printed by the most powerful European printers, and editions were financed by Azpilcueta himself, Masseo's *Compendio* was printed only by local Iberian printers and, in most cases, it was the product of an alliance between local printers and booksellers, who paid for the editions and sold them (Maillard Álvarez).

<sup>25</sup> Muguruza Roca, "Del confesionario ibérico de la Contrarreforma".

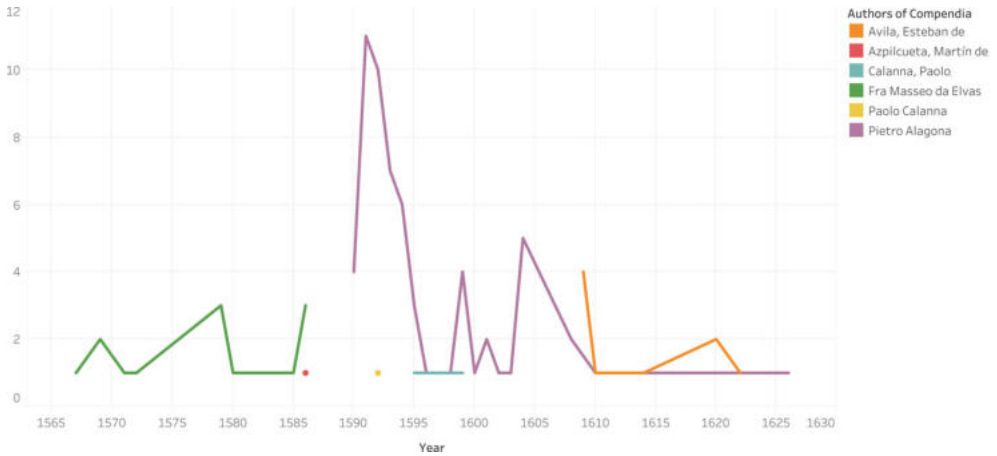


FIGURE 1.3 *Compendia*: Number of editions per year

A completely different story starts in the immediate years after Azpilcueta's death, when the Jesuits enter the scene. In particular, a key role is played by a *Compendium*, in Latin, written by Pietro Alagona. In the 36 years that run between 1590 and 1626, 67 editions appeared, printed in different Italian and European cities, with a very interesting peak in the number of editions between 1591 and 1592 (21 editions)—which interestingly corresponds to the peak of Azpilcueta's presence in the Atlantic Book Trade (Rueda Ramírez). The context of production—Alagona wrote it when he was teaching moral theology at the Collegio Romano—suggests that the book was likely thought up by a Jesuit for Jesuits. Alagona's *Compendium* was soon translated into Italian (in 1591, by Camillo Camilli) and French (in 1601, by Roberto Segard).

Another successful *Compendium* (nine editions between 1609 and 1622), conceived in America and aimed at an American circulation—and thus likely printed for an American market—was written by Esteban de Ávila (1549–1601) (Guibovich Pérez; Rueda Ramírez). Like Alagona, Ávila was a Jesuit. He was also a theology professor at the Universidad de San Marco in Lima. His *Compendium* was meant to provide an accessible tool to those confessors who dealt with the salvation of the souls of indigenous people in the viceroyalty of Peru. For those needing access to Azpilcueta's comprehensive doctrine, he carefully added the exact reference for each topic to the Latin editions.<sup>26</sup> Like all Ávila's other works, written in Peru, the *Compendium* was printed posthumously in Europe, namely in Italy and France. For his *Compendium*, Ávila chose Latin and arguments were organised like the old *Summae Confessorum*: in alphabetical order.

<sup>26</sup> Ávila, *Compendium Summae*, 9<sup>r</sup>.



## 4 The Book in the World: The Global Circulation of Azpilcueta's *Manual*

### 4.1 *Jesuits*

The fact that Jesuits were fundamental actors in the circulation and use of Azpilcueta's *Manual* is not surprising. Azpilcueta always kept a strong connection with them.<sup>27</sup> Jesuits like Nóbrega or Azpilcueta's nephew, Juan, were not only at the centre of the construction process of the *Manual*, sending him doubts and questions from Brazil, but they were also among the first ones to implement the knowledge that they learned from their master on the American missionary field (Barbosa; Ribeiro).

But Jesuits played a fundamental role in the circulation of the *Manual* in Portuguese Asia as well.<sup>28</sup> Copies of the *Manual* reached Asia from Europe. In Goa, for instance, Azpilcueta's *Manual* was one of the few books that Jesuits were allowed to keep. And the *Manual* was among the books that left Goa headed to Japan, thus constituting the core collection of the first Jesuit library there, in the mid-1550s (Orii).<sup>29</sup> But what is really interesting is the fact that Jesuits were also responsible for the "on site" print of Azpilcueta in Asia, not surprisingly in the version provided by Alagona's Latin *Compendium*. This happened in 1597, after the imperial order of expulsion that forced the Jesuits to continue their religious and educational activities in secret, among which was the printing of Christian books (the so-called *Kirishitan-ban*), without typographical details. This edition in Latin—analysed by the contributions of Orii and Coutinho Silva—likely printed in Nagasaki, was part of those books that were then "dispersed" by the imperial will, which explains the fact that only one surviving copy is known, currently preserved at the Santo Tomas Library in Manila.<sup>30</sup> While the other Christian books printed by the Jesuit Mission Press were Japanese translations with omissions and adaptations to avoid confusions and theoretical inconsistencies for the local reader, Alagona's *Compendium* was a faithful reproduction of an edition printed in Antwerp, with no adaptations. Despite the fact that there is only one known surviving copy of the *Compendium*, it was the most abundant work available at the Macau College in the 17th century (Orii).

27 Lavenia, "Martín de Azpilcueta. Un perfil", 103–112.

28 On the role Jesuits played in the circulation and the "translation" of western knowledge in Asia, see Golvers, "The Jesuit Mission in China"; Orii, "The Dispersion of Jesuit Books Printed in Japan"; Županov, "I am a Great Sinner".

29 Barros, "Intérpretes e confesionários", 293; Wiki, *Documenta Indica*, 639; Gay, "La primera biblioteca de los Jesuitas en el Japon", 364.

30 Orii, "The Dispersion of Jesuit Books Printed in Japan".

#### 4.2 *The Council of Trent*

It is clear that Jesuits were crucial actors in the global diffusion of Azpilcueta's *Manual*, but we cannot fully understand the global circulation and presence of Azpilcueta's *Manual* and *Compendia* without paying attention to another fundamental factor: the Council of Trent. We have already mentioned that Trent, with the relevance given by the conciliar norms to the sacrament of Penance as a defining element in the new religious order, was a fundamental component in the production of the book, namely, in the textual transformation process of the *Manual*. The normative updates related to the decisions of the Council were in fact gradually integrated into each new edition of the *Manual* since 1552, when Azpilcueta added to the initial text precise references to the Conciliar canons on Penance, completed in 1551.<sup>31</sup> Therefore the Council, with the need for the implementation of the conciliar norms, provides the context for a better understanding of the dissemination of the book on a global scale; "The establishment of penitential discipline as a pillar of the Tridentine reform provided a platform that gave Azpilcueta's work a global reach" (Guibovich Pérez).

The strong connection between the spread of Azpilcueta's *Manual* and the rulings of councils and synods to implement the Council of Trent is visible, for instance, in Colonial Spain. In particular, the reception of the conciliar norms in the Spanish Empire, executed by the Provincial Councils of Lima (1567; 1582–1583), provides the historical context behind the extensive circulation of Azpilcueta's *Manual* in the Andes (Guibovich Pérez). In the context of the American reception and implementation of the conciliar norms, Tridentine seminars and universities were places for formal training of the clergy. In both contexts, moral theology was a fundamental topic, and Azpilcueta's work highly recommended. Moreover, Azpilcueta's *Manual* and *compendia* were among the books that, following the Tridentine norms on book practices dictated by the Council of Lima, parish priests were required to own and that, as the documents related to the pastoral visitation show, they actually possessed and read (Guibovich Pérez).<sup>32</sup>

31 Further updates were added in the 1556 Salamanca edition, graphically identified for the reader with asterisks, and in 1570, the chapter 28, with updates to be included in each of the 27 chapters, was published. The 1573 Latin edition integrates these updates into the text.

32 In 1591, in the Italian city of Ferrara, the bishop, in the section of his *Ordinationi Generali* dedicated to the books that priests were required to possess, mentioned Azpilcueta's *Manual* or *Compendium*. Rusconi, "Circolazione", 148.

### 4.3 *Atlantic Routes, Book Trade, and Missionary Needs*

Some of the reasons behind the extensive circulation of the *Manual* in colonial Spain relate to the regulations aimed at implementing the Tridentine norms in the colonial territories, which required tools for priests to improve their knowledge (Guibovich Pérez). This can explain part of the “demand” for the *Manual* in the colonial context. At least at the present stage of research, we know that, with the exception of the Japanese edition of Alagona’s *Compendium*, all the editions of the *Manual* and its derivative products appeared in Europe, and printers often had the Atlantic market in mind (Maillard Álvarez). Another precious piece of the puzzle in the circulation of Azpilcueta’s *Manual* on a global scale therefore lies in the analysis of the Atlantic trade (Rueda Ramírez). Looking at the presence of Azpilcueta in the book distribution networks of the Hispanic Atlantic world, through the analysis of shipping manifests and reports, allows us to picture the “oferta” of the *Manual*. Although the material examined portrays the book trade from 1586 on, after Azpilcueta’s death, it reveals the distribution of Azpilcueta’s works via different channels and to different territories in the Americas. Not surprisingly, Azpilcueta is very present. The sources reveal a particular attention paid to the editions revised and amended by the author himself, especially for the updates related to the Council of Trent. And together with the *Manual* (identified in the sources as *Suma*), the *compendia*—and, later, the *Opera*—are largely present, thus suggesting a specific business strategy that permitted, due to the differences in prices of the three products, the diversification of sales opportunities. A lower price means, for example, that the *compendia* were distributed in a greater number of copies. Merchants and booksellers were the professional groups responsible for the circulation of Azpilcueta’s book in the Atlantic trade. The decade of the 1590s registers the peak of his presence in both territories; and Azpilcueta’s “life” in the Atlantic trade ends in 1610—although it appears in private libraries between 1611–1650.

If we look at colonial Mexico, Azpilcueta’s presence in private libraries seems to fade away by the end of the 17th century. But the analysis of documentary evidence related to different cultural practices, such as cataloguing, inquisitorial control over book circulation, and inspections of convent libraries, testifies to the presence of the text in convent and institutional libraries in the 18th century too (García Aguilar). Material evidence on physical copies shows a very interesting diachronic dialogue with the text, that even reached the expurgation, in 1717, of a copy of the 1556 edition of the *Manual* (García Aguilar).

The analysis of letters, library catalogues, post mortem inventories, and documents on secular censorship allows us to envision the diffusion of Azpilcueta throughout the colonial experience of Portuguese America (Ribeiro). Azpilcueta’s works crossed the Atlantic with the first Jesuits sent to Brazil, being

among the very few books available and used by the missionaries in the first missionary settlements. Moreover, the presence of the Latin version of the book in the conventual colonial and private libraries suggests that the circulation of Azpilcueta in Portuguese America would have been limited to (and preferred by) more learned lecturers. By the 18th century, the appearance of the *Manual* in the historical record decreases, with new titles on confessional matters replacing it (Ribeiro).

## 5 Global Use: Reading Practices and Manuscript Knowledge Production

The circulation of Azpilcueta's doctrines and ideas contained in the *Manual* relied largely on prints. But Azpilcueta also circulated in manuscript form. The interaction between books and manuscripts produced a "chain of paper" (McManus), which is particularly interesting for understanding the production of knowledge of normativity in the early modern period. Handwritten annotations on physical copies printed in Europe and shipped to America provide some hints about the readership of the book. But it is mainly through the analysis of handwritten texts brought from Europe to Asia or America, or produced locally, that we can understand the use of Azpilcueta at global and local levels. In all these processes, Franciscans and Jesuits played an interesting and fundamental role.

Franciscans were at the beginning of the story of the production of the *Manual*: the anonymous author of the 1549 text of the *Manual* belonged to that order, and Franciscans helped Azpilcueta in the transformation process of the book. But Franciscans were also crucial in the diffusion of the book, not only in the translation (the first Italian translation was by Cola da Guglionesi, a Franciscan friar), but also in the epitomisation of it. The author of the first vernacular *Compendio* (1567) was Franciscan. Moreover, it seems that a handwritten *compendium*, in alphabetical order, in Otomí language, was written for his mission by the Franciscan p. Pedro de Oroz O.P. in 1572.<sup>33</sup> Therefore, it is not surprising that Azpilcueta was present in Franciscan libraries in colonial Mexico.

Material traces on a book of the act of reading are particularly interesting as they provide a sense of the way in which a book was read and used. This is the case for the two annotated copies of Azpilcueta's *Manual* preserved at the Sutro Library in San Francisco (Hamann). These copies (Salamanca, 1557 and

33 Beristáin de Souza, *Biblioteca*, 361.

Salamanca, 1556) originally belonged to the collection of two Franciscan Monasteries in colonial Mexico: Santiago Tlatelolco—a cultural centre for the education of the male children of indigenous elites—and San Antonio de Texcoco. Marks, *manicules*, circles, brackets, and dots—the last one perhaps revealing “a curious meta-awareness of the act of annotation itself” (Hamann)—allow us to grasp different reading practices that likely (multiple) Franciscan readers performed on those copies of the *Manual*.

Azpilcueta's *Manual* was not only present in Franciscan libraries, as confirmed by several Franciscan library inventories, but it was also crucial in the creation of knowledge of normativity in 16th-century Mexico by Franciscan authors. The *Directorio para confesores* issued by the Third Mexican Council (1585) explicitly referred to the need for confessors to thoroughly study Azpilcueta's *Manual* and to rely on his work in the preparation of confession handbooks. Along these lines, Franciscans, such as Fray Juan de la Concepción and Fray Juan Bautista de Viseo, made great use of it in the preparation of their own handwritten or printed confessional handbooks, written—in the case of Viseo, in three languages: Latin, Spanish, and Nahuatl—with the priests who ministered among the Indigenous populations in mind (Rex Galindo).

We have seen that, together with Franciscans, the *Manual* was used by the Jesuits on the missionary field, for the production and the “invention” of normative knowledge (Barbosa). The importance of the *Manual* in the production of knowledge of normativity by Jesuits can be traced both in the Western and Eastern part of the Portuguese Empire. First of all, as we have mentioned, the early editions of the *Manual*, already incorporated the moral theological solutions that Azpilcueta provided to the new situations that the Jesuits in Brazil were facing. The cases reached Azpilcueta in manuscript form and he spread the solutions through the printed *Manual*. Slavery was among the several topics Jesuits had to deal with in Brazil, that pushed Azpilcueta to find new normative solutions (Barbosa). But slavery was a crucial topic on the other side of the Portuguese Empire as well, namely in Iberian Asia. Here, the adaptation of Azpilcueta's doctrine to local needs further enriched the already complex picture on slavery that the Brazilian experience contributed to depict. In Asia, manuscripts played a fundamental role, and Jesuits, who were both readers of Azpilcueta's *Manual* and authors of manuscript treatises, were the main performers of the creation of new normative solutions adapted to specifically local needs. One example of the creative use of Azpilcueta's works in Iberian Asia lies in Gomes Vaz's manuscript on slavery in Asia and East Africa, entitled *De mancipiis indicis, manumissionibus et libertis* (McManus). Another example of the production of knowledge of normativity in the eastern part of the Iberian empire is related to the use and reading of Alagona's *Compendium* in Japan.

Manuscript sources testify that that *Compendium* was not only printed there but also largely used. In particular, the Jesuit vice-Provincial of Japan, Pedro Gómez, relied on Alagona's *Compendium* in his own handwritten *Compendium Catholicae Veritatis* to resolve concrete local problems, namely, dealing with the burning topic of martyrdom in the dramatic context of the persecution of Japanese missions (Orii). Furthermore, Alagona's *Compendium* can be seen as a mirror through which we can grasp some elements of the actual understanding of religious normativity by those in Japan who converted to Christianity from Buddhism. This is particularly interesting when the scholarly eye, from a gender perspective, is looking at converted Japanese women, who were among the readers of Alagona's *Compendium* (Coutinho Silva).

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**PART 1**

*Book Production and the Production  
of Knowledge of Normativity*





# 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.<sup>1</sup> In the field of legal history, however, this is a relatively recent achievement. For dec-

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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”.<sup>2</sup> Now, things seem to be changing. On the one hand, historians and book historians have shown a new interest in law books.<sup>3</sup> 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”.<sup>4</sup> 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.<sup>5</sup>

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”,<sup>6</sup> 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.<sup>7</sup>

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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”.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup> 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.<sup>18</sup> But there were even more editions than this.<sup>19</sup> 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, Editu6) 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.<sup>20</sup> 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.<sup>21</sup> Through this process, the book also spread, almost in real-time, the results of the Council of Trent,<sup>22</sup> thereby playing a crucial role in Counter-Reformation Europe.<sup>23</sup> 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 1549<sup>24</sup> and December 1552<sup>25</sup> and dedicated to the King's brother Dom Henrique, were followed by the third, which was the first edition in Spanish, printed in August 1553<sup>26</sup> and dedicated to Princess Juana of Austria. When the second Spanish edition appeared—still dedicated to Princess Juana—in Salamanca in July 1556,<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup> The last authorial revision was printed in 1584, and treasured Azpilcueta's experiences as a consultant of the Apostolic Penitentiary.<sup>30</sup> 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.<sup>31</sup>

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*.<sup>32</sup> 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)<sup>33</sup> 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).<sup>34</sup>

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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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.<sup>39</sup> If we look at the 1553 Spanish edition, the author remains the friar, but the revisions are credited to Azpilcueta only.<sup>40</sup> The 1556 edition marks a turning point: the authorship is fully attributed to Azpilcueta, as based on the text written by the friar.<sup>41</sup> Finally, the 1573 Latin edition only mentions Azpilcueta as the author, and discusses *his* authorial translation of *his* text.<sup>42</sup> 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.<sup>43</sup>

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 depois [...] 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 portait, 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,<sup>44</sup> 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.<sup>45</sup>

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.<sup>46</sup>

Laura Beck Varela has shown that the importance of authority and a similar taxonomy were also in place for legal authorship.<sup>47</sup> Together with the *materialium 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.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup>

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.<sup>52</sup>

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.<sup>53</sup> 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.<sup>54</sup> 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").<sup>55</sup>

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.<sup>56</sup> 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.<sup>57</sup>

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 sacrosanct. Concil. Tidd, [...] 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*”).<sup>58</sup>

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' mindset<sup>–59</sup> 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 Liarcari<sup>60</sup> and Guillermo de Millis,<sup>61</sup> 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.<sup>62</sup> 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*.<sup>63</sup> 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*.<sup>64</sup> 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.<sup>65</sup> 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.<sup>66</sup> 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.<sup>67</sup> 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.<sup>68</sup> 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.<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup> 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.<sup>72</sup> 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<sup>r</sup>–1<sup>v</sup> (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<sup>r</sup>.

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.<sup>73</sup> 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.<sup>74</sup>

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.<sup>75</sup> However, in the meantime, Azpilcueta notified the privilege to Terranova and this opened what can be seen as the second phase of the trial.<sup>76</sup> 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.<sup>77</sup> The court documents lead us to

73 AGS, RGS, LEG 155506, n. 297, fol. 1<sup>v</sup> (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<sup>r</sup> (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<sup>v</sup> (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<sup>r</sup>–1<sup>v</sup>: "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.<sup>78</sup> 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.<sup>79</sup>

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.<sup>80</sup> In his defence, Terranova rejected

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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<sup>r</sup>-3<sup>v</sup>: "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 denunciación 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<sup>r</sup>-5<sup>r</sup>: "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.<sup>81</sup>

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.<sup>82</sup> 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<sup>r</sup>–6<sup>r</sup>: “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<sup>v</sup>–2<sup>v</sup> (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 çudad 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.<sup>83</sup> 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”).<sup>84</sup> 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.<sup>85</sup> 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<sup>r</sup>–2<sup>v</sup> (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<sup>v</sup> (García Oro and Portela Silva, *La Monarquía y los libros*, 233): “Y el dicho Juan María había hecho relacion 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”,<sup>86</sup> 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.<sup>87</sup> 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”.<sup>88</sup> 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

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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<sup>v</sup> (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<sup>v</sup> (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.<sup>89</sup>

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.<sup>90</sup> 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 well<sup>91</sup>—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.<sup>92</sup> He also reworked and largely expanded the last chapters, dedicated to the particular state of kings and lords (“señores”), excommunication, and interdictions.<sup>93</sup>

89 AGS, RGS, LEG 155506, n. 297, fol. 2<sup>v</sup> (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<sup>v</sup> (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<sup>r</sup> (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<sup>r</sup> (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.<sup>94</sup> 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.<sup>95</sup>

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;<sup>96</sup> 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;<sup>97</sup> 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.<sup>98</sup> More importantly,

94 AGS, RGS, LEG 155506, n. 297, fols. 3<sup>r</sup>–3<sup>v</sup> (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<sup>v</sup> (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<sup>r</sup> (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<sup>r</sup> (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<sup>r</sup> (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.<sup>99</sup> 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,<sup>100</sup> 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.<sup>101</sup>

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"),<sup>102</sup> making it one of the exceptional cases in which the

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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<sup>r</sup>–4<sup>v</sup> (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<sup>r</sup> (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.<sup>103</sup> 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.<sup>104</sup> 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.<sup>105</sup> 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.<sup>106</sup> 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.<sup>107</sup> 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<sup>r</sup>.
- 104 AGS, RGS, LEG 155506, n. 297, fol. 6<sup>r</sup> (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<sup>r</sup> (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<sup>v</sup> (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 hziese 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<sup>v</sup> (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.<sup>108</sup> 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.<sup>109</sup>

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*).<sup>110</sup> 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<sup>v</sup>–7<sup>r</sup> (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<sup>r</sup> (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, alegaciones, 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<sup>r</sup> (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 lawsuit<sup>111</sup>—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.<sup>112</sup>

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.<sup>113</sup>

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.<sup>114</sup> 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 Spain<sup>115</sup>), 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.

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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*).<sup>116</sup> 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.<sup>117</sup> 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:<sup>118</sup>

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<sup>r</sup> (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 contraditorio 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.<sup>119</sup> 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.<sup>120</sup> 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".<sup>121</sup> 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 yssotiuer 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.<sup>122</sup> 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*.<sup>123</sup>

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.<sup>124</sup> 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.<sup>125</sup> 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.

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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).”<sup>126</sup> 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.<sup>127</sup>

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.<sup>128</sup> 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.<sup>129</sup> 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:<sup>130</sup> 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.<sup>131</sup> 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:<sup>132</sup> 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.<sup>133</sup> 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.<sup>134</sup> 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".<sup>135</sup> 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 impresión 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 impresión 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*.<sup>136</sup> 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.<sup>137</sup>

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.<sup>138</sup> 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.<sup>139</sup>

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.<sup>140</sup> 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.<sup>141</sup> 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<sup>r</sup>, [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.<sup>142</sup>

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.<sup>143</sup> 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.<sup>144</sup> However, the work was accomplished thanks to the financial support of some of his friends.<sup>145</sup>

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.<sup>146</sup> 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.<sup>147</sup> Unfortunately, the parcel never reached its destination.<sup>148</sup>

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*.<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup>

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*.<sup>152</sup> 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.<sup>153</sup> 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.<sup>154</sup>

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).<sup>155</sup> Then it appeared in Antwerp (1575, 1579, 1581: the editions showcase both the papal privilege and the royal privilege of the King of Spain).<sup>156</sup> Next, the book appeared in Venice (1579, 1581) and Lyon (1575):<sup>157</sup> 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).<sup>158</sup> 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.<sup>159</sup> 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.<sup>160</sup>

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".<sup>161</sup> 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

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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.<sup>162</sup> 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)									
Venice (20.12.1572)									
Privilegio y licencia (Madrid, 27.04.1574)									
Privilegii Summa (Brussels, 12.06.1575)									
Gregorius XIII (Rome, 01.03.1580)									
Gregorius XIII (Rome, 21.11.1580)									
Nicolaus Deponite Dei gratia (Venice, 3.12.1580)									
Extrait du privilege du Roy de France & Pologne (Paris, 11.04.1582)									
El Rey (S. Lorenzo del Escorial, 02.08.1586)									



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# The Flemish Reeditions of Martín de Azpilcueta's Works: A Paratextual Study

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## Abstract

This chapter explores the Flemish editions (whether authorised by the author or not) of Martín de Azpilcueta's works, such as the *Manual de confessors*—or its Latin version, the *Enchiridion sive Manuale confessoriorvm et poenitentivm*—and the *Apologia libri de redditibus ecclesiasticis*, all published in Antwerp during his lifetime, although some posthumous editions appeared in the last quarter of the 16th century and the first two decades of the 17th century. Through the lengthy examination of paratexts and surviving correspondence this text emphasises Azpilcueta's intentionality and authorial agency to supervise and legally protect the Antwerp editions of his works, also promoting its distribution throughout vast communities of readers living under different authorities, such as the Spanish or French kings. Finally, this chapter sheds light on Azpilcueta's editorial intentions and active agency both as a recognised 16th-century author and in the Flemish printing world and its editorial practices, particularly those used by the celebrated *Officina Plantiniana* under the aegis of Christophe Plantin.

## Keywords

Martín de Azpilcueta – Authorship – Printing privilege – Flemish printing press – Early Modern Period

During the 16th century, Flemish printing presses running in cities like Antwerp, Leuven, Bruges, and Ghent produced countless examples of typographical and scholarly excellence, enjoying wide recognition throughout Europe and, in general, across the Catholic World. However, Antwerp publishers far exceeded their fellow competitors in the Southern Netherlands, creating a major printing centre of international scope that offered almost unlimited opportunities given the city's role as an international port and a major cultural



and artistic centre. Indeed, starting in the 1550s, printing in Antwerp experienced a period of growth that lasted until the early 1580s (an expansion ended by the disastrous economic decline of the city after its surrender to Spanish forces in 1585). Perhaps, the most famous publishing house in all of Europe during these decades was in Antwerp: that of Christophe Plantin (ca. 1520–1589) and his successors, the Moretus family. Their publications were highly praised and treasured by scholars, clerics, and collectors from different nations, regions, and times.

Thus, it comes as no surprise that eminent 16th-century authors from throughout Europe used Antwerp presses to publish their works. Most importantly for this chapter, one of these authors was the distinguished Spanish canon lawyer Martín de Azpilcueta, who expressly wanted to republish some of his more influential works in Antwerp, and from the early 1570s relied on respected workshops, such as the celebrated *Officina Plantiniana* (headed then by Plantin), which also participated in the broad republishing of Azpilcueta's influential works.

Therefore, the objective of this chapter is to provide an overview of Azpilcueta's Flemish reeditions published with or without his consent and supervision and, more specifically, those issued in Antwerp during his lifetime: from 1555 to the 1580s. To assess the particularities of these editions, an analysis of different paratexts (particularly concerning licences and printing privileges) was crucial to this research, because paratextual elements shed light on authors' or printers' aims to (re)publish texts within a certain jurisdiction, and thus reach specific audiences, while legally protecting their work from unfair competition. Let us begin with a detailed review of the first Antwerp reeditions.

## 1 The Seemingly Unauthorised Azpilcueta Editions by Nutius and Steelsius

The careers and professional activities of Joannes Steelsius (Juan Steelsio in Spanish, active from ca. 1532 to 1562) and Martinus I Nutius (Martín Nucio in Spanish, active in Antwerp from ca. 1539 to 1558) have been closely linked to the rise of Antwerp as a significant international centre of Spanish-language printing during the first half of the 16th century.<sup>1</sup> Their vast output in Spanish

1 Over the course of his career, Steelsius was able to publish around 350 editions in different languages, although mostly in Latin. By the 1540s Steelsius had consolidated his position as a significant publisher in Antwerp; Nutius, in contrast, had previously worked in Steelsius' workshop, and it is worth speculating whether he acquired his interest in Spanish-language

encompassed increasingly popular genres and authors,<sup>2</sup> including Azpilcueta's *Manual de confesores*, first republished by Nutius in 1555<sup>3</sup> and subsequently by Steelsius in 1557,<sup>4</sup> which makes them the very first Flemish reeditions of one of Azpilcueta's more influential works.

Nutius' 8<sup>o</sup> book was printed two years after the publication of the first Spanish-language edition (Coimbra, 1553),<sup>5</sup> and it was probably the fifth among the 12 known Spanish editions.<sup>6</sup> This 1555 printing is closely related to the earlier ones, showing no distinct variations. Importantly, there is no evidence that this edition was supervised or authorised by Azpilcueta, since the paratexts included do not make any reference to the author or his intentions to publish the book in Antwerp. Instead, it seems that Nutius himself, as a publisher, wanted to profit from the *Manual*—an already published and popular work—by reprinting it in his own workshop.

It was not until Azpilcueta's return to Spain after his long stay in Portugal that he was able to work on a revised and corrected version of the *Manual*, which was published in Salamanca in 1556 by the workshop of Andrea de Portonariis (active in Salamanca between ca. 1549 and 1568).<sup>7</sup> This edition incorporated new elements and was more erudite and documented.<sup>8</sup>

Hence, the subsequent Antwerp edition by Steelsius (1557) was in full conformity with the revised Salamanca edition, even pointing out on the title page that Azpilcueta himself made new additions in response to several questions sent by his readers, and that some of those additions were flagged with an asterisk (\*).<sup>9</sup> These lines placed below the headline are extremely informat-

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books while working there. See León, "Brief notes on some 16th century Antwerp printers with special reference to Jean Steelsius and his Hispanic bibliography", 77–92; see also the classic studies by Peeters-Fontainas, *Bibliographie des impressions espagnoles des Pays-Bas méridionaux*. 2 vols., and *L'officine espagnole de Martin Nutius à Anvers*.

2 For a more recent overview of the activities of these two printers regarding their Spanish-language editions, see Manrique Figueroa, "Sixteenth-Century Spanish Editions printed in Antwerp. Facing censorship in the Hispanic World. The case of the Antwerp printers Nutius and Steelsius", 107–121.

3 See the full reference in the bibliography of this chapter.

4 See the full reference in the bibliography of this chapter.

5 See the full reference in the bibliography of this chapter.

6 Muguruza Roca, "Del confesionario ibérico de la Contrarreforma a los manuales para confesores en la América colonial", 39, fn. 26.

7 See the full reference in the bibliography of this chapter.

8 Muguruza Roca, "Del confesionario ibérico de la Contrarreforma a los manuales para confesores en la América colonial", 38.

9 "Acrecentado ahora por el mismo Doctor, con las decisiones de muchas dudas, que después de la otra edición le han enviado. Las unas de las cuales van insertas so esta señal \*". The spelling

ive about the development of the editorial process because they exemplify a remarkable authorial-editorial strategy used extensively by Azpilcueta as an active agent in the publication of his own works.<sup>10</sup> These added lines underscored the accuracy and validity of the updated editions revised by the author himself in response to concerns about his work. Exactly the same lines are also reproduced in the Royal Privilege included within the legal paratexts of the book, granted by Philip II (1527–1598) to Steelsius on 28 February 1556. It is noteworthy that during the same year of 1557, Steelsius' printing house also published Azpilcueta's well-known treatise on usury, *Comentario resolutorio sobre las vsuras* in 8<sup>o</sup>,<sup>11</sup> which had been first published one year earlier in Salamanca as an appendix to the *Manual*.<sup>12</sup> However, despite all of this paratextual information and the royal privilege granted by the king in favour of Steelsius, nothing suggests that Azpilcueta was actively involved in supervising Steelsius' 1557 edition. Instead, it seems that Steelsius simply republished the revised Salamanca version at his own expense, in order to profit from a popular and erudite work, which was actually a common practice for Nutius and Steelsius.

After the deaths of both Nutius and Steelsius in 1558 and 1562, respectively, subsequent reeditions of Azpilcueta's work were issued by the widow and heirs of Steelsius: Anna van Ertborn took over her husband's printing press from his death until her own death in 1576.<sup>13</sup> In 1568, this printing house published an important collected work in 4<sup>o</sup>; this volume included four individual Spanish-language works brought together: *Manual de confesores y penitentes*, *Reportorio general y muy copioso del manual de confesores*, *Comentario resolutorio de vsuras*, and *Tractado de las rentas de los beneficios ecclesiasticos*.<sup>14</sup> As with the previous Antwerp reeditions, no evidence suggests Azpilcueta's direct participation in the preparation of this 1568 volume: there are no such references in the paratexts, nor are there any mentions of this edition in Azpilcueta's surviving letters. Although the printers did include the royal privileges in this (and other) volumes, these were obtained for publication in the Southern Neth-

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has been modernised: see the title page of Azpilcueta, *Manval de confesores y penitentes*, 1557. A digitised copy is available on Google Books.

10 On Azpilcueta's editorial strategies, such as the use of asterisks, and on his authorial agency on his printed books, see Bragagnolo's contribution in this volume (Chapter 2).

11 See the full reference in the bibliography of this chapter.

12 See the full reference in the bibliography of this chapter.

13 Ertborn was the daughter of the humanist printer Michael Hillenius Hoochstratanus (active in Antwerp from 1506 to 1546). Thus, after Hillenius' death, Steelsius took over his father-in-law's printing workshop. See Waterschoot, "Antwerp: books, publishing and cultural production before 1585", 234.

14 See the full reference in the bibliography of this chapter.

erlands. And so, once again, we see Antwerp printers reissuing Azpilcueta's already-popular works as part of a sound business strategy.

## 2 The Case of the Plantinian Editions: The *Apologia libri de reeditibvs ecclesiasticis* (1574)

In contrast, there is plenty of evidence about Azpilcueta's role in the editorial process when he, wanting to publish Latin editions of his work, turned to the Antwerp printing house of the renowned Plantin. Azpilcueta followed a trend of well-known Spanish contemporary authors, such as Benito Arias Montano (1527–1598), who were attracted by Plantin's high-quality imprints, neatness, and accuracy. The correspondence preserved at the Plantin-Moretus Archive is crucial for understanding the editorial processes and particularities of Azpilcueta's Plantinian editions. For instance, in a letter dated 28 December 1573, Plantin thanked Azpilcueta for having entrusted him with the printing of his works. However, the famous publisher underlined the fact that he was still expecting further typographical instructions in order to proceed with the edition of *De Reditibvs*.<sup>15</sup> In fact, Azpilcueta's first Plantinian edition was actually the *Apologia libri de reeditibvs ecclesiasticis* (1574), published in 4<sup>o</sup><sup>16</sup> and dedicated to Pope Pius V (1504–1572), who was already dead by this time. This was the second Latin edition, published after the 1571 Roman one issued in 8<sup>o</sup> by Giuseppe de Angelis (active in Rome from 1570 to 1579).<sup>17</sup> A third Latin edition would subsequently appear in Lyon (1575, 4<sup>o</sup>)<sup>18</sup> in the workshop of the celebrated humanist printer Guillaume Rouillé (ca. 1518–1589).<sup>19</sup>

*De reeditibvs ecclesiasticis* originally appeared in Spanish with the title *Tratado de las rentas de los beneficios ecclesiasticos* (Valladolid: Adrian Ghemart, 1566, 8<sup>o</sup>).<sup>20</sup> Five years later, Azpilcueta published the 1571 Roman edition, followed by the Plantinian and the Lyonnaise editions. The fact that he as a recognised author wanted to promote and issue subsequent reedi-

15 Denucé (ed.), *Correspondance de Christophe Plantin*, vol. 4, letter 504, 44–45.

16 See the full reference in the bibliography of this chapter. Several digitised copies of this edition are available online.

17 See the full reference in the bibliography of this chapter.

18 See the full reference in the bibliography of this chapter.

19 Remarkably, Rouillé and Plantin were practically the same age, and both died in the year 1589.

20 See the full reference in the bibliography of this chapter. The website of the "Biblioteca Navarra Digital" has a digitised copy.

tions in major typographical centres by leading publishers shows a well-built editorial project, pan-European in scope and benefitting his own works and prestige.<sup>21</sup>

A lengthy examination of the paratextual elements of the Plantinian edition of 1574 reveals the inclusion of the very first privilege dated 26 September 1566, written in Spanish, granted directly to Azpilcueta by Philip II (1527–1598), and issued at the *Bosque de Segovia* (the Royal Palace of Valsáin).<sup>22</sup> The privilege was valid for the next six years. An identical version had been first included within the *princeps* Spanish edition of Valladolid. Moreover, both the original Spanish edition (1566) and the Plantinian one (1574) also contain a further privilege granted by no less than the then very young King of France, Charles IX (1550–1574), who explains that his “très cher & très aimé bon frère le Roi catholique des Espagnes” (dearest and most beloved good brother the catholic King of Spain) asked him to grant his royal privilege in favour of “notre cher et bon ami le docteur Martin de Azpilcueta Navarro” (our dear and good friend doctor Martín de Azpilcueta Navarro).<sup>23</sup> This privilege, issued under the authority of the most Christian king (“Roi Très-chrétien”), prevented printers and booksellers, as well as other subjects (whether French or Spanish) residing within the limits of the Kingdom of France, to print, distribute, or sell a number of Azpilcueta’s works without his specific consent during the next ten years, under penalty of confiscation of the unauthorised copies. The privilege was granted on 27 June 1566 at the château de Saint-Maur-des-Fossés in the vicinity of Paris. It was signed by the young king himself, as well as by his omnipresent queen mother, Catherine de Medici (1519–1589), in these terms: “Par le roi. La reine sa mère présente” (By the king. The queen his mother present).<sup>24</sup>

This licensing is remarkable for several reasons. First, Azpilcueta wanted to explicitly include privileges issued by the authority of different monarchs in one single edition, in order to protect it from unfair competition within the vast dominions and jurisdictions of the kings of Spain and France, respectively. Furthermore, the edition published in Lyon by Rouillé in 1575 also includes

21 On Azpilcueta’s connections with French printers, such as Rouillé, see Bragagnolo’s contribution in this volume (Chapter 2).

22 The Palace of Valsáin was the birthplace of Philip’s famous daughter, Isabella Clara Eugenia, who was born there on 12 August 1566 (shortly before Azpilcueta’s privilege was granted).

23 The spelling has been modernised; see the original text in “Privilege dv Tres Chrestien Roy de France”, in Azpilcueta, *Apologia libri de re ditibus ecclesiasticis*, 1574.

24 In fact, the château had been bought by the queen, and it became a place frequented by the court, because of its proximity to Paris.

the original Spanish privilege of September 1566, as well as the one signed by Charles IX and his mother in June 1566. In sum, we observe a systematic trend within the legal paratexts of the editions of Plantin (1574) and Rouillé (1575) to protect Azpilcueta's works, which shows the author's intention to actively participate in the construction of his own editorial and scholarly reputation throughout the jurisdictions of two different Catholic monarchies.<sup>25</sup> In fact, Azpilcueta himself sent these privileges to Plantin to be included among the legal paratexts. In addition to the privileges issued by Philip II and Charles IX in 1566, the legally required and most important local privilege for this Antwerp impression (or *drukkersoctroi* in Dutch) was given to Plantin in Brussels by the Privy Council (*De Geheime Raad*) as the appointed authority for such matters in the Southern Netherlands. This exclusive permission was granted for no less than 12 years.

Within this editorial process, however, not everything fell under Azpilcueta's full control, because by 1574 (the year of publication of the Plantinian edition) the Spanish royal privilege had already expired (it was valid from 1566 to 1572) and, furthermore, Pope Pius V (to whom the work was dedicated) was already dead. All of this reveals the lengthy publication processes involved in early modern printing, processes which could be delayed by different causes before the final product was complete.

This was the reason why Plantin justified himself, in his abovementioned letter of 28 December 1573, by pointing out that he was awaiting further instructions before he could get down to work and print the book, despite being already in possession of the local printing privilege since 12 September 1572.<sup>26</sup> The next letter sent to Doctor Navarro and dated 6 January 1574 shows that Plantin was still waiting for instructions regarding typographical details in order to proceed.<sup>27</sup> Finally, in a brief letter dated 19 May 1574, Plantin announced to Azpilcueta that the printing of the *Apologia libri* was complete, and that the edition of the Latin translation of the *Manual*, the *Enchiridion sive Manuale confessoriorvm et poenitentivm*, was also in preparation.<sup>28</sup> This time delay of approximately two years reveals the endemic, longstanding problems of the printing press in early modernity (such as the lack of economic

25 In the original Spanish edition of 1566, it is stated right after the French privilege that the author also had Apostolic, Portuguese, and Kingdom of Navarre licences. However, to avoid prolixity they were not included: "También tiene el autor privilegio Apostólico, y de Portugal, y de Navarra: cuyos tenores, por evitar prolijidad, no se ponen aquí". The spelling has been modernised.

26 Denucé (ed.), *Correspondance de Christophe Plantin*. vol. 4, letter 504, 45.

27 Denucé (ed.), *Correspondance de Christophe Plantin*. vol. 4, letter 506, 47–48.

28 Denucé (ed.), *Correspondance de Christophe Plantin*. vol. 4, letter 529, 89.

resources). Another letter sent from Plantin to Azpilcueta, dated 3 September 1574, shows that Doctor Navarro was pleased with the Plantinian edition of his *Apologia libri*. Remarkably, this letter is written in Spanish, replying to the letter received by Plantin on 7 August.<sup>29</sup>

In addition, this correspondence also sheds light on the commercial routes established between the Low Countries and the Iberian Peninsula to dispatch book shipments.<sup>30</sup> Apparently, Azpilcueta expected Plantin to dispatch four shipments of his recently published *Apologia libri* to Medina del Campo, a centre for international book distribution in Castile because of its famous commercial fairs.<sup>31</sup> However, Plantin replied that he had no permanent agent working for him in Spain (in fact, it was not until 1581 that he would employ Jan or Juan Pulman as his own agent placed in Salamanca—with disappointing final results for Plantin, as is well known).<sup>32</sup> Furthermore, Plantin remarked that the maritime routes were full of enemies (such as Dutch, English, and Huguenot corsairs);<sup>33</sup> as a result, he asked for understanding.

Within this troubled context, it was essential to dispatch books with trustworthy people. On this occasion, a merchant from Lisbon, named Francisco Meneus (or Meunes or Mendez) offered his services to transport Azpilcueta's books first to Lisbon and from there inland towards Medina del Campo, where Plantin knew one of the members of the well-known Portonariis family of printers and booksellers (Gaspar, the brother of Andrea de Portonariis). Instead, however, Azpilcueta specifically asked for the books to be sent to the Valladolid bookseller Antonio Suchet, in whose bookshop the edition of Azpilcueta's *Tractado de alabança y murmuracion* (Valladolid, 1572) was for sale.<sup>34</sup> In other words, Azpilcueta recommended one of the Spanish booksellers involved with the distribution of his own works, creating, as a result, circuits of distribu-

29 Denucé (ed.), *Correspondance de Christophe Plantin*. vol. 4, letter 555, 133–134.

30 On Azpilcueta's active involvement in the commercial routes of his own books, see Bragnolo's contribution in this volume (Chapter 2).

31 On this topic, see the interesting website of the Fundación Museo de las Ferias: <https://www.museoferias.net/>. On Medina del Campo's printing press and book trade, see the classic work by Rojo Vega, *Impresores, librerías y papeleros en Medina del Campo y Valladolid en el siglo XVII*.

32 This famous episode of Plantin's Spanish agent has been extensively studied by Frans Robben, see his publications listed in the bibliography of this chapter.

33 In the year 1574 alone “there were sixty privateering ships and fishing boats fitted out for war sailing in the coast from Calais down to the Iberian Peninsula”, with the port of La Rochelle being the base of their activities. See the article: “Huguenot pirates in the 16th century”, available on the website of the Musée protestant: <https://museeprotestant.org/en/notice/huguenot-pirates-in-the-17th-century/>.

34 See the full reference in the bibliography of this chapter.

tion of his own Flemish reeditions, connecting Antwerp with Castilian cities like Valladolid.<sup>35</sup>

In terms of the material conditions for protecting the books dispatched abroad, Plantin explained that the wooden cases of books to be delivered had been previously lined with leather, more specifically using cowhide (*vaqueta*) to protect them against salty water and other hazards. This was, according to Plantin, a common practice for the shipment of books to Spain.<sup>36</sup>

### 3 The Plantinian Reeditions of the *Enchiridion* (1575, 1579, 1581)

Once the *Apologia libri* (1574) was published, the next Plantinian edition of Azpilcueta's works to see the light was a Latin translation of his famous handbook, the *Enchiridion*, which appeared in 1575 in 4°. <sup>37</sup> For this edition, Plantin signed with his symbolic title of *Architypographii Regii*, granted by Philip II a few years before. The required local privilege for this impression was given in Brussels in June 1575 by the abovementioned Privy Council, and it was granted for 12 years.

In addition, as was the case with the *Apologia libri* (1574), the *Enchiridion* also includes the original privilege or licence written in Spanish. Dated April 1573, and valid for ten years, it was granted directly to Azpilcueta as author by Antonio de Eraso (d. 1586) on behalf of Philip II (Eraso was the king's secretary in Madrid). <sup>38</sup> Once again, Azpilcueta wanted Plantin to include the original privileges he first obtained from the Spanish royal authority to reprint his works translated and published abroad. This Latin version followed the enriched and newly corrected Latin translation published in Rome in 1573, <sup>39</sup> in line with the current Tridentine reforms. Thus, the Plantinian edition is based on the Roman one of 1573, which is considered the most learned among the Latin versions. <sup>40</sup>

35 In a subsequent letter, dated 12 March 1575, Plantin explained that he sent the cases of books to Lisbon using the services of Meneus and that he, in turn, would send them to Valladolid as requested.

36 Denucé (ed.), *Correspondance de Christophe Plantin*. vol. 4, letter 611, 247–248.

37 See the full reference in the bibliography of this chapter. A digitised copy is available on the website of the Bayerische Staatsbibliothek.

38 Antonio de Eraso was a son of the famous Francisco de Eraso and by 1571 he was appointed secretary of the Council of the Indies.

39 See the full reference in the bibliography of this chapter.

40 Muguruza Roca, "Del confesionario ibérico de la Contrarreforma a los manuales para confesores en la América colonial", 39.



Given that this Plantinian edition was published in Antwerp, the local Catholic hierarchy of the Low Countries had to provide the required approvals for books like the *Enchiridion* that dealt with religious and canon law matters. This requirement was mandatory from the 1520s. Therefore, three different local clergymen extended their approvals during 1573 and these were included at the very end of the book, in the colophon (and not with the introductory legal paratexts). The first approval came from the auxiliary bishop of Mechelen, Ghislain de Vroede (1521–1579), who signed as a *librorum approbator* in January 1573; the second was given by one of the Antwerp canons of the Cathedral of Our Lady, Sebastianus Baer Delphius, who acted as a book censor as well; finally, then Jesuit Petrus Trigonus (1533–ca. 1593) provided the last authorisation in October 1573.<sup>41</sup>

It is worth noting that during the early 1570s the *Officina Plantiniana* experienced exponential growth because of the massive production of liturgical books, “libros de Nuevo Rezado”, catering to the Spanish market. It has been estimated that up to 50,000 copies were dispatched to Spain from October 1571 to April 1576.<sup>42</sup> Thus, these Azpilcueta editions were published precisely during a time when the Plantinian enterprise had reached the apogee of its production, with no less than 22 presses working night and day,<sup>43</sup> placing it among the largest firms in Europe, “in the same class as the establishment of Aldo Manuzio in Venice”.<sup>44</sup> This period of abundance ultimately materialised in 1576 with the transfer of Plantin’s printing house from the *kammerstraat* to a new estate located between the *rue haute/hoostraat* and the Friday Market. The press would expand due to the acquisition of the property in 1579; this is where the present-day Museum Plantin-Moretus is located.<sup>45</sup>

Nevertheless, after just a few months at this new location, the daily activities were abruptly interrupted by the turbulent Sack of Antwerp on 4 November 1576, when mutinous unpaid and enraged Spanish troops sacked the city, subjecting the inhabitants to unspeakable humiliation and aggravation for three days. The so-called Spanish Fury claimed the lives of 7,000 citizens. Plantin himself had to ransom his famous *Gulden Passer* publishing house to protect it from utter destruction.

41 Less than a decade later, Trigonus left Flanders and went to Ancona, where he joined the Capuchin Order in 1580. See Vázquez Janeiro, “Pedro Trigoso (†1593). Fuentes para una biografía documentada”, 154–171.

42 Bécares Botas, *Arias Montano y Plantino, el libro flamenco en la España de Felipe II*, 105–106.

43 Denucé (ed.), *Correspondance de Christophe Plantin*. vol. 4, xi.

44 Burke, *Antwerp, A metropolis in comparative perspective*, 45.

45 Denucé (ed.), *Correspondance de Christophe Plantin*. vol. 4, 34, footnote 2.

Politically speaking, the Southern and Northern Netherlands were amidst a period of instability and upheaval. Accordingly, the City Councils of Ghent, Antwerp, Brussels, and other important Brabantine and Flemish cities installed pro-Calvinist governments that openly defied Habsburg rule.<sup>46</sup> These 'Calvinist Republics' surrendered to the troops of the Governor Alexander Farnese, Duke of Parma (1545–1592), over the course of 1584 and 1585, after which they were once again subject to the authority of Philip II.<sup>47</sup>

Despite these times of revolt, Plantin continued running his business in the city of Antwerp during the short-lived Calvinist period and, in fact, Azpilcueta's *Enchiridion* was reprinted twice: first in 1579<sup>48</sup> and then in 1581.<sup>49</sup> However, for these editions, the size was reduced in favour of the practical 8° format.<sup>50</sup> A close inspection of the paratexts reveals that the original licences and authorisations published in 1575 were entirely reutilised for the edition of 1579, as custom dictated. However, the edition of 1581 did not include any of the above-mentioned licences or approvals—not even one—and this comes as a surprise, because the presence of such legal paratexts offered protection from dishonest competitors for later editions issued during the duration of the privileges.

These kinds of legal loopholes were occasionally exploited by other publishers. For example, despite the exclusive privileges granted to Plantin by the local authorities for 12 and ten years, included in his editions of 1575 and 1579, respectively, Philippus Nutius (the son of Martinus I Nutius, active in Antwerp from 1564 to 1586) published another reedition of the *Enchiridion* in 1584 in 8° in his own workshop.<sup>51</sup>

#### 4 Posthumous Reeditions Issued in the Late-16th and Early-17th Centuries

Three years after Doctor Navarro's death, in 1589, the prolific Antwerp workshop led by Petrus I Bellerus (the son-in-law of Steelsius, active from 1562 to

46 Blockmans, "The formation of a political union, 1300–1588", 135–137.

47 Antwerp surrendered in August 1585. In English, the event is known as the "Fall of Antwerp", while in Spanish it is called "La Reconquista de Amberes".

48 See the full reference in the bibliography of this chapter.

49 See the full reference in the bibliography of this chapter.

50 Digitised copies of both editions are available on the website of the Bayerische Staatsbibliothek.

51 See the full reference in the bibliography of this chapter. The same year, the *Enchiridion* was also published in Lyon by Rouillé (in 8°) and in Venice by Francesco Ziletti (in 4°).

1600)<sup>52</sup> issued a posthumous edition of the *Enchiridion*, in 8°. <sup>53</sup> For this edition, the local printing privilege granted by the Privy Council had been issued for ten years in favour of the widow of Steelsius (Ertborn, d. 1576) and his heirs. Nevertheless, by 1589, Petrus I Bellerus was already established as an independent printer and successor to his father-in-law's legacy. Even after Bellerus' death in 1600, his widow Johanna Steels<sup>54</sup> still published new reeditions in 1601<sup>55</sup> and 1608.<sup>56</sup>

This last version had been corrected by the Flemish theologian Georgius Colvenerius, also known as Georges Colveniers (1564–1649), active at the University of Douai. The printing privilege for five years was given in Brussels on 20 June 1600; the ecclesiastical authorisation had been signed in April by Laurentius Beyerlinck (1578–1627), a well-known theologian of the Southern Netherlands, and, at that time, book censor and member of Antwerp's cathedral chapter. This edition (corrected by Colveniers) was republished in 1617 by Petrus II and Joannes II Bellerus.<sup>57</sup> The Bellerus or Belleros brothers were publishing and signing their books with both names, Petrus II and Joannes II, from ca. 1615 to 1627.

Finally, Petrus I Bellerus also issued one of the Latin editions of the *Compendium* of Azpilcueta's handbook prepared by the Italian Jesuit Pietro Alagona (1549–1564): *Compendium manualis Navarri* (Antwerp: Petrus I Bellerus, 1591). It was published in a practical 12° format.<sup>58</sup>

52 Also known as Bellère, Beelaert, or Bellero in Spanish. For a recent overview of his activities in connection with the Iberian Peninsula, see Manrique Figueroa, *El libro flamenco para lectores novohispanos*, 103–130; see also the classic study by Wagner, "Flamencos en el comercio del libro en España: Juan Lippeo, mercader de libros y agente de los Bellère de Amberes", 431–498.

53 See the full reference in the bibliography of this chapter.

54 The three daughters of Steelsius and Ertborn married other printers: Johanna married Petrus I Bellerus; Mary married Arnout Coninx; and Magdalene married Bernard Cordier, see: Rouzet, *Dictionnaire des imprimeurs, libraires et éditeurs des xv<sup>e</sup> et xvi<sup>e</sup> siècles dans les limites géographiques de la Belgique actuelle*, 208–209.

55 See the full reference in the bibliography of this chapter.

56 See the full reference in the bibliography of this chapter. In the colophon it is stated that this edition was printed by the workshop of Andreas Bacx (active in Antwerp from ca. 1576 to 1617), on whom Bellerus' heirs regularly relied for the printing of some of their works.

57 See the full reference in the bibliography of this chapter.

58 On Alagona's *Compendium*, see also Orii's contribution in this volume (Chapter 14).

## 5 The International Circulation of Azpilcueta's Antwerp Reeditions

Thanks to the active participation of Azpilcueta in distributing his Antwerp editions (as shown in the abovementioned letter dated 4 September 1574) and given the entrepreneurial spirit of Antwerp publishers, such as Steelsius (and heirs), Nutius, and Plantin (with their well-developed commercial networks to the Iberian Peninsula), the Antwerp editions of Azpilcueta's works—published with or without his consent or supervision—enjoyed international circulation and reception. Consequently, numerous copies of these Flemish editions are to be found across Europe and overseas, as far afield as Asia and the Americas.

The international circulation of Azpilcueta's Antwerp editions can be illustrated by copies documented in colonial Mexico, which circulated among several libraries and which, fortunately, are still preserved in contemporary Mexican repositories. In fact, one of the most fascinating material aspects of these surviving printing copies are their marks of ownership, which allow us to trace transfers and reading practices, thus increasing our knowledge of Azpilcueta's wide reception. Using the Antwerp editions available in New Spain as an example, Table 1 provides an overview of still-surviving copies in Mexican libraries (most of which originally belonged to colonial religious corporations).

## 6 Conclusions

The first of Azpilcueta's Flemish reeditions was issued in Spanish and published from 1555 to 1568 by either Nutius or Steelsius and the latter's widow and heirs. These volumes contributed to Antwerp's reputation as an important 16th-century printing centre for books produced in vernacular languages, such as Spanish; these reeditions were also important for consolidating Azpilcueta's fame as an author of international scope. However, no evidence suggests any form of Azpilcueta's participation in the publication of these editions.

Instead, the first documented contacts between Azpilcueta and the world of the Antwerp printing press were established directly with Plantin by Azpilcueta himself. This shows that, as a self-conscious, consecrated 16th-century *auctoritas*, Azpilcueta realised that if his Latin works were published by the already celebrated *Officina Plantiniana* they would achieve greater recognition among scholarly circles thanks to the quality of the editions and the fame of the printer. Paratexts and correspondence provide details which help us to understand the intentionality and editorial processes pursued by the Ant-

TABLE 1 Surviving Copies of Azpilcueta's Works Published in Antwerp and Acquired by Libraries in New Spain

Title	Publisher and year of publication	Number of surviving copies in Mexican libraries
<i>Apologia libri de redivtibus ecclesiasticis</i>	Christophe Plantin, 1574, 4°	5
<i>Enchiridion sive Manuale confessoriorvm et poenitentivm</i>	Christophe Plantin, 1575, 4°	9
<i>Enchiridion sive Manuale confessoriorvm et poenitentivm</i>	Philippus Nutius, 1584, 8°	1
<i>Manuale de confessores y penitentes</i>	Martin Nucio, 1555, 8°	2
<i>Manual de confessores y penitentes. Reportorio general y muy copioso del Manual de Confessores. Comentario resolutorio de vsuras. Tractado de las rentas de los beneficios ecclesiasticos</i>	Widow & Heirs of Juan Steelsio, 1568, 4°	4 (However, 3 of these surviving copies in Mexican libraries do not have the <i>Manual de confessores</i> part, but only the <i>Reportorio general</i> ; <i>Comentario resolutorio de vsuras</i> ; and <i>Tratado de las rentas de los beneficios ...</i> )

MANRIQUE FIGUEROA, *EL LIBRO FLAMENCO PARA LECTORES NOVOHISPANOS*, 287–288

werp reeditions, which contributed to Azpilcueta's consecration as an author of international stature—at the same time that other presses in France, Italy, and Spain were also bringing out both Latin and vernacular editions of his works.

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# Professional Book Trade Networks and Azpilcueta's *Manual* in 16th-Century Europe

Natalia Maillard Álvarez

## Abstract

The *Manual de Confesores y Penitentes* written by Martín de Azpilcueta was a bestseller during the 16th century, but the work had a complicated editorial history. At that time, the European printing industry was divided among powerful centres, such as Venice or Antwerp, specialised in the production of large quantities of books in classic and modern languages, as well as many smaller centres where the production usually had a more local scope. The trade networks created by book professionals allowed for the distribution of books throughout Europe and beyond, playing a major role in European culture. This chapter aims to shed some light on the role of printers and booksellers concerning the design, manufacture, and distribution of Azpilcueta's *Manual*. It also uses the tools of Social Network Analysis (SNA) to visualise where the *Manual* was produced and what this can show us about the European printing industry.

## Keywords

Booksellers – Publishers – Printers – SNA – 16th century

## 1 Introduction

Azpilcueta's *Manual de Confesores y Penitentes* had an astonishing number of editions and translations in different European countries during the 16th and 17th centuries and has been described as a true bestseller.<sup>1</sup> Moral theology

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1 The *Manual* was mainly aimed at confessors, who could easily find out how to resolve complex cases in its pages. But those in charge of administrating the sacrament of penitence were not the exclusive target of Azpilcueta, since the book “was conceived as reaching different kinds of readers and having different levels of reading”, Bragagnolo, “Managing Legal Knowledge in Early Modern Times”, 193.

treaties started to emerge in the Middle Ages, especially after the 13th century,<sup>2</sup> and grew exponentially during the 16th and 17th centuries. The increasing complexity of everyday life fuelled the demand for this kind of text, in which the experts tried to answer Christians' afflictions.<sup>3</sup> There is no doubt that Azpilcueta knew how to meet the public's needs and desires in a troublesome time for Europeans' consciences. Henri-Jean Martin remarked on the "enormous quantity of religious tracts inspired by what is commonly referred to as the Counter-Reformation", as well as the consequences for printing that the decisions taken at the Council of Trent eventually had.<sup>4</sup> In this context, Azpilcueta's *Manual* was a remarkable example of the pragmatic books circulating on moral theology, an "editorial genre" of great success in the Catholic world.<sup>5</sup>

Nevertheless, as someone once said, "authors do not write books".<sup>6</sup> Instead, it was often the case that different actors in very distant locations contributed to the process of creation and circulation of a book. The *Manual* is a good example of this.<sup>7</sup> Indeed, the communication circuit depicted by Robert Darnton in 1982 situated different agents between the author and the reader, such as publishers, printers, shippers, and booksellers.<sup>8</sup> I believe that printers and booksellers, who were essential intermediaries in the spreading of the written word, played a major role in European culture. The objective of this contribution is to shed some light on the role of those agents in the design, manufacture, and distribution of the *Manual*.

It is important to remember that the editions of the *Manual* changed considerably over time due to several reasons. The text changed following the life and travels of Azpilcueta, who continually worked on it, transforming not only its content but also the language.<sup>9</sup> At the same time, the changing legal frame-

2 Tentler, "The Summa for Confessors as an Instrument of Social Control". According to Tentler, between 1215 and 1520, 12 to 25 *summam*s of casuistry for confessors were published in Europe.

3 Sosa, *El noble atribulado*, 40–51. This author stresses how the development of Catholic moral theology during the early modern period, highly influenced by the legal tradition, deeply impacted politics and society.

4 Martin, *The French Book*, 1–30.

5 Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 187.

6 Stoddard, "Morphology and the Book from an American Perspective". For a reflection on this matter, see Chartier, "Laborers and Voyagers", 53–54.

7 Duve, "Pragmatic Normative Literature and the Production of Normative Knowledge".

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

9 Bragagnolo, "Managing Legal Knowledge in Early Modern Times". The history of the *Manual* is linked to its typographical design, which greatly impacted its readability. Besides this, according to Bragagnolo, "in Azpilcueta's works, each self-translation produced another version, another 'original' of the text, which was connected to the different political and cultural contexts of the author's life (in Portugal, Spain and Rome)", 199.

work of the epoch and the evolution of the book market were both factors that had a major impact on the *Manual*, as will be discussed.

## 2 The History of a Book and Its Publishers

Azpilcueta's *Manual* was first printed in 1549 in Coimbra, where the author lived at the time.<sup>10</sup> This first edition consisted of a text written in Portuguese by an anonymous Franciscan friar, together with some paratexts that explained Azpilcueta's role. The work was printed using mainly gothic characters.<sup>11</sup> Different parts of the *princeps* edition show evidence of the publication process and the people that might have been involved in it. Right after the front page, we find two short texts written by Azpilcueta in Spanish: a letter addressed to the reader ("al lector") and an explanation of some doubtful passages of the book ("Declaración de algunos passos dubdosos"). In the letter to the reader, Azpilcueta confirms that the *Infante Cardeal*, Dom Henrique, main inquisitor of Portugal, ordered him to review the work before it was sent to the press; but he also confessed that someone paid for the editing work after Dom Henrique's request.<sup>12</sup> Although Azpilcueta does not reveal the name of his sponsor, it might have been the same Henrique, who also financed the editing of other confessors' books.<sup>13</sup>

In this first edition, the name of the printers, João da Barreira and João Álvares, are given in a colophon at the end of the book. They were also responsible for the second and third editions of the *Manual*, in 1552 and 1553. This was not the first time that they worked for Azpilcueta. Besides the *Manual*, together, Barreira and Álvares printed at least ten editions of different Azpil-

10 This chapter uses only those editions printed between 1549 and 1586 (the year of Azpilcueta's death). To collect the 75 editions of the *Manual* and 14 *Compendia* published during the lifetime of Azpilcueta, I used the catalogue prepared by Manuela Bragagnolo. Other online bibliographical sources referred to in this chapter are: Catálogo Colectivo del Patrimonio Español [CCPB] (<http://catalogos.mec.es/CCPB/cgi-ccpb/abnetopac/O12281/ID59226220?ACC=101>); Iberian Book Project [IB] (<https://iberian.ucd.ie>); and Edizioni Italiane del XVI Secolo [Editu6] (<https://editu6.iccu.sbn.it/web/edit-16>).

11 In this first edition, only the title on the front page and the colophon are printed using Roman characters. Although Roman characters were used by Portuguese printers at least since the 1530s, they were not the main choice until the second half of the century. Curralo, "Os primórdios da tipografia em Portugal".

12 "Porque a quien la costa de la impresión ha hecho, se lo ofrecí, quando le pedí por merced, que por el bien público la hiziesse".

13 Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 201.

cueta's books between 1542 and 1551, in both Latin and Spanish.<sup>14</sup> Between 1555 and 1576, Barreira published another five works.<sup>15</sup> In some cases, we know that these books were printed for Spanish readers, not only because they were written in Spanish, but also because the price was given using Castilian currency.<sup>16</sup>

This choice of printers was not accidental. Barreira and Álvares have been described as “the most prolific and the most resilient” Portuguese 16th-century printers.<sup>17</sup> After a short period working independently in Lisbon, they moved to Coimbra, where they worked together since 1542, at least, while keeping their connections with Lisbon. Both men received the title of Royal Printers before they officially became printers of the University of Coimbra, which happened between 1546 and 1548. They maintained close contact with the archbishop of Coimbra too, and Barreira also had a workshop in Braga.<sup>18</sup> As the University's printers, their business and revenues were ensured, particularly since, according to Celeste Pedro, their biggest clients were the University's professors, including Azpilcueta.<sup>19</sup>

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- 14 *In tres de poenitentia distinctiones posteriores commentarii* (1542); *Praelectiones in cap. si quando. et cap. cum contingat. de rescript. in causa propria cantoriae Conimbricensis axiomata discutientes* (1543); *Comentario en romance a manera de repeticion latina y scholastica de juristas sobre el capítulo inter-verba XI.q.III* (1543 and 1544); *Comento en romance a manera de repeticion latina y scholastica de juristas, sobre el capítulo quando de consecratione dist. Prima* (1545 and 1550); *Relectio sive iterata praelectio non modo tenebrosi sed et tenebrosi, c. accepta. de restit. spoliat.* (1547); *Relectio in Levitico sub cap. Quis aliquando de poenit. dist. I* (1550); *Relectio cap. ita quorundam de iudaeis in qua de rebus ad sarracenos deferri prohibitis et censuris* (1550); *Addicion de la repeticion del cap. quando, de consecratione dist. I* (1551).
- 15 *Comentario en romance a manera de repeticion latina y scholastica de juristas sobre el capítulo, quando de consecratione dist. Prima* (1555); *Comentario resolutorio do onzenas, sobre ho capitulo primeyro da questã iiii da xiiii causa* (1560); *Libro de la oracion, horas canonicas, y otros officios, divinos* (1561); *Tractado de las rentas de los beneficios ecclesiasticos para saber en que se han de gastar* (1567); *Relectiones in capit. si quando. et in cap. cum contingat. de rescriptis* (1576).
- 16 *The Comento o repeticion del capitulo quando de consecratione distin. I* (Barreira & Álvares, 1550) cost 100 maravedis or one teston, while the *Libro de la oracion, horas canonicas, y otros officios, divinos* (Barreira, 1561) was sold for 140 maravedis.
- 17 Pedro, *Sixteenth-Century Print Culture in the Kingdom of Portugal*.
- 18 Deslandes, *Documentos para a história da tipografia portuguesa nos séculos XVI e XVII*, 57. According to Antonio Anselmo, Barreira, who printed at least 100 works, might be related to the Spanish printers Juan de la Barrera, from Seville, and Andrés Barrera, from Cordoba, although I did not find any solid evidence of this, besides the fact that Barreira printed several books in Spanish. Anselmo, *Bibliografía das obras impressas em Portugal no século XVI*, 33.
- 19 Pedro, *Sixteenth-Century Print Culture in the Kingdom of Portugal*, 32.

The front page of the second edition, published in Coimbra in 1552, is more elegant than the previous one and includes printed decorations surrounding the text. The reader could find information about the price of the book (160 reais for a paper binding) and the words “Com privilegio” (With privilege) at the bottom of the page. The paratexts had also changed. As already mentioned, the 1552 edition contains a dedication to the *Cardeal Infante*. Thanks to this, we can confirm that the *Cardenal* commissioned Azpilcueta to review the original book in 1547. In the new letter to the reader, Azpilcueta declares that the first edition ran 2,000 copies, which sold out in less than two years. These are amazing numbers; an average edition in the 16th century usually ran 1,000 to 1,500 copies,<sup>20</sup> and could take several years (or decades) to sell out. As we will see through later testimonies, Dr Navarro, as Azpilcueta is also known, used to provide free or lower-priced copies to colleagues, students, and poor priests, but, in any case, to distribute such a large quantity of books in only two years was a remarkable achievement. In the early modern period, printers often worked as booksellers, so it is likely that a part of the edition was sold by Barreira and Álvares themselves, who could benefit from their positions as University printers. It was common for institutions during the early modern period to appoint official printers, who ensured the production of books and other printed material for them. These printers would benefit from more steady orders and the quality of their production was endorsed by the institution.<sup>21</sup>

A third edition, entirely written in Spanish, was published in 1553 in Coimbra, again by Barreira and Álvares, who were labelled in the colophon as royal printers (*Regi Typographi*). Some selling information is given on the front page (“véndese en Coimbra a medio ducado en papel”: half a ducat for a paper copy). Considering that a Portuguese real is equivalent to a Castilian maravedi (equalling one ducat 375 maravedis), we find that the Spanish edition was slightly more expensive than the Portuguese one. It is also interesting to notice that in the first three Portuguese editions, the name of the printers is given in the colophon and not on the front page, as would be the norm in the following editions. Printers and booksellers stamped their names (and sometimes their addresses) in the front pages as a marketing strategy. That the names of the first printers of the *Manual* only appear at the end of the text might indicate a minor role of Barreira and Álvares in the financing of the editions.<sup>22</sup>

20 Even a printer as powerful as Christophe Plantin generally produced 1,250 to 1,500 copies of each book at a time. Febvre and Martin, *La aparición del libro*, 253–254.

21 Pedraza, “Huesca como nodo en la elaboración y circulación del libro a través de un documento excepcional”, 19–20.

22 The front page appeared during the 15th century as a consequence of the development

The early interest generated by the *Manual* is proven by the number of editions that appeared soon after. In different Spanish and foreign cities, several printers took the initiative to produce copies of the 1553 Coimbra edition, the one written entirely in Spanish. In as little as the next two years, there were new editions in Toledo (1554), Medina del Campo (1554 and 1555), Zaragoza (1555), and Antwerp (1555).<sup>23</sup> In all these cases, printers and booksellers were likely the financiers of the work. Taking advantage of the fragmented legal framework for book production in Europe, and the existence of wide commercial networks, these printers were eager to share part of the *Manual's* success. Let us first focus on the two editions printed in Castile, since one of them gave rise to a lawsuit between the author and the publisher that might help us understand the function of the printing industry and book market in early modern Iberia, especially in the difficult moments marked by the transition between the reigns of Charles V and Philip II.<sup>24</sup>

On 2 August 1554, Juan Ferrer, a printer from Toledo, finished his edition of the *Manual* in 8°.<sup>25</sup> That same year, Guillermo de Millis printed another edition, this time in 4° format, which was financed by Juan María de Terranova and Jácome Liarcari. The editions of these three foreign book professionals, established in Medina del Campo, were more refined than the 1553 copy, posing a threat to Azpilcueta's intention to write a new and extended version of the *Manual*. By the end of that same year, Azpilcueta filed a lawsuit against Terranova. He claimed to have a privilege for printing and selling the book for ten years, granted by the Crown of Castile in March 1554,<sup>26</sup> and

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and spread of the printing press, as an instrument for the storage, identification, and marketing of incunabula. Gonzalo Sánchez-Molero, "Los orígenes de la portada: un laberinto editorial con una salida inesperada", 129.

- 23 There may be another edition printed in Valladolid in 1555 by an unknown printer, although we could not confirm this by checking a copy. Marsá Vilá, *Materiales para una historia de la imprenta en Valladolid*, no. 316. Furthermore, the *Constitutions* of the bishopric of Calahorra (North Spain), published by an unknown printer in Lyon in 1555, includes chapter 27 of the *Manual*, following the bishop's order: <https://dbe.rah.es/biografias/16678/juan-bernal-diaz-de-luco>.
- 24 This chapter does not analyse the implications of this lawsuit on the construction of authorship since this topic is studied in the contribution by Bragagnolo in this volume (Chapter 2).
- 25 Juan Ferrer worked in Toledo between 1547 and 1560 printing very different kinds of books, such as the *Hystoria o Descripción de la Imperial Cibdad de Toledo*. Delgado, *Diccionario*, I, 234.
- 26 The privilege was granted on 29 March 1554 to print and sell "un tractado de consciencia yntitulado manual de confesores" in Spanish. Pérez García, *La imprenta y la literatura espiritual castellana*, 372 [n. 151]. This was not the first time that Azpilcueta used this kind

accused the publisher and printer of acting against it. This was not the first time that Millis was accused of printing without holding the privilege for a book; indeed, he had already been processed for the same reason a few years earlier.<sup>27</sup>

Printing privileges appeared for the first time in Italy in the 15th century. We need to bear in mind that they were commercial instruments, aimed at controlling or avoiding competitors, not at protecting authors' rights.<sup>28</sup> For this reason, privileges were not always granted to the authors, but to publishers, booksellers, or even institutions. In Spain, the first privileges were granted in the 1480s.<sup>29</sup> At the beginning of the 16th century, the Spanish monarchs usually granted printing privileges to wealthy and loyal printers in cities, such as Seville or Alcalá de Henares, as a way to control and promote the production of certain books. But the weakness of the Spanish printing industry, and the arrival of Italian and French publishing firms that imported a large number of books into the Peninsula, put an end to that strategy. By 1525, the early protectionist policy was abandoned, and the European firms were free to send their agents to and sell their products in the Spanish market.<sup>30</sup> This situation strengthened the position of Medina del Campo as a fundamental axis in the Iberian book trade, since many European firms opened their bookstores and sent their agents there. After 1540, Medina del Campo would surpass Seville as the main distribution centre for books in Spain, especially books coming from European towns, such as Lyon, Paris, or Venice.<sup>31</sup>

At the same time, the book control and censorship system evolved and was perfected during the 16th century. In 1554, the Council of Castile enacted an ordinance to centralise licensing books, and in 1558 a new law required a royal licence, not only to print books within Castile, but also to import Spanish books

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of legal instrument to protect his works in Castile: on 19 February 1553 he was granted a privilege for printing and selling some books on Canon Law. Pérez García, *La imprenta y la literatura espiritual castellana*, 361 [n. 85]. Information about privileges granted by different authorities for the publication of the *Manual* can be found in Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 229–231, and more in-depth in her contribution in this volume (Chapter 2).

27 Delgado, *Diccionario*, 1, 461.

28 Squassina and Ottone, *Privilegi librari nell'Italia del Rinascimento*.

29 Reyes Gómez, *El libro en España y América. Legislación y censura*, 24–40. A peculiarity of Castilian printing privileges until 1558 is that they included the price of the book (known as *tasa*).

30 Gonzalo Sánchez-Molero, "Los impresores ante el Consejo Real: el problema de la licencia y el privilegio (1502–1540)", 119–184.

31 *Libros y Ferias. El primer comercio del libro impreso*. See also Rojo Vega, "El negocio del libro en Medina del Campo".



from abroad.<sup>32</sup> Furthermore, the Inquisition started to publish its Index of forbidden books in 1551.<sup>33</sup> This intersection between evolving legislation and a changing market is where we might understand Azpilcueta's lawsuit against Millis and Terranova.<sup>34</sup>

Let us begin with the printer, Guillermo de Millis, who was the first member of the Millis family established in Spain.<sup>35</sup> This family were from Trino (Piedmont), a commercial hub situated in the routes linking France and Italy.<sup>36</sup> The Millis family first established in Lyon, and from there they extended their networks towards Spain. Millis was settled in Medina del Campo since 1529, at least, when Alejandro de Canova transferred his bookstore to him.<sup>37</sup> In Medina del Campo, he acted as an agent for Vincent de Portonariis, from Lyon,<sup>38</sup> providing books to the Booksellers Company (*Compañía de Libreros*) in Salamanca.<sup>39</sup> It was not until 1551 that he started to print books.<sup>40</sup> According to Juan Delgado, Millis had only a minor impact as a printer, especially compared with his role as a book merchant and publisher in different Spanish cities.<sup>41</sup> But in this case, he actually worked as a printer for the *Manual*, as indicated in the colophon ("Fue impressa la presente obra en Medina del Campo, en casa de Guillermo de Millis, tras la iglesia mayor. Año 1554"). Despite this, the printer's device on the front page and in the colophon resembles more the one used by Terranova, the publisher, who seems to be the real promoter of the edition. A careful reading of the archival documents allows us to discover other people involved in the production of the book. In the house of the Millis, for instance, the officers found two young workers ("mozos")

32 Reyes Gómez, *El libro en España*, I, 185–206. On the licence system in Castile, see Bouza, 'Dásele licencia y privilegio'. *Don Quijote y la aprobación de libros en el siglo de Oro*.

33 Martínez de Bujanda, *El Índice de libros prohibidos y expurgados*, 14–22.

34 The documents regarding the lawsuit can be found in García Oro and Portela Silva, *La Monarquía y los Libros en el Siglo de Oro*, 231–242; and in Archivo de la Real Chancillería de Valladolid (ARCV), Registro de Ejecutorias, Caja 894–41.

35 Delgado, *Diccionario*, I, 459–461.

36 Besides Millis and, as will be discussed, Portonariis, some relevant Italian printers were born in Trino, such as Gabriele Giolito de Ferrari, established in Venice. Balboni (ed.), *Trino e l'arte tipografica nel XVI secolo*.

37 Alejandro de Cánova was the first merchant to open a permanent bookstore in the Castilian city. Mano, *Mercaderes e impresores de libros en la Salamanca del siglo XVI*, 87.

38 Morisse, "El comercio de libros de Lyon en Castilla en el Siglo XVI. El caso de Medina del Campo", 59.

39 Mano, *Mercaderes e impresores de libros en la Salamanca del siglo XVI*, 176–179.

40 Bécares Botas, *Guía documental del mundo del libro salmantino*, 186–187. See also, Ruiz Fidalgo, *La imprenta en Salamanca*, 73–75.

41 He published books in Medina del Campo, Salamanca, Valladolid, and Estella.

printing the book. Their names, Benito Clave and Juan Xaques, suggest they were foreigners, probably from France or the Low Countries. Their presence is indicative of the relevance of immigrant workers in 16th-century Spanish presses.<sup>42</sup> Other two quite unknown Spanish printers, Delgado, mentioned above, and Diego de Nájera, were involved in the production of the book, but it is not clear if they worked at the Millis printing office or if Millis was sub-letting someone else's workshop in order to speed up the production of the book.<sup>43</sup>

Terranova was also Italian, from Florence, and he arrived in Spain as an agent of the Giunti family.<sup>44</sup> He lived in Medina del Campo and Salamanca, working as a book merchant, a publisher, and, from 1556 onwards, a printer. Jácome de Liarcari, from Mantua, also arrived in Spain as an agent of the Giunti's, and from 1548, at least, formed a company with Terranova for publishing and selling books.<sup>45</sup> It is interesting to highlight that the first book edited by Terranova and Liarcari was produced not in Spain, but in Lyon, by Godefroy and Marcelin Berigen.<sup>46</sup> They would later commission at least one other edition from the same printers.

As previously stated, in 1554, Azpilcueta sued Terranova and Millis for printing and selling the *Manual* after receiving a notification of his privilege. According to the lawsuit, they had sold more than 1,500 copies of the book for half a ducat each (5.5 reales), the same price announced on the front page of the 1553 Coimbra edition, although Azpilcueta accused them of selling some books for

42 In 1575, we can find in Pamplona a bookseller called Juan Jacques. Ostalaza, *Impresores y librerías en Navarra*, 37. As Clive Griffin has stated, Spain offered journeymen-printers, especially from France and Flanders, a less regulated and competitive job market, together with higher salaries, making it so attractive that even some Protestant printers chose to work in Spain, risking falling into the hands of the Inquisition, as sometimes happened. Griffin, *Oficiales de imprenta, herejía e Inquisición*, 113–133.

43 In 1557, a printer called Juan Delgado made his will in Seville. He seems to be an itinerant printer and his parents were from Medina del Campo, so it is likely that they were the same person (AHPSe, Leg. 9847. fol. 1424<sup>v</sup>–1426<sup>v</sup>). Also, a printer called Juan Delgado printed a book in Salamanca in 1582 (Delgado, *Diccionario*, I, 179–180). Furthermore, the printer Nájera is associated with only one work, printed in Alcalá de Henares in 1564 (Delgado, *Diccionario*, II, 482).

44 Delgado, *Diccionario*, II, 670. On the Spanish branch of the Giunti, see Pettas, *A History and Bibliography of the Giunti (Junta) printing family in Spain*.

45 Bécares Botas, *Guía documental del mundo del libro salmantino*, 164; Delgado, *Diccionario*, I, 384–385.

46 *Commentaria vtilissima, insignisque Repetitio Rubricae & Capituli, per vestras ...*, Juan López de Palacios Rubios (Lyon: Godefridus & Marcellus Beringi, 1551), CCPB000232273–0.

seven or eight reales.<sup>47</sup> This data confirms the high demand in the Spanish market for the *Manual* again. Finally, the court ruled that Terranova could sell only those books that were already printed before he was notified of Azpilcueta's privilege, which upheld its validity. To avoid further problems, Dr Navarro was granted a new privilege in May 1555.<sup>48</sup>

This leads us to a relevant question that arises during the reading of the lawsuit: why did Azpilcueta sue Terranova and Millis, while not lodging a complaint against Ferrer? It is difficult to answer. Nevertheless, the scale of the business seems to be a key factor here. While Ferrer was a rather modest printer in a secondary printing centre, Toledo,<sup>49</sup> Terranova and Millis were part of the international networks that moved books on a large scale throughout Europe. At the same time, Medina del Campo was the centre for importation and redistribution of European books in the Iberian kingdoms and the Americas.<sup>50</sup> But in case any doubt existed, Azpilcueta stated that the "sins" of Ferrer could not be used as an excuse by Terranova and asserted his right to sue only one of the offenders, although he complained about both of them.<sup>51</sup>

This lawsuit also reveals that the tentacles of European publishing firms were spread throughout the entire Peninsula, connecting different markets. At the same time, it seems that Azpilcueta was disappointed by the business style of these powerful book merchants and printers.<sup>52</sup> He affirmed that one

47 García Oro and Portela Silva, *La Monarquía y los libros*, 238.

48 Pérez García, *La imprenta y la literatura espiritual castellana*, 384 [n. 82].

49 Pérez Pastor, *La imprenta en Toledo*.

50 Rojo Vega, "Los grandes libreros españoles y América".

51 "Porque el pecado del ympresor de Toledo no escusaba el de la parte contraria que sin color de derecho alguno alegaba su escusación, y vien podía el dicho su parte quexarse de la parte contraria syn quexarse de otro aunque entendía de quexarse de todos los que an desacatado al dicho privilegio ..." (García Oro and Portela Silva, *La Monarquía y los libros*, 237).

52 This might be a general complaint among Spanish intellectuals since we have other testimonies linking foreign wholesale booksellers in Medina del Campo with a rise in book prices, such as that of Alvar Gómez, who wrote a letter to the Inquisition headquarters to express his concern about foreign booksellers: "... over the last few years, four or five foreigners who bring and sell a great amount of books in this kingdom have increased the price of these books to half as much again, and sometimes much more than half; that, in short, they sell the books which they bring to the kingdom for as much as they like, with no sense of measure [...]. It is, in consequence, just and imperative that the appalling tyranny of the foreign booksellers over our citizens comes to an end, because these sellers go away laughing with great quantities of our money while our citizens remain, crying, with their wealth diminished and books that are often suspicious and of bad doctrine". Archivo Histórico Nacional (AHN), Inquisición, Leg. 4435, no. 5. Azpilcueta preferred to entrust his books to the merchant Pedro de Salazar, his agent for buying books in Salamanca. For

of the reasons for requesting the privilege was to produce the work at his own expense (“a su costa”), so he could keep giving free or lower-priced copies to patrons, friends, students, poor priests, and the like (“a sus señores y amigos y oyentes y otros muchos probes clérigos, religiosos y estudiantes”).<sup>53</sup> On the same grounds, he refused to sell the book to those booksellers in Salamanca and Coimbra who were begging him, “money in hands” (“le rogaban con el dinero en la mano”). Indeed, Azpilcueta was convinced that the *Manual* was printed in Medina del Campo precisely because he had declined to sell it in Coimbra to two of Terranova’s “friends” who intended to bring it to Seville, probably to send to America. The names of Terranova’s friends are not given in the lawsuit, but we know that Terranova had contacts in both Portugal and Seville from an early period, acting as a connector between the two markets.<sup>54</sup> We also know that Terranova and his partner Liarcari signed a contract in 1555 with Leonel and Manoel Suero, merchants from Coimbra, who promised to bring them books from Lyon.<sup>55</sup>

In 1555, while Azpilcueta was working on a new and more complete version of the *Manual*, two new editions appeared outside Castile, likely without his authorisation: one in Zaragoza (kingdom of Aragon) and the other in Antwerp. We need to remember that the legislation regarding books (and any other aspect of life) was different in each of the territories ruled by the Spanish monarchs. The lack of common legislation regarding book privileges and licences facilitated the publication of copies made without the author’s control. Production outside Portugal and Castile posed a new threat to Azpilcueta’s desire for close supervision over the production and distribution of the book that the above lawsuit reveals.

Pedro Bernuz printed the edition made in Zaragoza. Bernuz was the second most remarkable printer in the kingdom of Aragon during the 16th century.<sup>56</sup>

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example, in 1558, Salazar bought him 463 books from some booksellers in that city. See García Oro and Portela Silva, *La Monarquía y los libros*, 294–295.

- 53 According to Fernando Bouza, it was common among priests to try to set the highest possible prices for their works, but Azpilcueta’s intention seems just the opposite. Bouza, “Costeadores de impresiones”, 33.
- 54 For instance, in 1550, the Sevillian bookseller Alonso Gómez authorised Terranova and Pedro de Rivadeneira, who was in Lisbon, to collect some debts in the city (Archivo Histórico Provincial de Sevilla- AHPSe, leg. 5886, f. 10).
- 55 The books did not arrive, so Terranova sued Suero in an attempt to recover his money. Pizarro Riñón, “El comercio de libros entre Medina del Campo y Lyon”.
- 56 San Vicente, *Apuntes sobre libreros, impresores y libros localizados en Zaragoza*, II, 26–51; Pedraza Gracia, “La imprenta zaragozana del impresor Pedro Bernuz”. Abizanda y Broto, *Documentos para la historia artística y literaria de Aragón*, I, 313–314.

He started as a public notary in Zaragoza, where he married, in 1533, Isabel Rodríguez, widow of a German printer and, more significantly, the niece of the printer Jorge Coci. In 1540, Bernuz purchased half of Coci's printing press and started his career as a printer. Until his death in 1572, he printed several official works for the kingdom of Aragon, such as a collection of laws in 1552.<sup>57</sup> In 1560, Bernuz printed another of Azpilcueta's works previously published in Coimbra, the *Commento o repetición del capítulo Quando*, and, again, there is no evidence of privilege or licence.<sup>58</sup>

Martin Nutius was the printer responsible for the Antwerp 1555 copy, and he claimed to have an imperial privilege on the front page (*con privilegio imperial*).<sup>59</sup> Nutius produced all sorts of books aimed at Spanish readers<sup>60</sup> and, in 1544, he was granted a privilege by Charles v to print some Spanish books.<sup>61</sup> Nevertheless, in the 1555 Antwerp edition, the only mention of the privilege is the one given on the front page.<sup>62</sup>

After the unfortunate experience of the 1554 and 1555 editions and the accompanying increasing lack of control, Azpilcueta deployed a threefold strategy: first, he finalised a new version of the *Manual* that changed and augmented substantial parts of the book.<sup>63</sup> Second, he requested printing privileges for different kingdoms (Castile, Aragon, and Portugal, together with the Papal privilege).<sup>64</sup> Third, he chose a prominent printer, Andrea de Portonariis, to produce

57 *Fororum legum & obseruantiarum consuetudinis scripte inclite regni Aragonum ex codicis antiquis ....* More information in San Vicente, *Apuntes sobre libreros, impresores y libros localizados en Zaragoza*, II, 26–51.

58 In this case, the edition was funded by the bookseller Miguel de Suelves from Zaragoza.

59 A detailed analysis of the Flemish editions of the *Manual* can be found in César Manrique Figueroa's contribution to this volume (Chapter 3).

60 Peeters Fontainas, *L'Officine Espagnole de Martin Nutius à Anvers*. See also, Díaz-Mas, "El impresor Martín Nucio, el *Cancionero de Romances de 1550* y los lectores españoles de Amberes".

61 This privilege is reproduced in the book *Una década de Césares*, by Antonio de Guevara, published in Antwerp in 1544.

62 Alfredo Rodríguez suggested that the printing privilege claimed by Martin Nutius on the front page of his 1554 edition of *El Lazarillo* was indeed fake, but we cannot confirm nor deny this claim regarding the *Manual*. López-Vázquez, "Problemas del *Lazarillo*".

63 In this new version, Azpilcueta not only updated the main text, but he also added five comments about canon law and a repertory. From now on, these different parts of the book could be printed or bound separately. The modifications made by Azpilcueta over time, in the text and the different sections, are analysed in Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 226–228 and 232–233.

64 The privileges granted by different authorities can also be found in Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 229–231.

the *Manual* in Salamanca in 1556, and he worked closely with him to control the production process. Portonariis contributed not only to the embellishment of the book,<sup>65</sup> but also to its diffusion, since he offered direct access to well-functioning trade networks running from Europe to the Americas.

Portonariis' profile was quite different to that of Barreira and Álvares', the first printers selected by Azpilcueta. The Portonariis' were, indeed, one of the most relevant families in the publishing industry in Italy, France, and Spain. The importance and trajectory of the Portonariis' in European book history has been partially overshadowed by other relevant publishing firms, such as the Giunti or the Plantinus-Moretus. Nevertheless, their contribution to the development of European culture should not be underestimated.<sup>66</sup> Like the Millis family, the Portonariis' were originally from Trino. Vincent de Portonariis settled in Lyon at the end of the 15th century and sent his brother, Domingo, as his agent to Spain. Later, his nephews, just like Andrea, would follow Domingo's steps.<sup>67</sup>

Andrea de Portonariis first arrived in Medina del Campo, but in 1547 he moved to Salamanca, where he would marry Beatriz Maldonado, the widow of another book merchant.<sup>68</sup> By the second half of the 16th century, Salamanca had become the major printing centre in the Iberian Peninsula. Production in Salamanca was highly influenced by the university. The professors produced books that fuelled the printing workshops and, together with the students, generated a high demand for books. In Medina and Salamanca, Portonariis acted on behalf of his uncle until 1552, when he created his own firm, although, as usual, it was connected to the other family members. The first known book

65 The privilege granted in 1554 specified that the book should be printed using a Roman font, a quite uncommon feature, only included in a few of the Castilian privileges granted that year. See Pérez García, *La imprenta y la literatura espiritual castellana*, 372.

66 We still lack a comprehensive study about this family that reflects their importance in the European book world. For an overview, see Misiti, "Una porta aperta sull'Europa: i de Portonariis tra Trino, Venezia e Lione". On the Spanish branch of the family, see Bécares Botas, "Le testament de Gaspard de Portonariis (1591)"; and Maillard Álvarez, "Pedro de Portonariis y las redes internacionales del libro en Sevilla". We can also find information about them in Baudrier, *Bibliographie Lyonnaise*; Ruiz Fidalgo, *La imprenta en Salamanca*; and Bécares Botas, *Guía documental del mundo del libro salmantino del siglo XVI*.

67 Ruiz Fidalgo, *La imprenta en Salamanca*, 65–73.

68 The Portonariis family tree can be found in Ruiz Fidalgo, *La imprenta en Salamanca*, 66. Beatriz de Maldonado was also the daughter of a bookseller in Salamanca and sister of Brígida Maldonado, married to the Sevillian printer Juan Cromberger. On the role of the Maldonado women and the marriage strategies as a way of connecting markets, see Maillard and Cachero, "Knitting Ties in Global Trade Networks".

printed by Portonariis was the *Aurea frugifera commentaria*, which was published in 1547. Until his death (ca. 1568), he printed more than 180 books, making him the most productive printer in Salamanca during the 16th century. Until 1564, he was also the printer/bookseller who requested the most licences and privileges from the Castilian Royal Council.<sup>69</sup> According to Ruiz Fidalgo, Portonariis renovated the Salamanca printing industry, making the use of Gothic fonts almost disappear, and creating an “*officina literaria*” where he employed two Flemish scholars to correct the texts.<sup>70</sup> He frequently published the works of professors from the University of Salamanca, which made him a perfect choice for Azpilcueta. In addition, Portonariis printed the *Siete Partidas* in 1555, the most relevant Castilian legal text, with commentaries by Salamanca professor Gregorio López. This specific edition (for which he was granted a 20-year privilege) gained him the title of “Royal Printer” (*Tipógrafo Real*). Therefore, for the second time, Azpilcueta chose a printer with strong institutional connections.

At the same time, as already mentioned, those authors trusting Portonariis as their printer benefited from the extensive business network deployed by him. Portonariis not only printed books in Salamanca, but he also received large quantities of books from Lyon.<sup>71</sup> Through various associates, he was present in different Iberian markets, such as Valladolid,<sup>72</sup> Oviedo,<sup>73</sup> and Seville, where he sent his own brother as an agent in 1560.<sup>74</sup> Seville was, in fact, the gateway to the American markets, and Portonariis took advantage of this. He founded a company with Diego de San Román, one of the most powerful merchants in Mexico City, who sent money to him at the *Casa de la Contratación* in Seville on several occasions.<sup>75</sup>

69 Pérez García, *La imprenta y la literatura espiritual castellana*, 383, 388, 398, 399, 400.

70 Andrea de Portonariis had at least five or six presses with 15 or 20 workers. Ruiz Fidalgo, *La imprenta en Salamanca*, 68–73.

71 Bataillon, *Erasmus y España*, 503.

72 In 1550, Pedro de Corcuera, a bookseller from Valladolid, owed him 5,500 maravedis for half a bale of books (AHPsa, Leg. 3650, f. 202).

73 In 1552, he empowered his servant, Jacques Boyer, to sign printing contracts for liturgical books in Oviedo (Archivo Histórico Provincial de Salamanca -AHPsa-, Leg. 4073, f. 127).

74 Maillard Álvarez, “Pedro de Portonariis y las redes internacionales del libro en Sevilla”. Once his brother left the city after some unsuccessful businesses, Andrea de Portonariis maintained his interests there through other agents.

75 Maillard Álvarez, “Pedro de Portonariis y las redes internacionales del libro en Sevilla”, 168. Still, in 1588, Andrea de Portonariis’s son, Domingo, demanded the payment in Seville of 39,108 maravedis owed to his father by the king after the seizure of the money that arrived for merchants in the Indian fleet in an unspecified year. The total amount of money seized from him was 66,508 maravedis (AHPsa, Leg. 4243, f. 176).

In any case, it seems that the expertise provided by Portonariis was not enough for Azpilcueta, who wanted to supervise the printer's work so closely that he spent almost a year living in his house while rewriting and composing it. In an *Apology* written by Azpilcueta after 1566, he explained in more detail the history of the publication:

... al regresar desde Coimbra en Portugal, a Castilla ... Luego dispuso el supremo Consejo Real que imprimiese en Castilla el aludido *Manual* y permanecí casi un año entero recluso en casa del impresor, revisándolo, aumentándolo y componiendo cinco comentarios aclaratorios que dediqué al Príncipe Carlos.<sup>76</sup>

Nevertheless, it is difficult to figure out how the agreement between the author and the printer was made. Portonariis published two editions of the *Manual*, in 1556 and 1557, but no related contract can be found in the Salamanca notary archive. Therefore, we do not know whether Portonariis acted as the publisher of the work, financing the edition, or just as its printer. We also do not know whether Azpilcueta received any payment in money or in books for his work. It is important to remember that contracts were not always signed. Indeed, despite the relevance of the printing industry in Salamanca, only a few contracts have been preserved in the notary records archive. In a recent article about the topic, Francisco Javier Lorenzo found less than 60 contracts from the 16th century (most of them signed in the second half). Almost two-thirds of them (37) were signed by foreigner printers. Portonariis was responsible for seven of these contracts, most of them regarding liturgical works.<sup>77</sup> Interestingly, we do have another contract signed by Portonariis in 1565 with another of the most relevant Spanish religious writers of Azpilcueta's generation, the Dominican Louis of Granada, who also happened to live in Portugal. Granada had gained the royal licences and privileges for Castile and Aragon for ten years to print the new version of his *Libro de la Oración y meditación*, previously published by Portonariis in 1554.<sup>78</sup> According to the contract, Portonariis would pay for the edition and the author would receive 700 ducats to be paid over seven years (100 per year) once the book was finished and corrected. Portonariis would also deliver to the author 40 volumes of the first edition and 12 of the following ones. An interesting clause of the agreement established that if the book were to be

76 Azpilcueta, *Comentario resolutorio de cambios*, LII.

77 Lorenzo Pinar, "Contratos de impresión".

78 The book was included in the 1559 Index of forbidden books, so the author had to include major changes to reprint it. Martínez de Bujanda, *El Índice de libros prohibidos*, 609.



forbidden by the Inquisition, the contract would be cancelled, and the author would pay part of the editing management.<sup>79</sup>

Despite Azpilcueta's efforts, it was not easy to restrain printers and booksellers, who were always eager to find a new bestseller to feed the European public. In 1557, another edition came to light in Antwerp, this time printed by Jean Steelsius. According to the title on the front page, this edition follows the 1556 one from Salamanca; however, the design of the cover is suspiciously similar to the one printed two years before by Nutius. Steelsius claimed to have a royal privilege ("con Priuilegio Real"), but we may once more doubt the authenticity of this privilege.<sup>80</sup>

In contrast, we can be quite sure about the participation of Azpilcueta in the 1560 Coimbra edition in Portuguese, once again produced by his loyal printer Barreira. This time, the name of the printer was stamped in the front page and the colophon. The book included the privileges for Castile, Aragon, and, of course, Portugal, where Azpilcueta acquired the privilege that no one could print, sell, or even import the book without his consent.

In short, by 1560, the availability of the different versions of the *Manual* among the Iberian public was guaranteed by a series of editions printed in Portugal, Spain, and the Low Countries (that were, at that time, part of the Hispanic Monarchy), with or without the consent of the author, who actively tried to control them with differing results. In 1561, for instance, Pedro de Portonariis (Andrea's brother and his agent in Seville), together with the Sevillian bookseller Miguel Jerónimo, signed a contract to bring more than 1,000 volumes to the Sevillian merchant Diego de Niebla, among which we can find twelve "*Sumas de Navarro*" bound in parchment, costing 510 maravedis each. The books were probably destined for the American market, since Niebla asked the booksellers to provide him with the mandatory inquisitorial licence to transport the books outside Seville.<sup>81</sup> As Pedro Rueda Ramírez states in this volume, the *Manual* might appear in the sources as *Manual de Navarro* or *Suma de Navarro*. Printers and booksellers during the early modern period frequently described book titles in short form.<sup>82</sup> Another "*Suma de*

79 AHPsA, Leg. 3876, f.5.

80 Even the words "Con Priuilegio Real" seem to be printed using the same exact font used by Nutius.

81 AHPSe, Leg. 3408. fol. 384<sup>r</sup>–390<sup>v</sup>. Books aimed for the Americas were usually shipped already bound, like in this case. Obviously, the binding affected the book price.

82 In this case, we can completely disregard the idea that the books sold to Niebla were the *Compendio y Summario de Confessores y Penitentes*, since it was first published in 1567, as will be discussed. In my opinion, the title "*Suma de Navarro*" or "*Summa de Navarro*" was

Navarro” can be found in 1571 in the bookshop of Martín de Salvatierra, in Granada, this time sold for 48 maravedis (probably unbound), together with an old copy of the *Manual* (*Manual de Nauarro, de los viejos*), possibly one of the editions made before 1556.<sup>83</sup> Again in Seville, in 1574, the book merchant Francisco de Aguilar had three copies of the “*Summas de Navarro*” bound in parchment.<sup>84</sup>

Over the next few years, we can find other editions in Spanish printed in different places, such as Estella (1566), Valladolid (1566 and 1570), and Barcelona (1567). Although we cannot trace the internal history of them all, we can observe again that those printers that were well connected with the authorities seem to have had better chances of printing the *Manual*. That was the case for Adrián de Amberes, the only one to print the book in Azpilcueta’s homeland,<sup>85</sup> and Francisco Fernández de Córbona from Valladolid, who gained the title of Royal Printer (“Impresor de su Magestad Real”) that he stamped on the front page of his 1566 edition.<sup>86</sup>

The *Manual* was a business opportunity that was hard to ignore for printers and publishers outside the Peninsula, who had better resources for producing and distributing it. We have already seen the interest of Antwerp printers, but the Italians’ eyes and presses would soon also be drawn to Azpilcueta’s work. After 1567, we find new editions of the *Manual* produced in different European cities, such as Antwerp and Lyon, as will be discussed, but if one territory stands out over the rest in its production of Azpilcueta’s *Manual* it is Italy. This map uses the tools of Social Network Analysis to visualise the towns in which the *Manual* was published during the 16th century. It includes the different ver-

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adopted due to its similarity with other famous titles on moral theology, such as the *Suma Silvestrina* or *Suma de Pedraza*.

- 83 Osorio Pérez, Moreno Trujillo and Obra Sierra, *Trastiendas de la cultura*, 186 and 208.
- 84 González Sánchez and Maillard Álvarez, *Orbe Tipográfico*, 169. In the inventory of this bookstore, we can find four copies of a *Manual de Confesores* in Italian (two of them bound in parchment). It could be one of the Italian versions of Azpilcueta’s work printed in the previous years. In this case, we have no information about the book price, but in the inventory of the library of Francisco Núñez Pérez, a Sevillian merchant who died in 1573, a 4<sup>o</sup> edition of the *Manual* was valued at 1,020 maravedis. Fernández and Maillard, “Lecturas de un Mercader y Tratante de Esclavos: Francisco Núñez Pérez (1573)”, 50.
- 85 According to María Isabel Ostolaza, Adrián de Amberes tried to become the official printer of the kingdom of Navarre and printed many official editions. We should also highlight that he had deals with Millis and Miguel Suelves. Ostolaza, *Impresores y librerías en Navarra*, 30–38. This edition included the Pope and the Castilian privileges.
- 86 Delgado, *Diccionario*, I, 229. In this case, we can find the same legal paratexts, which suggest that the edition had the consent of the author.

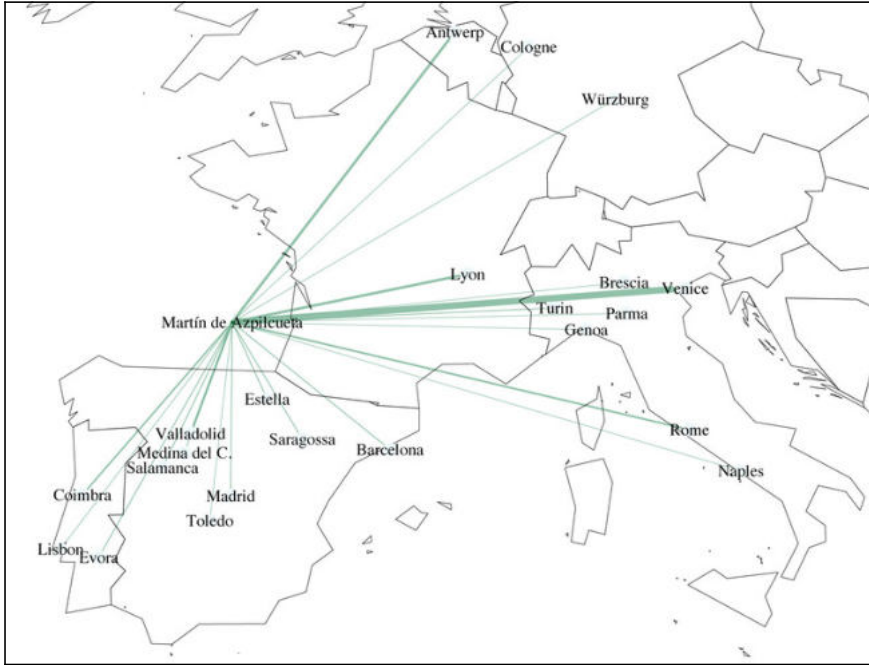


FIGURE 4.1 Towns in which the *Manual* was published (1549–1586)  
This graph was created using the programme Gephi.

sions of the *Manual* published during Azpilcueta's lifetime, excluding the *Compendia*.<sup>87</sup> The thickness of the lines directly relates to the number of editions published in each town.

The participation of Italian printers in this editorial history was fostered by two elements: Azpilcueta's move to Italy, where he lived the last 19 years of his life (1567–1586), and the translation of the *Manual*, first into Italian and then into Latin.<sup>88</sup> The first Italian edition was printed in Naples in 1567 by Raimondo Amato, who, according to the front page, had a 10-year privilege for the work. I could not access a copy of the book to analyse the details but, on the front page, the printer stamped the coat of arms of Pope Pius v, who had a close relationship with Azpilcueta and might have sponsored the edition. As we can see,

87 It incorporates fragmentary editions, such as the *Capítulo veynte y ocho de las addiciones del Manual de Confessores*, published in Evora in 1581. Furthermore, the map considers the different parts of the *Manual* printed in a town by the same printer in the same year as a complete work, even if they might be bound and preserved in libraries separately nowadays.

88 On the relationship between Spain and Italy, see Dandeleit, *Spain in Italy*.

the *Manual* was produced in eight Italian towns: from one edition in places, such as Naples, Torino, or Brescia, to the five Roman editions and, particularly, the 19 Venetian editions. The role of Venice as one of the main capitals of the European book industry, particularly in the 15th and 16th centuries, is well known. Among the Venetian printers that invested their work in Azpilcueta's *Manual*, we find the names of some of the most remarkable Italian printers, such as Lucantonio II de Giunta and, especially, Gabriele Giolito de'Ferrari. Giolito and his heirs were responsible for 11 Italian editions. Gabriele Giolito was the son of the printer and bookseller Giovanni Giolito de'Ferrari, born in Trino. Giovanni Giolito specialised in the production of law books, which he printed in Pavia and Turin. During the first decades of the 16th century, he developed strong trade networks in Italy and France. His representative in Lyon was no other than Vincent de Portonariis (Andrea's uncle). Gabriele Giolito continued the family business brilliantly in Venice until his death in 1578; after this, his heirs would take care of the famous Phoenix brand until the 17th century.<sup>89</sup>

The 1569 edition printed by Gabriele Giolito had a 15-year privilege granted by the Republic of Venice, not to the author, but to Niccolò da Guglionesi, the Franciscan friar who translated it into Italian.<sup>90</sup> The genesis of that Italian version can be found in the dedicatory of the translator to Don Ferrante Caraffa, count of Suriano. In that text, Guglionesi takes responsibility for the Italian version that appeared in Naples in 1567, which was a translation of the Coimbra 1553 one. He explains that, when he was looking to print it again in Venice, the 1557 Salamanca edition came to his knowledge, and he decided to prepare a second translation, including the *Comentario resolutorio*. It is interesting to remark that printed books were not static objects, and the fabrication process of a book was not necessarily linear. In the case of the *Manual*, besides the changes to the texts made by Azpilcueta during his lifetime,<sup>91</sup> Manuela Bragagnolo has emphasised the practical nature of many of the additions to the original text introduced by printers year after year. This was the case for several typographical signs that appeared in different editions.<sup>92</sup> Gabriele Giolito also adapted the nature of the *Manual*, not only through typographical elements, but also through the use of language. Until 1579, Gabriele Giolito printed the

89 Nuovo and Coppens, *I Giolito*; See also, Nuovo, *The Book Trade in the Italian Renaissance*, 81–82.

90 The privilege was granted on 10 March 1568. A copy of it can be found in <https://emobooktrade.unimi.it/db/privileges/1814>. The 1569 edition can be found in Edit 16: 3670.

91 Since 1570, for instance, the *Manual* included a 28th chapter about the Council of Trent.

92 Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 205–206.

Italian edition translated by Guglionesi. But in 1582, his sons (Giovanni e Giovanni Paolo) requested a new privilege from the Republic of Venice, this time to add ten preludes taken from the Latin version that Giovanni Giolito translated himself.<sup>93</sup>

In the first Venetian edition, Gabriele Giolito replaced Azpilcueta's letter to the reader with one of his own ("A i reverendi sacerdoti, confessor et pii lettori") in which the printer explained that he added a new chart synthesising the contents of the book and facilitating its comprehension to ignorant readers ("queste opere possi seruire non meno à gl'idioti, che à dotti"). The letter ends with an announcement: in a few days the readers would be able to purchase a new Azpilcueta treatise on ecclesiastical benefits translated into Italian ("un bellissimo trattato dell'entrate de'beneficij [...] composto dal medesimo autor Nauarro, & tradotta dalla Latina nella uolgar lingua da M. Agostino Ferentilli").<sup>94</sup> Many more of the Italian editions published outside Venice were based on Guglionesi's translation. According to his own words, Azpilcueta was not satisfied with the Italian version of the book,<sup>95</sup> but the appropriation and transformation of the book by cunning printers and book merchants guaranteed a larger audience.

Azpilcueta's response to the appropriation of his book by Italian printers was different to the one deployed in Castile. I did not find a lawsuit against the Giolito family or any other Italian printer. Instead, this time, Dr Navarro chose to focus on a new and final version in Latin, aimed at an international audience. It appeared in 1573 in Rome and Venice. At least for this second one, Azpilcueta was granted by the Venetian authorities a 20-year privilege in December 1572.<sup>96</sup> The book was printed by the brothers Francesco and Gaspare Bindoni,<sup>97</sup> who printed several Latin and Italian editions, including works by important Catholic authors. In 1580, Azpilcueta once more reques-

93 *Manuale de' confessori ... Con cinque commentarii ... tradotto di spagnuolo in italiano dal r.p. Cola de' Guglinisi. Nuouamente ristampato, et aggiuntuii dieci preludei, come nel latino, tradotti da Gio. Giolito* (Edit 16: 3704). Since the original privilege was still valid, the new one was granted only for the preludes ("per li Preludii o premesse al manual de confessori del Dottor Martin Arpilcueta novamente tradotti dal detto Giovanni Giolito"). <https://emobooktrade.unimi.it/db/privileges/1932>.

94 I could not find any trace of this new edition.

95 "Massime essendo stato ammonito, che non senza danno del Christianesimo, & del mio nome, era tradotta da altri in Italiano, & da altri in latino".

96 <https://emobooktrade.unimi.it/db/privileges/3381>.

97 *Martini ab Azpilcueta Nauarri Manuale confessorum, poenitentiumque ... Ex Hispano in Latinum sermones versum ...* (Edit 16: 3678).

ted a privilege in Venice for his book.<sup>98</sup> This privilege, together with the one granted by the Pope, was included in the edition printed in Venice in 1584 by Francesco Ziletti and his partners, the Guerra brothers.<sup>99</sup> On this occasion, the front page confirms the direct participation of Azpilcueta, who paid for the edition (“Apud Franciscum Zilettum, Auctoris sumptibus”).<sup>100</sup> Finally, while the Giolito’s were still printing their Italian version, a new translation into Italian, this time from Latin, was made by Camilo Camilli and printed by Giorgio Angelieri in 1584,<sup>101</sup> with new privileges by the *Serenissima* in 1583 and 1584.

As the map above shows, two other European cities stand out: Antwerp and Lyon. The French city was one of the most relevant centres for the production of books intended for the Spanish market. Despite this, compared with Venice or Antwerp, the role of the Lyonnaise presses in the history of the *Manual* seems somewhat feeble. We can find only four Latin editions, all of them produced by the same printer, Guillaume Rouillé, between 1574 and 1585. However, if we look at this in a wider context, we find some surprises. Rouillé was a remarkable Lyonnaise printer in the 16th century and, in addition, he was married to the daughter of another book professional, a common practice at that time. His father-in-law was none other than Domenico de Portonariis, making him the brother-in-law of Andrea de Portonariis. This means that at least four printers of the *Manual* in Medina del Campo, Salamanca, Venice, and Lyon had strong family links with Trino de Monferrato and, thus, maybe, all of them did. In this case, it seems that Azpilcueta was also involved, just like in the Venetian editions by Bindoni or Ziletti. The book includes the privileges granted to the author by the Pope, the King of Spain, and the King of France.

Antwerp, as we have seen, was the first non-Iberian town where the *Manual* was published, and the consent of the author for some of the editions is doubtful to say the least. On the contrary, in the case of the editions prepared by

98 <https://emobooktrade.unimi.it/db/privileges/4139>.

99 *Enchiridion, sive manuale confessoriorum et paenitentium, [...] Nunc quarto recognitum, et innumeris pene locis emendatum ab eodem in Romana Curia S.D.N. Gregorii XIII eiusque in foro poenitentiarie obsequijs inseruiente* (Edit 16: 3721).

100 In a copy of the 1584 edition by Ziletti owned by a Jesuit school and currently preserved in Bayer National Library, the front cover presents a subtle variation: “Apud Franciscum Zilettum, De Consensu Auctoris, & Georgii Ferrarij”.

101 *Manuale de' confessori, et penitenti ... Composto dall'eccell.te dottore Martino Azpilcueta [!] Nauarro. Et nuouamente tradotto dalla lingua latina nella nostra italiana da Camillo Camilli ...* (Edit 16: 3726). The first privilege was granted for the preludes (<https://emobooktrade.unimi.it/db/privileges/3042>) and the second for the whole book (<https://emobooktrade.unimi.it/db/privileges/3631>).

Christophe Plantin, the greatest of Antwerp's 16th-century printers, the direct involvement of Azpilcueta is clear. Several letters written by Plantin to Dr Navarro explain the development of their relationship around the publication of the book, as well as the intermediaries between the printer and the author.<sup>102</sup> In the first letter, dated January 1573, Plantin thanks Azpilcueta for entrusting him with the production of the book. In March 1574, the book was in production but, in September of the same year, Plantin was still waiting for Azpilcueta to send him the Castilian privilege. In a very interesting letter written in Spanish on 3 September 1574, Plantin informs the author that he has received 630 florins from Azpilcueta's intermediaries. Those intermediaries appear to be Flemish clerics, such as Antoine Ghénart, inquisitor of Liege, and Laevinius Torrentinus. They not only paid the printer, but also checked the *Manual* proofs when necessary.

Although the Latin version might have had a more international public, this letter shows that Azpilcueta was still interested in the distribution of the book in Iberia and probably the American viceroalties too. For this reason, Plantin had to explain that he did not have a permanent agent in Medina del Campo, but preferred to sell the books to other booksellers in Belgium who sent them abroad. His only correspondent in Castile seems to be, not surprisingly, Gaspar de Portonariis (one of Andrea's brothers). However, the letter suggests that Azpilcueta did not trust him: after receiving Azpilcueta's orders, Plantin directed the copies of another of Azpilcueta's books, that were already printed, to Antonio Suchet, a bookseller from Valladolid, rather than to Gaspar.<sup>103</sup> In any case, the printing of the book and its distribution from Antwerp was not an easy task. In March 1575 (the year of Plantin's first edition of the *Manual*), the printer complained about the increasing price of paper that forced him to stop the work for a while until he received more money from Azpilcueta.<sup>104</sup> Finally, during the lifetime of Azpilcueta, Plantin printed the *Manual* three times (in 1575, 1579, and 1581).

From 1567 onwards, we can also see the publication of several summaries of the *Manual* that aimed to offer readers a more accessible version of the book. As Bragagnolo has already explained, these versions of the book were produced in Spanish by different writers, so that, in 1586, Azpilcueta, who always tried to protect his beloved work, created his own version.<sup>105</sup> The publishing history of

102 Denucé, *Correspondance de Christophe Plantin*, IV, letters 504, 506, 520, 529, 555, 576, 611, 621, 622.

103 Denucé, *Correspondance de Christophe Plantin*, IV, letter 555.

104 Denucé, *Correspondance de Christophe Plantin*, IV, letter 611.

105 Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 224.

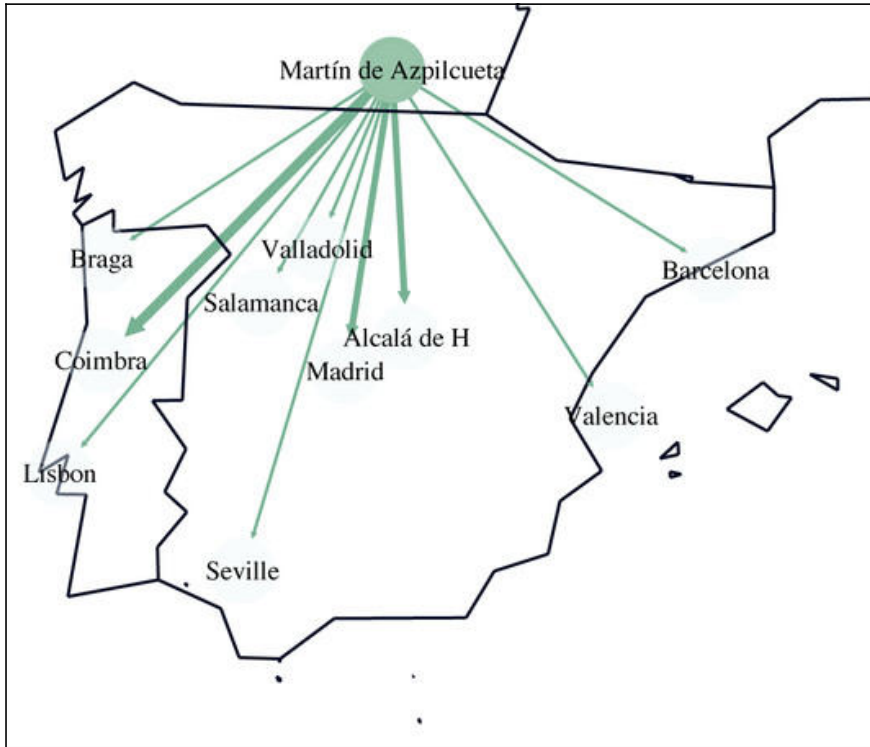


FIGURE 4.2 *Compendia* published between 1567 and 1586

this version, the *Compendia*, is also very interesting. The *Compendia* enabled, first of all, the reduction of the cost of production and distribution of the book, which explains why—once the *Manual* started being massively produced outside Iberia—Spanish and Portuguese printers chose to print it, as the following map shows.

Spanish and Portuguese printers did not renounce the production of, the *Manual*, they just opted for a more suitable option, considering the weakness of Iberian presses. It is well known that the international book (text written in Latin or Greek and focused on Theology, Law, Medicine, or the Classics) was mainly produced in the core of the European printing industry in different places, such as Venice, Antwerp, Geneva, and Paris.<sup>106</sup> Despite this, small and peripheric towns also played a fundamental role in the book world, especially in producing vernacular works and other printed ephemera.<sup>107</sup>

106 Pettegree, “Centre and Periphery in the European Book World”.

107 Rial Costas, *Print Culture and Peripheries in Early Modern Europe, XIX–XIV*.



A good example of this is the *Compendio y Summario de Confessores y Penitentes, sacado de toda la sustancia del Manual de Nauarro*, translated from Portuguese into Spanish by the Augustinian friar Antonio Bernat and published in different Spanish kingdoms from 1579, all of them in 8° format.<sup>108</sup> In most of these cases the book was the product of an alliance between local printers and booksellers, who paid for the edition and sold it, using the front page to advertise it.<sup>109</sup> In Alcalá, it was the bookseller Blas de Robles who requested the necessary licence (but not the privilege) for Castile in March 1580, and then funded the edition together with his colleague Diego de Jaramillo in the printing press of Juan Íñiguez de Lequerica.<sup>110</sup> In Seville, the printer Andrea Pescioni requested the licence in October 1584 and then printed it together with his partner Juan de León, and this was funded by the bookseller Diego Núñez. Pescioni, born in Florence and probably trained in Lyon, was established as a bookseller in Seville since 1560. He was a former employee of Terranova, and he might well have been one of “Terranova’s friends” who intended to buy the book in Coimbra to sell it in Seville, as Azpilcueta declared in the 1554 lawsuit.<sup>111</sup> Pescioni and León published 21 titles between 1585 and 1587, many of them religious books and often aimed at the American public.<sup>112</sup>

This myriad of uncontrolled *Compendia* led the aging Azpilcueta to prepare his own synthesised version of the *Manual*. In 1586, the *Compendio del Manual de Confesores y penitentes. Nuevamente recopilado por el mesmo autor y añadido muchas cosas que no están en el Manual* was printed in Valladolid by Francisco Fernández de Córdoba. The publisher was the bookseller Suchet, the same person who Azpilcueta entrusted over Gaspar de Portonariis to handle the Plantin’s edition in Spain.<sup>113</sup>

108 Until 1586, the book was published in Valencia in 1579 (CCPB000119542–5; CCPB00029014 1–2; CCPB000698685–4); Alcalá de Henares in 1580 (CCPB000152640–5) and 1581 (CCPB000290142–0); Seville in 1585 (Castillejo, *La imprenta en Sevilla*, II, n. 1086); and Barcelona in 1586 (CCPB000583947–5).

109 “En Valencia, en casa de Ioan Nauarro, año 1579. Hecho imprimir a costa de Martín de Sparça, Mercader de libros: véndese en su casa en la calle de los Caballeros”.

110 Delgado, *Diccionario*, I, 344–345.

111 In 1555, for instance, he acted as witness in an agreement between Terranova and the Portuguese bookseller Leonel Suero. González Sánchez and Maillard Álvarez, *Orbe Tipográfico*, 55.

112 Maillard, “Andrea Pescioni”, 33–56. At least one copy of this edition is preserved in Mexico City (Castillejo, *La imprenta en Sevilla*, II, n. 1086).

113 CCPB000151169–6. In 1588, Suchet and Miguel de Azpilcueta (Martín’s nephew), as assignees of the author, received a ten-year privilege in Castile for the Latin version of the *Manual*. The book was printed in Valladolid that same year by the royal printer Francisco Fernández de Córdoba. According to the privilege, the intention of the author was to give the revenues to charity. CCPB: 000151170–X.

### 3 Conclusions

Azpilcueta tried to control the production and distribution of his *Manual* from an early date, as Bragagnolo has shown in her contribution to this volume (Chapter 2). However, he would find it impossible to achieve his goal once the book raised the interest of printers outside Coimbra, especially that of big publishing firms in Spain and abroad. During his lifetime, we can observe similar behaviour in different scenarios: the publication of a particular version of the *Manual* either entirely or highly controlled by Dr Navarro, followed by several editions prepared by printers and booksellers without his consent, who saw a great business opportunity in it. Then, Azpilcueta reacted by writing an extended version of the book (Salamanca 1556), using a new language (Rome and Venice 1573), and creating his own synthesis (Valladolid 1586). In all these cases, complementary strategies were required: Azpilcueta used the printing privileges and allied himself with powerful printers/publishers who could guarantee the best results, something that he seemed to disregard when he was still living in Coimbra and was maybe still under the illusion that he could tightly control the distribution of the book.

As we can observe by comparing the two maps, the evolution of the *Manual*, despite the efforts of Dr Navarro to control it, was parallel to the necessities and developments of the European printing industry and the book trade. While the *Manual* was a more local product written in Portuguese and Spanish (languages that do not cross the Pyrenees, as Azpilcueta remarked), the production was dominated by Iberian and Flemish printers (who were subjects of the Spanish monarchs). Once the fame of the book increased, helped by its translation into other languages, European publishers particularly those from the central axis of the Catholic printing industry (Venice, Rome, Lyon, and Antwerp) took the initiative to print it. That left Iberian printers with no better option than to concentrate on those versions of the *Manual* that were easier to produce and sell to a wider audience, such as the *Compendia* written in vernacular.

Printers and booksellers, either in cooperation with Azpilcueta or not, were essential to the success of the *Manual*. Aware of its potential impact on readers in Iberia and abroad, printers and booksellers invested in the production of the book, improved the design of the first editions, contributed to fixing and spreading versions of the text in different languages, and played a major role in the creation of summaries of the *Manual*, making it available to a wider public.

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# Translating Normative Knowledge: Martín de Azpilcueta and Jesuits in Portuguese America (16th Century)

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## Abstract

Religion played a central role in justifying and ruling the conquests of the Iberian empires. Doubts of conscience about trade, slavery, mission, and sacraments fostered the differentiation of moral theology that acquired autonomy in the course of the 16th century. The work of the Jesuits in Portuguese America and Martín de Azpilcueta unfolded at this juncture; the *Manual de confesores y penitentes* was one of the resources to invent norms in the conquests and was updated with information from the New World. This chapter discusses the exercises of translation to produce normative knowledge which took place in the midst of a multidirectional circulation of experiences that revealed both the adaptation and mediation as well as the intolerance and violence of the early modern Catholicism which then reached a global scale.

## Keywords

Indians – Jesuit Missionaries – Nóbrega – Slavery – Moral Theology

## 1 Introduction

El Padre, como virtuoso y más teórico que plástico, como ve qualquiera cosa en su maestro Navarro, luego la queria poner en plática<sup>1</sup>

In 1552, the first bishop of Brazil, D. Pedro Fernandes, wrote to the Provincial of the Jesuits in Portugal, Simão Rodrigues, criticising the conduct of the Society of Jesus in the Portuguese lands of the New World. The priest mentioned by

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1 MBI, 361.

the bishop was Manuel da Nóbrega (1517–1570), Superior of the Mission, who had been a student of Martín de Azpilcueta (alias, Navarro) in Salamanca and Coimbra.<sup>2</sup> “Poner en plática” Azpilcueta—especially the use of the *Manual de confesores y penitentes* (*Manual*)—in Portuguese America in the second half of the 16th century is the main topic of this chapter, a contribution to the study of historical regimes of normative knowledge production.

The Jesuit ministry among the gentiles and settlers in Brazil had to deal with different *dubia* of moral theology about catechesis, baptism, marriage, confession, slavery, and economic maintenance of the Order.<sup>3</sup> The available resources of knowledge, among which was Azpilcueta, were appropriated for the invention of normative solutions. The answers to local cases enriched the repertoire and could be circulated in various media, notably Jesuit letters. Not least, the mission in Brazil is of particular interest because of the strong bonds between Azpilcueta and the Society of Jesus, with the Jesuits in Brazil in particular.

In the following (2), the analytical premises and elements for contextualising the endeavour of normative invention undertaken by the Jesuits are presented. Next (3), some evidence is investigated concerning how Azpilcueta was interpreted by the Jesuits. Finally (4), the textual references to Brazil in the *Manual* are analysed as well as Azpilcueta’s own use of the *Manual* for settling doubts in the Portuguese missions.

## 2 The “Composition of Place”

Under the heading “historical regimes of normative knowledge production”, Thomas Duve put forward analytical premises for a global legal history of the Iberian Empires of early modernity. It is global in two main senses: in the first, as an alternative to the European perspective of the scientification and secularisation of law, with its emphasis on scholarly literature and the unidirectional diffusion of normative knowledge from the West; in the second, as the emer-

2 Leite, *Breve Itinerário para uma biografia do P. Manuel da Nóbrega*, 31. Cohen, *The Fire of Tongues. António Vieira and the Missionary Church in Brazil and Portugal*, Cap. 1, 13–49.

3 For the vast topic of the normativity of moral theology, see the classic and stimulating work by Prodi, *Uma história da justiça. Do pluralismo dos foros ao dualismo moderno entre consciência e direito*, who maintains that moral theology is more than a “science for confessors and penitents”, but that it is an “attempt to build a global system of norms”, 369. See Delumeau, *A confissão e o perdão* for a history of penance in the *longue durée*. For an introductory guide with an extensive bibliography, see Decock and Birr, *Recht und Moral in der Scholastik der Frühen Neuzeit 1500–1750*. For Jesuit ministries, see O’Malley, *Os primeiros jesuítas*.

gence of normative orders on a larger spatial scale through the multi-situated production of knowledge and a double process of translation.<sup>4</sup> In short, the hypothesis is that religion, especially the body of knowledge of moral theology, played a pivotal role in the production of norms and for resolving ‘cases of conscience’ in the Iberian empires. Alongside scholarly treatises, a significantly growing pragmatic literature was available, such as manuals for confessors and catechisms that epitomised normative knowledge.<sup>5</sup>

Knowledge production is multi-sited. The nodes of the communication networks were epistemic communities and communities of practice located in various spaces.<sup>6</sup> This distinction calls attention to a double process of translation: on the one hand, epistemic communities condense information into knowledge and generalise propositions which are stored in media, serving as a repertoire available for further translation. On the other hand, communities of practice translate this repertoire into solutions for cases, producing new knowledge which may be an object of generalisation.<sup>7</sup> In this framework, it is worth highlighting the centrality of the local in the production of normativity, both as a source of information for epistemic work (first translation) and as the cases for which a specific normative knowledge will be produced (second translation).<sup>8</sup> A central assumption is that available normative knowledge does not offer ready-made solutions to cases. Communities of practice operate with an *ars inveniendi* to discover premises for justifying a practical judgement and finding solutions. In other words, authorities are agreed upon and interpreted and opinions are chosen for the production of equitable pro-

4 Duve, “What is global legal history?”; Duve, “Rechtsgeschichte als Geschichte von Normativitätswissen?”, 47.

5 Duve, “Pragmatic Normative Literature and the Production of Normative Knowledge in the Early Modern Iberian Empires (16th–17th Centuries)”. For the *Manual* as an example of pragmatic literature, see Bragagnolo, “Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta’s *Manual for Confessors* and the Phenomenon of Epitomisation”. For the epitomisation of the normative knowledge carried by the Jesuits, see Cabral, “Jesuit Pragmatic Literature and Ecclesiastical Normativity in Portuguese America (16th–18th Centuries)”.

6 Duve, “Rechtsgeschichte als Geschichte von Normativitätswissen?”, 50; Duve, “The School of Salamanca: A Case of Global Knowledge Production”, 21. Both concepts have affinity with the conceptions of “legal communicative systems (or spheres)” —see Hespanha, “Southern Europe (Italy, Iberian Peninsula, France)”, 332–334 —and of “communities of discourse”, Scatola, “Natural Law Part I: The Catholic Tradition”. Cf. Duve, “Law”, 9.

7 This agenda has affinity with new developments in the history of science. See the overview of the turn from science to knowledge practices in Daston, “The History of Science and the History of Knowledge”. For possible stimuli for legal history, see Renn, “The Globalization of Knowledge in History and its Normative Challenges”.

8 Local understood here as “not just a residual niche, but rather a matrix” according to Renn, “The Globalization of Knowledge in History and its Normative Challenges”, 53.

positions to resolve doubts. It is thus a 'glocal' production of normative knowledge, based on mediation (by manuscripts and printed books) and connections between communities in different spaces.

My contribution draws on these analytical premises to investigate the community of practice and the epistemic community formed by the Jesuits in Brazil and Azpilcueta, more specifically the translation of Azpilcueta by the first Jesuits in Brazil and the modification of the *Manual* with information from Brazil.<sup>9</sup>

By concession from the papacy, the Crown of Portugal exercised the patronage of missions and ecclesiastical institutions in Africa, Asia, and Brazil.<sup>10</sup> In exchange for jurisdiction in the New World, the Crown was charged with organising the propagation of the Catholic faith and establishing the ecclesiastical structure. King John III made arrangements with Loyola and the Pope for the Jesuits to be present overseas.<sup>11</sup> In 1542, Francisco de Xavier (1506–1552) arrived in Goa, the capital of Portuguese Asia. In 1548, the Jesuits landed in Congo.<sup>12</sup> The following year, missions were launched in Brazil and Japan.<sup>13</sup> In 1542, the king created the *Mesa de Consciência*, a tribunal set up in Lisbon in 1542 to decide on matters of moral theology that touched on the "obligation of his [king] conscience".<sup>14</sup>

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- 9 For a broad notion of translation that is more complex than the notion of reception or acculturation for the Jesuit missions, see Gaune, "El jesuita como traductor. Organización, circulación y dinámicas de la Compañía de Jesús en Santiago de Chile, 1593–1598"; Pompa, *Religião como tradução: missionários, Tupi e Tapuia no Brasil colonial*; Agnolin, *Jesuítas e Selvagens. A Negociação da Fé no encontro catequético-ritual americano-tupi (séc. XVI–XVII)*; Rubiés, "Ethnography and Cultural Translation in the Early Modern Missions". For a study of the missions as spaces for the production of knowledge, see the important collection Castelnau-L'Estoile et alii, *Missions d'évangélisation et circulation des savoirs (XVIe–XVIIe siècle)*. See also, Laborie "A dispersão do saber missionário sobre as Américas de 1549 a 1610: o exemplo jesuíta".
- 10 Boxer, *O império marítimo português (1415–1825)*, Cap. 10; Boxer, *A Igreja militante e a expansão ibérica: 1440–1770*, 97–106; Boschi, "As Missões no Brasil"; Hsia, "Jesuit Foreign Missions. A Historiographical Essay"; McGinness, "Early Modern Catholic Missions in Brazil: The Challenge of the Outsiders"; Metcalf, "The Society of Jesus and the First *Aldeias* of Brazil".
- 11 Marcocci, "Jesuit Missions between the Papacy and the Iberian Crowns", 243.
- 12 For the missions in Congo and Angola, using the notion of cultural translation, see Tassinari, *Deus, senhores, missionários e feiticeiros: a mediação jesuítica dos confrontos entre portugueses e centro-africanos (1548–1593)*.
- 13 Alden, *The Making of an Enterprise: The Society of Jesus in Portugal, Its Empire, and Beyond, 154–1750*.
- 14 De Witte, "Le 'regimento' de la Mesa da Consciência du 24 Novembre de 1558"; Albuquerque, "Política, Moral e Direito na Construção do Estado em Portugal"; Marcocci, "Conscience and Empire: Politics and Moral Theology in the Early Modern Portuguese World".

In Portugal, as professor of *Prima* in Canones at the University of Coimbra (1538–1555), Azpilcueta witnessed (and supported) the first steps of the Society of Jesus, the foundation of the Jesuit College in Coimbra (1541), and the organisation of the overseas missions.<sup>15</sup> Xavier was his nephew.<sup>16</sup> Arigita recorded the legend that Azpilcueta intended to go to the Indies with Xavier, who did not consent because of his age.<sup>17</sup> Another Jesuit, Juan de Azpilcueta (1521/23–1557), who followed Nóbrega, two other priests, and two brothers to Brazil, was also the canonist's nephew. Nóbrega studied with Azpilcueta who supported him in his aim to become professor at Coimbra, but he did not succeed.<sup>18</sup> Azpilcueta's bonds with the Order were strong.<sup>19</sup> He was consulted by the Portuguese king and the Jesuits in matters of conscience concerning the missions, received letters from Nóbrega and Juan de Azpilcueta from Brazil, and also wrote letters to them. The *Relectio cap. ita quorundam de Iudaeis*, on the topic of the prohibition of the trade of objects of war of the Christians with the Saracens, delivered in 1550 at the request of the Jesuits and printed in Coimbra the same year, was dedicated to Simão Rodrigues, the Superior of the Jesuits in Portugal and one of the founders of the Order. Azpilcueta pointed out that he had resolved doubts sent by the priests of the Order, such as Nóbrega and Juan de Azpilcueta.<sup>20</sup> The book closed commending his nephew.<sup>21</sup>

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- 15 For biographical information on Azpilcueta, see Decock, "Martín de Azpilcueta"; Lavenia, "Martín de Azpilcueta (1592–1586). Un profilo"; Tejero, "Martín de Azpilcueta en la Historia de la Doctrina Canónica y Moral". For the Coimbra period, with research in archival sources, see Salinas Quijada, "El doctor Martín de Azpilcueta en la Universidad de Coimbra".
- 16 Rodrigues, *História da Companhia de Jesus na Assistência de Portugal*, 265. Azpilcueta and Xavier's mothers were second cousins. Thus Xavier could be viewed as a cousin or nephew.
- 17 Arigita y Lasa, *El Doctor Navarro Don Martín de Azpilcueta y sus Obras. Estudio Histórico-Crítico*, 172.
- 18 Leite, *Breve Itinerário para uma biografia do P. Manuel da Nóbrega*, 27–29.
- 19 Arigita y Lasa, *El Doctor Navarro Don Martín de Azpilcueta y sus Obras. Estudio Histórico-Crítico*, 165. For the presence of Azpilcueta's books in the teaching of cases of conscience in Jesuit schools, see O'Malley, *Os primeiros jesuítas*, 230–232. Decock remarks that "as his *Enchiridion sive manuale confessoriorum ei poenitentium* became the standard model for Jesuit manuals for confessors, Dr. Navarrus had a profound influence on Jesuit casuistry", in Decock, *Theologians and Contract Law. The Moral Transformation of the Ius Commune (ca. 1500–1650)*, 632, note 2074. See also, Lira, "Um estudo sobre as relações entre Martín de Azpilcueta Navarro e a Companhia de Jesus".
- 20 Azpilcueta, *Relectio cap. ita quorundam de Iudaeis*, "Questiones item illae, quas perdocus Emanuel a Nobrega iam pridem a nobis laurea donatus religione, doctrina, et genere clarus et Ioannes ab Azpilcueta meus ex fratre nepos carissimus ex Brasilia; quo eos ad negotia IESU CHRISTI agenda misistis, ante annum fuis litteris interrogarunt".
- 21 Azpilcueta, *Relectio cap. ita quorundam de Iudaeis*, 92 (to the "Ornatissimo viro societatis Iesu sodali integerrimo Ioanni ab Azpilcueta").

Indeed, it is in the context of the Jesuits' mission that the translation of Azpilcueta in Brazil began. Nóbrega and other Jesuits who attended the College and University of Coimbra and arrived in Brazil after 1549 joined the epistemic community of the School of Salamanca in the broad sense.<sup>22</sup> They were introduced to the common pool of authorities, and received theological, canonical, and rhetorical training to consume and produce normative knowledge. Equally, the Jesuits accomplished a community of practice, charged with the conversion of the gentile and—until the arrival of the first bishop in 1552—also with ministry to the settlers. In facing the doubts of moral theology, the Jesuits applied and created normative knowledge. They performed the double translation, giving meaning to and discovering types in the information observed in the New World and applying the available knowledge to cases. Charlotte Castenau-l'Estoile stressed the Jesuit metaphor of non-Christians as “living books”, whose vices and virtues needed examination alongside the written books. Transmitting Christian doctrine and administering the sacraments required a knowledge of the natives' customs on the part of the Jesuits.<sup>23</sup> For Paul Nelles, Jesuit spirituality, shaped by the spiritual exercises, empowered the priests with “observational tools and cognitive practices deployed in the overseas missions”.<sup>24</sup>

Practices of contemplation/observation, reading, repetition, and routine writing fuelled the production of knowledge diffused in the medium of letters. Very early on, the Jesuit order prescribed its own *ars dictaminis*. In 1547, Juan Alfonso de Polanco, first permanent secretary of the Society of Jesus, circulated guidelines for writing letters.<sup>25</sup> The Jesuits in the missions were asked to give information about geography (location, climate), the manner of living of the local populations (dress, food), and pastoral activities. The circulation of the letters lent itself to the “union of souls”, to increasing the sense of community of the Jesuit Order, to consolation, and to spreading the practical experience of the ministry. The system of communication of the letters was divided into general open letters and internal letters of governance and business.<sup>26</sup> The letters

22 Duve, “The School of Salamanca: A Case of Global Knowledge Production”.

23 Castelnau-l'Estoile, “Jesuit Anthropology: Studying ‘Living Books’”.

24 Nelles, “Seeing and Writing: The Art of Observation in the Early Jesuit Missions”, 318. See also, Agnolin, “Atuação missionária jesuítica na América portuguesa: a peculiar via renascentista, sacramental e tridentina à salvação no(s) Novo(s) Mundo(s)”, 28, 36–38.

25 Polanco, “Reglas que deven observar acerca del escribir los de la Compañía que están esparcidos fuera de Roma” (27.7.1547), 542–549.

26 Friedrich, “Communication and Bureaucracy in the Early Modern Society of Jesus”; Palomo, “Cultura Religiosa, Comunicación y Escritura en el Mundo Ibérico de la Edad Moderna”.

circulated in manuscript copies and were also printed in collections reaching a larger public, increasing the flow of information and knowledge about the overseas.<sup>27</sup> The knowledge produced by the Jesuits as communities of practice and epistemic communities in the various spaces of the Iberian empires contributed to the emergence of a global normative regime. Wim Decock goes so far as to speak of a “Jesuit legal science”.<sup>28</sup>

### 3 Translation Exercises I: Azpilcueta’s Doctrine in Brazil – The Jesuit Mission

In the corpus of Jesuit letters and other documents edited by the Jesuit and historian Serafim Leite in the project *Monumenta Historica Societatis Iesu* there is only one letter addressed to Azpilcueta, written by Nóbrega in 1549.<sup>29</sup> Another letter from the Superior of the Mission to the canonist in 1555, in which several doubts were raised, has been lost.<sup>30</sup> Juan de Azpilcueta noted having received a letter from his uncle which is also reported lost.<sup>31</sup> The following section discusses Nóbrega’s letter to Azpilcueta, as well as the letters of Nóbrega and D. Pedro Fernandes, the first bishop of Brazil, to the Superior of the Jesuits in Portugal—in which Azpilcueta was one of the authorities mentioned in doubts related to the sacraments for the Indians. Finally, I discuss the controversy about Indian slavery that opposed Nóbrega and another Jesuit, Quirício Caxa, in which Azpilcueta was interpreted in detail.<sup>32</sup>

#### 3.1 *First Information on the Mission in Brazil*

Soon after arriving in Brazil, on 10 August 1549, Manuel da Nóbrega wrote to Azpilcueta using rhetorical formulas that exposed the bonds of faith and aca-

27 For example, see “Copia de vna litera del Padre Manuel de Nobrega della Compagnia di Iesu mandata del Brasil Al Dottor Nauarro su Maestro in Coymbra ricceuta l’anno del 1552”, printed in Rome, in 1552 in *Avisi Particolari delle Indie di Portugallo. Riceuti in questi doi anni del 1551 & 1552 da li Revuerendi Padri de la compagnia de Iesu*.

28 Decock, “From Law to Paradise: Confessional Catholicism and Legal Scholarship”.

29 Alden, “Serafim Leite, S.J., Premier Historian of Colonial Brazil: An Overdue Appreciation”; Cerello, “Sobre o processo de edição dos textos jesuítas nas cartas da América portuguesa no século XVI”; Lodoño, “Escrevendo cartas. Jesuítas, escrita e missão no século XVI”.

30 MBI, 502.

31 MBI, 487.

32 Leite, “Nóbrega o ‘Doutíssimo’ ou a entrada da literatura jurídica no Brasil”; See Airton Ribeiro da Silva Jr. in this volume (Chapter 10) for the presence of Azpilcueta’s books in colonial libraries. See also, Cerello, *O livro nos textos jesuítas do século XVI. Edição, produção e circulação de livros nas cartas dos jesuítas na América Portuguesa (1549–1563)*.

demic conviviality between them.<sup>33</sup> After the *salutatio*, “La gracia y amor de Christo N.S. sea siempre en nuestro favor. Amen”, the *captatio benevolentiae* (§1) was composed with the topic of humility and self-humiliation. He introduced himself as the “scoria de toda esa Universidad [Coimbra] en el saber y mucho más en la virtud”, adding that he could find no reason for the mercy of the Lord in having sent him to Brazil, other than that he was a “discípulo de doutrina e virtude” of Azpilcueta, “puesto que poco della aprendi”. In the *petitio* (§11), Nóbrega asked for prayers from Azpilcueta to the Lord and for a letter with guidance. As *conclusio*, he wrote “Su en Christo nuestro Señor siempre hijo y discipulo”.<sup>34</sup>

The *narratio* (§2–10) comprised the longest part of the letter. Here, Nóbrega carried out a double translation task: the selection of information about the land, the native customs, and the beginning of the colonisation, and an exercise of *ars inveniendi* in a query about marriage of Indians.

In detail, he vividly reported the practice of anthropophagy of prisoners in wars, a topic that would appear years later in the *Manual* with express mention of Brazil.<sup>35</sup> Nóbrega provided a first-hand account of the work of catechesis, the first baptisms, thaumaturgical actions, beliefs of natives, and a *disputatio* with an Indian sorcerer. The Indians’ perceptions of the missionary work was touched upon, such as admiration for the Jesuits’ competence in reading and writing. Foreshadowing the microbial impact brought about by colonisation, Nóbrega suggested that “Solamente de una cosa estamos espantados, que casi quantos bautizamos adolecieron”, and appended with the native’s reaction, “y tuvieron ocasión sus hechizeros de dezir que nosotros con el agua, con que los bautizamos, les damos la dolencia y con la doctrina la muerte”.<sup>36</sup> He also welcomed the ministry of Juan with the catechesis of the children, finishing with a homage to the Azpilcuetas (“parece que nuestro Señor tiene hecha mercé a esa generación particularmente de aprovechar al próximo: v.m. [Martín de Azpilcueta] entre christianos, Mestre Francisco [Xavier] en las Yndias, y este su sobrino en estas tierras del Brasil”).<sup>37</sup>

33 MBI, 132–145.

34 For the rhetorical structure of the Jesuit letters, see Pécora, “Arte das Cartas Jesuíticas do Brasil”; Hansen, “O Nu e a Luz: Cartas Jesuíticas do Brasil. Nóbrega, 1549–1558”.

35 The bibliography on anthropophagy in Portuguese America is extensive. For a classic study, see Métraux, *A Religião dos Tupinambás e suas Relações com as demais Tribos Tupi-Guaranis*. For an updated discussion, see Agnolin, *O apetite da antropologia. O sabor antropofágico do saber antropológico: alteridade e identidade no caso tupinambá*.

36 MBI, 143.

37 MBI, 140.



The normative question raised concerned the application of a Decretal (X.4.19.8) to the case of indigenous chiefs who aimed to be baptised. According to the custom of the land, they often exchanged women, while not marrying any of them.<sup>38</sup> Nóbrega was of the opinion that before being baptised they were required to choose a woman to marry. According to the Decretal, the pagan who had several wives prior to conversion, should take the first as a wife. Nóbrega, however, distinguished between the situation of the Indians and the infidels of Africa. Muslim polygamy involved the intention of remaining with the women and was based on a contract. In Brazil, the Principals took women without the intention of remaining with them. This translation exercise combined *auctoritas* (Decretal) and *ratio* (local knowledge of customs). The topic would appear in the *Manual*, without express reference to Brazil, endorsing the rule of the Decretal. Azpilcueta stated that the convert mortally sins who does not want to leave the second or third wife he married to remain with the first.<sup>39</sup>

Additionally, Nóbrega regretted the lack of labourers for the Lord's vineyard (Mt 9:37), a recurrent *topos* in later letters of the Jesuits.<sup>40</sup> Concerning the attributes of missionaries, he felt that little instruction sufficed, but virtue was required. Indians were depicted as "todo papel blanco y no ay más que escribir a plazer".<sup>41</sup> The momentum of spiritual conquest would find echoes in Azpilcueta. With express mention of Brazil, he defended the obligation to give spiritual alms (catechesis) to the gentiles of Brazil.<sup>42</sup>

38 Freidenreich, "Muslims in Western canon law, 1000–1500", 62: "May a polygamous Saracen retain all of the wives he married before his conversion? No: polygamy, according to Innocent, contravenes the laws of nature incumbent upon all of humanity, and for that reason only the Saracen's first wife is legally married to him".

39 With reference to the Decretal, MC1556, Cap. 22, § 49, 413, "o sino quiso dexar la segunda, o tercera muger con quien siendo infiel auia casado. M.". In MC1549 and MC1552 there is no answer to this question.

40 Castelnau-L'Étoile, *Operários de uma vinha estéril: os jesuítas e a conversão dos índios no Brasil*. The *topos* was employed by Azpilcueta in praising his nephew Juan de Azpilcueta in *Relectio cap. ita quorundam de Iudaeis*: "non indignum sodalem in ista Brasilia, tanto terrae marique tractum à nobis remota in colenda vinea Domini hactenus neglecta imperio toti Lusitano" ("not an unworthy member in this Brazil, so far removed from us by land and sea to cultivate the vineyard of the Lord, hitherto neglected by the whole Lusitanian empire").

41 Ruiz, "El Modelo Jesuítico frente a las Experiencias producidas por la práctica de la catequesis en el Brasil Colonial".

42 MC1552, Cap. 24, § 12, 600; MC1556, Cap. 24, § 12, 512; MC1560, Cap. 24, § 12, 482. More details below.

### 3.2 *Dubia on Sacraments*

In mid-1552, letters from Nóbrega and from D. Pedro Fernandes, the first bishop who had recently arrived in Brazil, reached Simão Rodrigues, Provincial of Portugal, containing an account of the quarrel between them.<sup>43</sup> They disagreed about the tolerance of some of the Indians' customs. The bishop intended to adopt the practice he had followed in India as Vicar General in the diocese of Goa. He disapproved of the changes in the liturgy of the mass: Indians sang and played; priests preached imitating the gestures of the Indians. He also differed in opinion concerning masses sung in the Indian manner at funerals: “[Las costumbres gentílicas] son provocativas a mal, son tan disonantes de la razón, que no sé cuáles son las orejas que pueden oír tales sonos y rústicos tañer”.<sup>44</sup> According to the prelate, instead of inuring the Gentiles to Christianity, the Jesuits were doing the opposite. He did not fail to disapprovingly notice the haircutting of Portuguese children in the Indian manner.<sup>45</sup> Nóbrega, on the other hand, justified his discernment and approval of these customs by alleging the principle that “a semelhança é causa de amor”.

In addition, hearing confession through interpreters was deplored by the bishop, “por ser cosa tan nueva y nunca usada en la Yglesia”,<sup>46</sup> whereas Nóbrega turned to Caietano and Azpilcueta to justify the practice, quoting the book *In tres poenitentia distinctiones posteriores commentarii*.<sup>47</sup> Azpilcueta stressed that without understanding the confessor's language, the confession could not operate.<sup>48</sup> In Brazil, however, as Nóbrega emphasised, there lacked priests who knew the language of the Indians. Accordingly, Indians could not obtain

43 MBI, 357–366; MBI, 367–375; MBI, 399–409. In 1556, the bishop was shipwrecked, killed, and eaten by the Caetés Indians on his return to Portugal.

44 MBI, 358.

45 “Y también extrañé mucho traeren los niños el cabello hecho al modo gentílico, que practican de monjos”, MBI, 360.

46 MBI, 361. See the discussion by Bragagnolo, “Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta's *Manual for Confessors* and the Phenomenon of Epitomisation”, 221–222.

47 Azpilcueta focused on the distinctions 5, 6 and 7 of the *Tractatus de poenitentia (Decretum, Pars II, casa 32, quaestio 3)*. See Friedberg, *Corpus Iuris Canonici*, 1242. The canonist examined authorities who interpreted the passage of the Decree concerning false penances, among which was incomplete confession of sins and confession without satisfaction of the harm caused.

48 Azpilcueta, *In tres poenitentia, In distinctione quinta, cap. Frates*, n.85–86, 153. The reference to Caietano by Nóbrega is already in Azpilcueta's text. Although Serafim Leite speculates about a possible edition of the *Summa Caietana* available in Brazil, its consultation was not necessary as a source for the quotation (cf. MBI 407, note 17).

contrition without understanding the admonition of priests.<sup>49</sup> Nóbrega added that Indian boys educated by the Jesuits performed as interpreters. In spite of this, he assured that the secrecy of confession was preserved.<sup>50</sup> *Pari passu*, the Jesuits in Brazil and elsewhere strove to learn the language of the natives, with Juan de Azpilcueta in particular being noted for this competence.<sup>51</sup> In 1553 he reported to Jesuits in Coimbra about translations of “todas las oraciones en lengoa de Brazil, con los mandamientos y peccados mortáís etc., con una confesión general, principio do mundo, incarnación y do juizio, y fin do mundo”.<sup>52</sup>

Yet the bishop remained unconvinced by these reasons alleged by Nóbrega: “Yo lo dixé que no lo devia hazer más, aunque trezientos Navarros y seis-cientos Caietanos digan que se puede hazer”.<sup>53</sup> The prelate complained to the Provincial about the autonomy of the young Jesuits who erred for lack of experience. He wished them to be warned not to do anything without his advice.<sup>54</sup>

### 3.3 Questioning Indigenous Slavery

Nóbrega urged the Provincial to consult canonists on those matters. He added the doubt about the attendance of mass and learning catechisms from naked Indians; advancing a normative claim, Nóbrega pointed out that walking naked is against the law of nature, but that Indians have always done so. He also questioned whether it was lawful to make war on and enslave the natives who did not keep the natural law. On the slavery of the natives—an unavoidable theme during the colonisation and one that would occupy the Jesuit throughout his missionary work—Nóbrega had reservations about the justice of the enslavement actions perpetrated by the settlers and the practice of selling Indians by their relatives. To such questions, “ainda esperamos a resposta do Doctor Nav-

49 MBI, 369.

50 Bóas, “Línguas da pregação. Os meninos da terra e as missões jesuíticas no Brasil (1549–1555)”; Castelnau-L’Éstoile, *Operários de uma vinha estéril: os jesuítas e a conversão dos índios no Brasil*—1580–1620, Cap. 4.

51 “Nella lingua di questo paese siamo alcuni di noi molto rudi, ma il P. Navarro ha speciale grazia da Nostro Signore”, Nóbrega to the Provincial in Lisbon, MBI, 159.

52 MB2, 9–10. For translations of the catechism into the native languages, see Cabral, “Jesuit Pragmatic Literature and Ecclesiastical Normativity in Portuguese America (16th–18th Centuries)”; Agnolin, “Atuação missionária jesuítica na América portuguesa: a peculiar via renascentista, sacramental e tridentina à salvação no(s) Novo(s) Mundo(s)”, 28. In this letter, Juan de Azpilcueta said that he still had not been able to write “al Doctor mi tío, Martin de Azpilcueta, cuya una recibí en que me consolava en el Señor”.

53 MBI, 361.

54 MBI, 365.

arro”.<sup>55</sup> Accordingly, Azpilcueta was a resource to be interpreted in the mission (in this case the book *In tres poenitentia*), as well as the recipient of letters with doubts, information, and tentative solutions in the missions.

Doubts like these would often arise in the letters. The optimism about the conversion of the Indians and the Jesuits’ itinerant missions was followed by the creation of *aldeamentos* (settlements) and the reduction of the natives, and then the complementary strategy of using violence to bring the Indians to the settlements and discipline them. In 1558, Nóbrega exposed a detailed project for the government of the Indians to Miguel Torres, the then Provincial of Portugal.<sup>56</sup> Natives were to be subjected and forbidden to eat humans or to wage war without the authorisation of the Governor; they were to have only one woman; they were to be clothed, since much cotton had been cultivated; and they were to live quietly, without moving frequently, either among Christians or in *aldeamentos* to be indoctrinated by the Society of Jesus.<sup>57</sup>

The 1566–1567 dispute over the enslavement of Indians that opposed Nóbrega and Caxa, professor of moral theology at the College of Bahia, engaged Azpilcueta.<sup>58</sup> As pointed out by Carlos Zeron, the definition of the economic vocation of colonial society throughout the 1560s–1570s, geared towards com-

55 MBI, 370; 408.

56 For a periodisation of the missions in Brazil, see Zeron, *Linha de fé: a Companhia de Jesus e a escravidão no processo de formação da sociedade colonial (Brasil, séculos XVI e XVII)*, 61, 82, 138. See Prospero, “As missões no Brasil vistas de Roma” for a discussion of the strategy of conversion by force. For a detailed discussion of the *aldeamentos*, see Castelnau-L’Étoile, *Operários de uma vinha estéril: os jesuítas e a conversão dos índios no Brasil—1580–1620*.

57 MB2, 450.

58 Quirício Caxa (Cuenca, 1538—Bahia, 1599), joined the Society of Jesus in 1559 and came to Brazil in 1563, where he was Vice-Rector of the College of Bahia. MB4, 363. On this controversy, there is an important historiography: Eisenberg, *As Missões Jesuíticas e o Pensamento Político Moderno. Encontros Culturais, Aventuras Teóricas* is a study of Jesuit political thought in the early modern era, especially the “practices of justification” for adapting Christianity to the New World; Zeron, *Linha de fé: a Companhia de Jesus e a escravidão no processo de formação da sociedade colonial (Brasil, séculos XVI e XVII)* is the main work on the debate and practice of slavery by the Jesuits, in confrontation with the debate by scholars from Evora, Coimbra, and Salamanca and the laws on Indian freedom; Storck, “The Jesuits and the Indigenous Slavery: A Debate over Voluntary Slavery in Brazilian Colonial Period” gives a detailed account of the controversy, highlighting the Jesuits’ use of the repertoire of authorities; Cunha, “Sobre a escravidão voluntária, outro discurso: escravidão e contrato no Brasil Colonial” presents the later unfoldings of the controversy; Ehalt, “Defesas jesuítas da escravidão voluntária no Japão e no Brasil” draws parallels between the debate in Portuguese America and the debate on voluntary slavery or self-alienation by Japanese Jesuits.

mercial agriculture based on slave labour, led to the expansion of indigenous and African labour. This pressing issue required a normative response to doubts about the legitimate modes of enslavement.<sup>59</sup>

In 1561, Nóbrega informed the Superior General, Diego Laynes, that the second bishop of Brazil, Dom Pedro Leitão, supported illegal ransoms made by the settlers.<sup>60</sup> The Superior then wrote to the Provincial of Portugal to inform the King about the matter, since it concerned the *Mesa de Consciência*. Juan Polanco, writing for the Superior, stated that “acá no se sabe lo particular, no se puede responder: mas cierto es que si con mal titulo se posséen los esclavos no se pueden comprar ilicitamente”.<sup>61</sup> As a consequence, in 1566, the Portuguese regent, D. Henrique, wrote to the General-Governor ordering a meeting of a *Junta* in Bahia to find remedies to unjust captivity. The circulation of information from Brazil, passing through Rome and arriving in Portugal, returned to produce local effects. The *Junta*, based on a decision by the *Mesa de Consciência*, clarified two hypotheses of legitimate enslavement: the father who sells his son in great need and the person over 21 years of age who sells himself. The controversy between the Jesuits Nóbrega and Caxa arose due to these hypotheses. The latter agreed with the *Junta*'s solution, while the former wrote an *Apontamento* impugning the two hypotheses. Caxa replied to Nóbrega who prepared a *Resposta* in 1567. Only the *Resposta*, which transcribes Caxa's reply, has been preserved.<sup>62</sup>

Regarding Caxa's reply to the question whether a father can sell a son or daughter in great need, the Jesuit introduced a passage from the Codex, “Lei 2<sup>a</sup>, capítulo De patribus”, which authorised the sale of the son or daughter in “extreme poverty and indigence”. The question is whether it is possible to extend the rule to “great” need, as established by the *Mesa de Consciência* and the *Junta* of Bahia.<sup>63</sup> The premise had to be constructed: Caxa held that

59 Zeron, *Linha de fé: a Companhia de Jesus e a escravidão no processo de formação da sociedade colonial (Brasil, séculos XVI e XVII)*, 114.

60 This letter from Nóbrega is lost. We know its contents from Polanco's letter of 25 March 1563, MB3, 542.

61 MB3, 542.

62 Nóbrega's *Resposta* is at MB4, 387. The decision of the Board, known as the *Monitoria*, has not been preserved, nor has it been possible to locate the decision of the *Mesa de Consciência*. The historiography on the controversy is based on the *Resposta*. The reconstruction proposed above that contextualises the elaboration of Nóbrega's opinion is based on Vasconcelos, *Crônica da Companhia de Jesus*, 102; Varnhagen, *História Geral do Brasil*, 334; Zeron, *Linha de fé: a Companhia de Jesus e a escravidão no processo de formação da sociedade colonial (Brasil, séculos XVI e XVII)*, 110.

63 C.4.43.2, De patribus qui filios distraxerunt, “Si quis propter nimiam paupertatem egestatemque victus causa ...”

because the rule of the Codex had already been extended by jurists (such as Bartholomew Saliceto), the prince could extend it too. He resorted to the brocardo “regula extenditur ad similem et ubi eadem est ratio, idem debet esse ius”. Finally, according to him, the extensive interpretation did not seem to be contrary to natural law.

As for the question concerning whether someone over 21 could sell himself, the *inventio* rested on the principles that each one was master of his own freedom, this freedom was estimable, and the sale was not forbidden by natural, divine, or human law. The authority of Azpilcueta (“usuras 14, q. 3, c. 1, n. 93”) was referred to in order to prove that there was no such prohibition.<sup>64</sup> Caxa also used the *Manual* (“Navarro, c. 17, n. 88”) where Azpilcueta stated that the law prohibited that someone could be compelled to sell himself but did not prohibit someone from selling himself. Caxa pointed out that in this hypothesis there was no condition of extreme necessity. At the end of the rejoinder, he cited other passages by Azpilcueta (c.17,60; c.17,88; c.23,95–96; c.24,9) to answer Nóbrega’s *Apontamento* but, as we do not have this text, it is difficult to analyse them.

The *ars inveniendi* employed by Nóbrega in the long and detailed *Resposta* has two central differences with respect to Caxa’s.

Firstly, Nóbrega employed a wider repertoire, apart from the common authorities interpreted by both. More significantly, he emphasised the conditions and restrictions that the authors introduced when generalising applicable norms. For Caxa, authorities were resources for extracting open *topoi*; he diminished the weight of conditions and restrictions. In fact, the guiding principle for Nóbrega was that “Quanto às autoridades dos doutores, já disse que Soto e Navarro se hão-de entender nos casos em que falão e não livremente como V.R. quer”.<sup>65</sup> In this sense, Nóbrega argued that Azpilcueta (c. 17) required “livre vontade” for someone to sell himself. However, “esta vontade não se acha no nosso caso”.<sup>66</sup> And in the “Comento de usuras”, the hypothesis was not that someone “levemente possa vender sua liberdade”, but rather the condition that someone could not pay what he owed and it was for this reason that he sold himself.<sup>67</sup>

64 For an in-depth introduction to this commentary, see Tostes, “Il formarsi del valore della moneta tra il xiv e il xvi secolo. Studio preliminare alla teoria sui cambi di Martin de Azpilcueta”.

65 MB4, 409. On the use of Soto by Caxa and Nóbrega, see Storck, “The Jesuits and the Indigenous Slavery: A Debate over Voluntary Slavery in Brazilian Colonial Period”.

66 MB4, 404.

67 MB4, 405.

Secondly, Nóbrega dealt separately with the *quid iuris* and the *quid facti* in each of the two issues. For Caxa, the *quid facti* was presupposed; it was not the object of express interpretation. For Nóbrega, the propositions concerning the *quid facti* played a key role in locating the solution for the case.

He discussed the different circumstances of the colonial society in various regions of Brazil, which “pola costa se praticão”.<sup>68</sup> The conditions of the Potiguar Indians brought to Pernambuco in 1550 were different, for example, from those of Bahia. The Potiguar slaves were legitimate, sold by their parents because of hunger, “segundo minha lembrança”. A principle that could be generalised was that if extreme necessity was found in other cases, slavery would be considered equally just. Regarding those in Bahia, on the other hand, “é notório” that there was no reason for hunger in most cases. Parents sold their children out of fear, deceit, or other unfair ways under the influence of *lingoas* (native interpreters) and the Portuguese.<sup>69</sup> Nóbrega stated yet another restriction: he raised the suspicion that the Indians did not sell their children, but their relatives, since the gentiles’ filiation had a greater extension than that of the Christians. This brought consequences for the conscience. The king’s officials who registered the purchased slaves had to verify, besides the cause of extreme necessity, if the person was a true son.<sup>70</sup> The context of the 1560s was highlighted by Nóbrega as when the “tyranny of the Christians” began.<sup>71</sup> The unjust wars against the gentiles gave rise to hunger, fear, and fraud. These circumstances supported the assumption that the Indians were badly rescued, which clashed with the *ratio* defined by Azpilcueta. There was therefore no “free will”.<sup>72</sup> Nóbrega also drew another conclusion regarding the sacrament of penance: he reproached confessors who absolved Christians who owned illegitimate slaves.<sup>73</sup>

#### 4 Translation Exercises II: Brazil in the *Manual*

The circulation of normative knowledge was not unidirectional from Europe to the overseas spaces, for example, from Coimbra or Salamanca to the city of

68 “E, porque minha entenção neste negocio não hé tratar mais que o que pertence aos casos, que pola costa se praticão, pera manifestação da verdade e segurança das consciências dos penitentes, virei agora a tratar da questão quid facti”, MB4, 401.

69 MB4, 401–402.

70 MB4, 402.

71 MB4, 411.

72 MB4, 412–413.

73 MB4, 415.

Bahia or Goa. Canonists like Azpilcueta received information, doubts, and proposed normative solutions from overseas. He made an effort to select, merge authorities, generalise reasons, and update normative knowledge produced locally in many places. Manuela Bragagnolo investigated some evidence of updates to the *Manual* as a result of the questions raised by the Jesuits in Brazil, for example, the problem of confession by interpreters which received attention since the edition of 1552.<sup>74</sup> She also highlighted one of the express mentions of Brazil in the *Manual*, related to the buying and selling of Indians.<sup>75</sup> By following this “updating knowledge” thesis, this section discusses the instances of the *Manual* that reference Brazil as follows: Cap. 23, §95<sup>76</sup> and the updates to this section, published in the *Capítulo* 28; Cap. 23, §130;<sup>77</sup> Cap. 24, §9;<sup>78</sup> and Cap. 24, §12.<sup>79</sup> The first edition of 1549 does not have the corresponding passages that appeared in the editions used in this study: the Coimbra edition of 1552, the Salamanca edition of 1556, and the Portuguese translation of the Salamanca edition published in 1560.<sup>80</sup> For the references analysed, the text of the three editions is generally the same, which points to the effort expended in updating the 1552 edition.

#### 4.1 *On Fraud and Slavery*

The first reference to Brazil in the *Manual* appears in chapter 23 concerning the seven deadly sins, in the section on fraud, one of the “daughters” of greed. In order to define the deadly sins for the purpose of confession, Azpilcueta discussed several cases related to fraud. One of them concerned the slave trade. Azpilcueta generalised the principle: it was a mortal sin if one bought a free man who was stolen and trafficked (“levado a tierras y gentes estrañas y a ellas vendido”). This was the situation known (“segun fama”) of “negros y Indios tomados por cossarios christianos y por ladrones de su tierra vendidos a chris-

74 MC1552, Cap. 21, §36, 433.

75 MC1552, Cap. 23, §95, 565. See Bragagnolo, “Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta’s *Manual for Confessors* and the Phenomenon of Epitomisation”, 221–222.

76 MC1552, Cap. 23, §95, 565; MC1556, Cap. 23, §95, 480; MC1560, Cap. 23, §95, 452.

77 MC1552, Cap. 23, §130, 587; MC1556, Cap. 23, §130, 501; MC1560, Cap. 23, §130, 471.

78 MC1552, Cap. 24, §9, 598; MC1556, Cap. 24, §9, 511; MC1560, Cap. 24, §9, 481.

79 MC1552, Cap. 24, §12, 600; MC1556, Cap. 24, §12, 512; MC1560, Cap. 24, §12, 482.

80 For the editions and the structure of the *Manual*, see Olóriz, *Nueva Biografía del Doctor Navarro D. Martín de Azpilcueta y Enumeración de sus Obras*; Silva, “A primeira suma portuguesa de teologia moral e sua relação com ao *Manual* de Navarro”; Muguruza Roca, “Del confesionario ibérico de la Contrarreforma a los manuales para confesores en la América colonial”, Bragagnolo, “Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta’s *Manual for Confessors* and the Phenomenon of Epitomisation”, 226–233.



tianos”.<sup>81</sup> Whoever bought them had the obligation to set them free, otherwise he sinned by avarice.

Azpilcueta identified justified hypotheses of the purchase and sale of free-men which were exceptions to the general rule: prisoners in just war, those who lost their freedom by sentence, and in extreme necessity. Three hypotheses of “extreme necessity” were detailed. The first was the case of pagans arrested by their enemies to be eaten and were bought by “los christianos enel Brasil y en otras partes”. These were what the Portuguese called “presos de corda”, i.e., Indians arrested in inter-tribal wars for the anthropophagic ritual. In the opinion of the canonist, it was fair that they be sold and lose their freedom to save their lives, for the reason that life is more precious than freedom. The second was the ransom of those who would be killed without the order of justice. The third was the hypothesis of the father who sold his son in times of extreme hunger, a topic in the controversy between Nóbrega and Caxa.

The *Manual* articulated principles applicable to rescuing the son sold due to extreme need who became enslaved. He would gain his freedom as an ingénuo (not a freedman) upon payment of the price for which he was bought. His possessor could not refuse to return his freedom. As another consequence, by virtue of this privilege, the buyer of the slave should be informed of how the enslavement took place, a theme that reappeared emphatically in the construction of the solutions. In chapter 28, in the section with the updates to be added to cap. 23, §95 of the *Manual*, Azpilcueta answered a question of the transatlantic traffic about the lawfulness of the purchase of Black slaves “traydos de Ethiopia, o de otras tierras”. The solution adopted as a criterion the information on how the enslavement had been carried out. The purchase would be illicit if the buyer knew or should have known that the enslavement took place by kidnapping or fraud. Azpilcueta added that the “fama pública” about a particular slave being fraudulently captured was sufficient to take away the legitimacy of the purchase.<sup>82</sup>

#### 4.2 *On Gluttony and Baptism*

In the same chapter 23 about the deadly sins, with reference to the sin of gluttony, Brazil was mentioned again. Azpilcueta approved the decision of the Jesuits, of whom he was well informed by letters, who did not want to baptise Gentiles who did not demonstrate a determination never to eat human flesh again, even for those killed in a just war. He referred to the discussion on

81 MC1556, Cap. 23, §95, 480.

82 Azpilcueta, *Capitvlo Veynte y Ocho de las Addiciones del Manual de Confessores*, 39<sup>f</sup>.

repentance required for baptism. Azpilcueta advised against baptising Indians who were not contrite and only wanted to be baptised in order to receive gifts (“bonetes o otros diges, o brincos, aunque tengan alguna flaca, y fria detestacion de sus malas vidas, por respectos, que no se fundan en el amor de Dios”).<sup>83</sup>

#### 4.3 *On Mercy and the Rescue of Captives*

The next reference was in connection with the passage discussed above about the “presos de corda” Indians. Brazil appeared in the case of the ransom of Indians bound to be eaten. Azpilcueta constructed the moral theological justification for just enslavement in this case.<sup>84</sup> The *sedes materiae* of chapter 24 are the works “daughters” of mercy and “granddaughters” of charity. On the basis of a mnemonic verse preserved by Thomas Aquinas (Part II–IIae, q. 32, Art. 2.1), Azpilcueta lists the corporal works of mercy: “visito, poto, cibo, redimo, tego, colligo, condo” (I visit, I give to drink, I give to eat, I redeem, I cover, I welcome, I bury) and the spiritual works of mercy: “consule, castiga, solare, remitte, fer, ora” (counsel, chastise, comfort, forgive, suffer, pray). The rescue of the captive, “redimo”, is a type of corporal work of mercy. A number of cases and hypotheses had been discussed by the canonist (imprisoned for debt, in “great” need, etc.). The general principle disposed of the necessary obligation to perform the work of mercy if the one who gives has more than what is necessary for the sustenance of his life and his own family and the one who receives is in extreme need. Under these conditions, the one who did not ransom the captive sinned mortally. As the work of mercy did not need to be gracious, but could be a loan, the ransomed could sell himself or be sold to whoever ransomed him. In effect, the Christians “in Brazil & other parts” could “save” the Indians by buying them from their enemies.

In one of the commentaries appended to the *Manual*, Brazil was referred to again. Azpilcueta proposed the distinction between the prisoner by reason of justice who could be bought to be a slave and the ransom made by Christians “enel Brasil y otras partes Barbaras” to those destined to be eaten.<sup>85</sup>

#### 4.4 *On Spiritual Almsgiving and the “Extreme Need of Doctrine”*

The last instantiation of Brazil that can be found appeared in the same chapter 24, in the context of the spiritual works of mercy (alias, spiritual almsgiving). The *Manual* prescribed that it was a mortal sin if one did not give spiritual alms

83 MC1556, Cap. 1, § 39, 16.

84 MC1552, Cap. 24, § 9, 598; MC1556, Cap. 24, § 9, 511; MC1560, Cap. 24, § 9, 481.

85 Azpilcueta, “Comentario resolutorio de la necesidad de defender de la muerte espiritual y corporal”, 132–133.

of the seven mentioned to anyone in extreme need. Almsgiving was obligatory even at the risk of losing one's life if it did not lead to the loss of one's soul. Azpilcueta made the caveat that the extreme need for spiritual almsgiving occurred "few times", since the constriction was enough for someone to be saved. At any rate, "os meninos nascidos de Christãos entre mouros que não são batizados" experienced extreme need as well as many gentiles from "Índias del Brasil, y Peru chegados à morte que se converteriam se lhes ensinassem a fee catholica".<sup>86</sup> Such a hypothesis was called "extreme need of doctrine". Azpilcueta took advantage of the topic to develop an extensive commendation of Francisco de Azpilcueta y Xavier's works of mercy.

#### 4.5 *Applying the Manual*

Azpilcueta and other scholars (Fernão Peres, Gaspar Gonçalves, and Luis de Molina) were consulted on cases of conscience raised in Brazil by Jesuits.<sup>87</sup> Each one gave responses to a set of five cases. Leite proposed the year of 1583 as the date for the answers.<sup>88</sup> The first case concerned usury in a forward contract to buy a sugar mill. The second was about the confession of slaves brought from Guinea who did not know Portuguese. The third discussed the lawfulness of general absolution in case of shipwreck. The fourth case dealt with the topic in this section on the purchase and sale of slaves when there were doubts about fair title. The fifth referred to the application of the Council of Trent with regard to marriage vows.<sup>89</sup>

Azpilcueta applied the *Manual* and explicitly quoted it in four of the five responses: the first case (c. 17, § 206, 210, 211, 254), second case (c. 21, § 36), fourth case (c. 23, § 95), and fifth case (c. 22, § 70). It is worth noting that the answer to the fourth case, written in Latin, was a verbatim transcription of the Latin edition of the *Manual* with the solution discussed above on just titles and the

86 MC1552, Cap. 24, § 12, 600; MC1556, Cap. 24, § 12, 512; MC1560, Cap. 24, § 12, 482.

87 "Sententia circa resolutionem aliquidum casuum, qui in Brasilia frequenter occurrunt", BPE, cod. CXVI/1–33, fols. 109–130.

88 MBI, 370. Leite, *História da Companhia de Jesus no Brasil*, 30. The responses are kept in the Society's archives in Rome and in the Évora Public Library. A detailed study of the responses by historiography is lacking, and also cannot be covered in the scope of this chapter. For the first results, see Zeron, *Linha de fé: a Companhia de Jesus e a escravidão no processo de formação da sociedade colonial (Brasil, séculos XVI e XVII)*, 167–170; Marcocci, *Pentirsi ai Tropici. Casi di coscienza e sacramenti nelle missioni portoghesi del '500*, Cap. 3–4.

89 For a more detailed overview, see Zeron, *Linha de fé: a Companhia de Jesus e a escravidão no processo de formação da sociedade colonial (Brasil, séculos XVI e XVII)*, 167–168; Cabral, "Jesuit Pragmatic Literature and Ecclesiastical Normativity in Portuguese America (16th–18th Centuries)", 174–177.

effects of knowledge on the modes of enslavement practised.<sup>90</sup> The *Manual* was a “living text”, updated since the 1552 edition with information and cases from overseas, producing normative knowledge to be applied to new cases.<sup>91</sup>

## 5 Coda

It falls outside the limits and objectives of this contribution to discuss in detail the construction of the practical judgement proposed by the Jesuits and Azpilcueta in all these letters and passages, which would require an in-depth discussion of the selection and agreement of authorities. In any case, it should be noted that neither the Jesuits nor Azpilcueta had a set of lapidary rules given *ex ante* by a legislator. They worked with a collection of opinions bequeathed by tradition which needed to be chosen, weighed, and agreed upon; a collection of theological, canonical, and juridical principles of a rich *topica* (virtues, sins, sacraments, decalogue). The repertoire was mobilised paying attention to the cases for the construction of a practical and equitable judgement.<sup>92</sup> Indeed, religion played a central role in justifying and ruling the conquests of the Iberian empires. Under the terms of various bulls, dominion over lands, seas, and populations came in exchange for the obligation to evangelise non-Christians in the Americas, Asia, and Africa. Doubts of conscience about trade, slavery, mission, and sacraments fostered the differentiation of moral theology that acquired autonomy in the course of the 16th century. As Paolo Prodi maintains, with moral theology “a new autonomous ordering is constructed (a “new canon law”):<sup>93</sup> This normativity is an alternative “not only to state positive law, but also to traditional canon law, which survived only as an ecclesiastical discipline”. The work of the community of practice and the epistemic community formed by the Jesuits and Azpilcueta unfolded at this juncture. The *Manual* was one of the resources to the *ars inveniendi* in the conquests and was updated

90 Azpilcueta, *Enchiridion sive Manuale Confessoriorum et Poenitentium*, Cap. 23, § 95–96, 366.

91 Bragagnolo, “Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta’s *Manual for Confessors* and the Phenomenon of Epitomisation”, 189; Duve, “Pragmatic Normative Literature and the Production of Normative Knowledge in the Early Modern Iberian Empires (16th–17th Centuries)”, 5.

92 For the dialectical and topical mode of argumentation, see Scattola, “*Scientia Iuris* and *Ius Naturae*: The Jurisprudence of the Holy Roman Empire in the Seventeenth and Eighteenth Centuries”, 6–9; Schüssler, “Casuistry and Probabilism”.

93 Prodi, *Uma história da justiça. Do pluralismo dos foros ao dualismo moderno entre consciência e direito*, 357; Legendre, “L’inscription du droit canon dans la théologie. Remarques sur la Seconde Scolastique”, 449.

with information from the New World. The exercises of translation to produce normative knowledge took place in the midst of a multidirectional circulation of experiences that revealed both the adaptation and mediation as well as the intolerance and violence of early modern Catholicism that then reached a global scale.<sup>94</sup>

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# *Sed talentum commissum non abscondere: The Moral Obligations of an Author*

*Christiane Birr*

## Abstract

There are many reasons why Martín de Azpilcueta worked so tirelessly to update and expand his *Manual de Confessores*: the incoming requests of Spanish and Portuguese missionaries in various parts of the Iberian empires, the theological developments brought by the Council of Trent, etc. To these, one more reason can be added: concern for his own salvation. In letters exchanged with Jesuit missionaries like Franciscus Xavier and Manuel da Nóbrega, the idea that great knowledge brings great responsibility is repeatedly voiced: with his book, Azpilcueta may have sought to fulfill his moral obligation to employ his God-given ability in teaching theology, thus avoiding the sin of the lazy servant in Parable of the Talents (Matt. 25:14–30).

## Keywords

Martín de Azpilcueta – Books – Franciscus Xavier – Jesuit missionaries – Juan de Azpilcueta – Knowledge Production – Manuel da Nóbrega – Moral Theology

The extraordinary history of the origins and the development of the *Manual de confessores* by Martín de Azpilcueta never ceases to intrigue: the famous bestseller of 16th-century moral theology commenced its existence as a small book, with no hint of its enormous potential as a cornerstone of early modern pragmatic literature.<sup>1</sup> The book's subsequent growth from a short compendium published in 1549 in Coimbra—written in Portuguese by an anonymous Franciscan friar and commented on and edited by Azpilcueta, the professor of canon law—to a monumental work in Latin published in Rome in

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1 For the concept of pragmatic literature in the Spanish and Portuguese context of the 16th and 17th century, cf. the chapters of various authors in Duve and Danwerth, *Knowledge of the Pragmatici*.

1573—with Azpilcueta now as its author—forms a fascinating study made up of many aspects. How the early commentaries on the text of the unknown Franciscan grew and how Azpilcueta took over the book as his own—not only by commenting on it, but by re-inventing its intellectual design, aiming for continual emendation, adaptation, and complementation of the traditional stances of European moral theology—has been detailed with great expertise by Manuela Bragagnolo.<sup>2</sup> The *Manual* was meant to provide reliable, comprehensive information to confessors and sinners alike, guiding them on a secure path to the salvation of their souls. But there was one more soul at stake in the relentless revisiting and reworking of the book: Azpilcueta's own.

One reason for the relentless working on and re-working of the *Manual* certainly lies in the keen interest Azpilcueta took in the missionary activities, especially those of the Jesuits in India and the Americas.<sup>3</sup> This interest was not only shared by many of his contemporary canonists and theologians, particularly from the universities of Salamanca and Coimbra,<sup>4</sup> but also had for Azpilcueta a more personal dimension: two of his younger family members, Francis Xavier<sup>5</sup> and Juan de Azpilcueta Navarro had joined the newly-founded Jesuit order; both left Europe as part of missionary endeavours, Xavier went to India (1540), Juan to Brazil (1549). Azpilcueta's own enthusiasm for the spreading of Christianity in far-flung regions shines in the 1556 edition of his *Manual*: he reflects wistfully on the missionary work of the Jesuits in and beyond Goa; in the eyes of the Coimbra professor, with their life's work Xavier and the other missionaries forged a new communion, a spiritual bond between the Asian neophytes, with whom the ideals of the original church of the Apostles were to be revived, and the European Catholics who were equally in need of spiritual refreshment.<sup>6</sup> In this spiritual climate of the young Jesuits, Azpilcueta put himself forward to Xavier as a willing participant on his mission to Goa, "where I too (to my mind) would have finished my pilgrimage, if he (when he left Lisbon) had not left me as old and too weak for the labours he had conceived and writing to me that my

2 Bragagnolo, "Managing Legal Knowledge".

3 Cf. Samuel Barbosa's chapter in this volume (Chapter 5).

4 On the interest in the Americas and the manifold questions arising from the Spanish military and missionary activities in the Caribbean and on the American continent shared by the authors of the School of Salamanca, see Ego García, "Travelling Scholastics"; Duve, "The School of Salamanca"; Duve, "Rechtsgeschichte und Rechtsräume"; Duve, "Salamanca in America", 120 sq.

5 Cf. Barbosa's and Bragagnolo's contributions (Chapters 5 & 2) in this volume.

6 Azpilcueta, *Manual*, Salamanca 1556, cap. 24, no. 12 (512 sq.).

eyes should already be set on heaven".<sup>7</sup> Accordingly, Azpilcueta stayed in Coimbra where he was, at that time, professor of *Prima* in Canones (1538–1555).

Azpilcueta admired the readiness of Xavier to put his own life in danger to spread the Gospel among the peoples of India<sup>8</sup> and wished very much to meet him in person before he left Portugal, so much so that Azpilcueta is said to have offered a bargain to the patron of Coimbra's university, King John III: if the king sent Xavier (who was at the time at John's court in Lisbon) to him, Azpilcueta would teach two more courses of lectures than he was obliged to.<sup>9</sup> However, it seems that Azpilcueta and Xavier never met in person.<sup>10</sup> On 28 September 1540, Xavier wrote a letter from Lisbon which showed he did not hold out much hope for a personal meeting.<sup>11</sup> Instead, Xavier sent one of his companions, Blas López, to Coimbra, asking Azpilcueta to take the young man under his wing and supervise his university studies in theology. In this context, the topic of the great responsibility which comes with great knowledge is touched upon. "You may well consider," the young Jesuit admonished his older relative, "how much you owe to God, Who has enriched you with that rare talent of great learning—not certainly for your own benefit alone, but that you may be of assistance to many others, besides yourself."<sup>12</sup>

7 Azpilcueta, *Manual*, Salamanca 1556, cap. 24, no. 12 (513): "donde ya yo tambien (a mi pensar) ouiera acabado esta mi peregrinacion, si el (quando se partio de Lisbona) no me dexara por viejo, y flaco para los trabajos, que el lleuaua concebidos, escreuiendomeque quedasse ya la vista para los cielos, Amen." English translation is mine.

8 Cf. this passage in the discussion of the spiritual works of mercy, see Azpilcueta, *Manual* Salamanca 1556, cap. 24, no. 12 (512): "Y tambien muchos gentiles de las Indias del Brasil, y Peru, cercanos ala muerte, que se conuertirian, si se les enseñasse a fe catholica, se podrian dezir estar en extrema necessidad de doctrina. Y aun a aquel grande sieruo de Dios el maestro Francisco de Azpilcueta Xabier, proposito dela compañia de Iesus en las Indias, le parecia extrema la necessidad, que dela doctrina euangelica tenian los gentiles de cierta ysla, pa ir les a predicar, como fue con prouable peligro de su vida."

9 Coleridge, *Life and Letters of St Francis Xavier*, 77.

10 Cf. Letter Franciscus Xavier to Martín de Azpilcueta, 28 September 1540: Xavier, *Monumenta Xaveriana* I, no. 5 (223–225): "Plazerá a Dios nuestro Señor entre muchas mercedes, que de su diuina magestad tengo rescibydas, hazerme esta, que en esta vida nos veamos ante que para las Indias mi compannero he yo nos partamos"; English translation: Coleridge, *Life and Letters of St Francis Xavier*, 76sq.

11 Letter Franciscus Xavier to Martín de Azpilcueta, 28 September 28 1540: Xavier, *Monumenta Xaveriana* I, no. 5 (223–225): "y a esto vea V. md. la obligation que tiene, hubiendole Dios nuestro Senor [da]do tan am[p]lissimo talento en letras, y no para el solo, sino a muchos en el." English translation: Coleridge, *Life and Letters of St Francis Xavier*, 76–78.

12 Letter Franciscus Xavier to Martín de Azpilcueta, 28 September 1540: Xavier, *Monumenta Xaveriana* I, no. 5 (225); English translation: Coleridge, *Life and Letters of St Francis Xavier*, 77.

It seems that in his now lost answer, Azpilcueta expressed his dismay that Xavier would or could not come to him in Coimbra, and he very probably also touched on his proposed bargain to undertake additional lectures just for the privilege of meeting his nephew in person. In the next letter, Xavier came straight to the point: Azpilcueta's letter, he wrote, "lets me see all the piety that animates those holy labours and occupations in which you spend your time; for a work of great piety indeed it is to instruct in learning those who desire learning only for the sake of giving themselves wholly and singly to the service of Jesus Christ our Lord." If Azpilcueta was busy with his lectures and university teaching more than usual, he could not count on any pity from his younger relative, as Xavier continued:

And so I do not feel that pity for your Reverence which I really should feel if I thought that you did not use, as a faithful servant should use them, those very excellent gifts with which it has pleased Christ our Lord to adorn you, for I am quite sure that, however great and fatiguing may have been the toil by which the prize is won, far greater will be the prize itself, when one who has been faithful in little shall be set over many things.

As to the extra lectures Azpilcueta had probably mentioned, Xavier saw no reason for complaint: "And if just at present you have to exert yourself particularly in giving a lecture or two more than is your wont, yet, after all, you ought to find fresh strength for this, so as to do it with the utmost willingness, in the thought that there may have been times when you were less industrious than the excellent talent given you by God might require".<sup>13</sup>

With great knowledge comes great responsibility: Xavier elaborated on this idea, describing a moral obligation to employ one's God-given talents and abil-

13 Letter Franciscus Xavier to Martín de Azpilcueta, 4 November 1540: Xavier, *Monumenta Xaveriana* I, no. 8 (234–246): "Con vna carta de V. md. escrita á 25 de Octubre mi ánima rescuió tanto gozo y consolación, que, después de su vista, a me per multos iam dies optata, cosa no me podía dar más descanso, y en saver de sus traujos y ocupaciones tan sanctas, como son, en obras de piedad, en enseñar a los que desean solo sauer para con ello servir a Christo nuestro Señor. No le tengo aquella compasión que ternia si pensase que el amplissimo talento, que Xpo. nuestro Señor le dio, no lo emplea como fiel siervo, teniendo por cierto quel premio del trabajo sera mayor que la fatiga de auerlo ganado, quando super multa erit constitutus, qui in modico fuit fidelis [Mt 25:21]: y si trabajos se le offrescen al presente en ler alguna letiön mas de lo acostumbrado, esto le debe dar fuerças para que con mucha voluntad resciba semejantes trabajos, viendo que algún día dexó de poner los que debiera en emplear su mucho talento de letras" (234 sq.). English translation: Coleridge, *Life and Letters of St Francis Xavier*, 78.

ities. For Azpilcueta, not sharing his unique knowledge of theological and moral matters would be a grave sin:

And we certainly, who rejoice in all that is good for you, are delighted to see you work off old obligations in this way yourself, rather than leave them to be discharged by those who are to come after you. For there are many who suffer punishment in the next world because they have trusted more than was right to the executors of their wills, and in this way it is a terrible thing to fall into the Hands of the Living God [cf. Hebr. 10:31], and most especially in giving an account of our stewardship [cf. Lk 16:2].<sup>14</sup>

A professor's obligation to teach was considered to be of more than ordinary importance, as intellect and knowledge were gifts from God, only given to be generously shared. "May God, Who has so liberally given you such an abundance of learning that you have plenty to give to others," Xavier admonished, "make you equally liberal in imparting it to those who desire only to know how to serve the Creator and Lord of all, setting before your eyes the glory of God and the increase thereof!"<sup>15</sup>

In this exhortation to spare no effort in spreading his theological knowledge, Xavier cleverly echoes Azpilcueta's own convictions about the importance of charity. Charity was considered, as Thomas Aquinas put it, the principal among all virtues,<sup>16</sup> needing to be practiced in the form of the so-called works of mercy: seven of them aimed at relieving the physical needs of man, seven of them looking at his spiritual requirements. Thus, the seven material works of mercy are cited as "visito, poto, cibo, redimo, tego, colligo, condo":<sup>17</sup> giving alms to the poor, feeding the hungry, giving water to the thirsty, clothing the naked, shel-

14 Letter Franciscus Xavier to Martín de Azpilcueta, 4 November 1540: Xavier, *Monumenta Xaveriana* 1, no. 8 (234–246): "y los que holgamos de su bien gozamos mucho de ver que así paga deudas pasadas, no fiándose en sus herederos; pues muchos penan en el otro mundo por auerse demasiado remitido á sus testamenteros; *et ideo horrendum est incidere in manus Dei viuentis* [Hebr. 10:31], *praesertim in reddenda visitationis ratione* [cf. Lk 16:2]." English translation: Coleridge, *Life and Letters of St Francis Xavier*, 78sq.

15 Letter Franciscus Xavier to Martín de Azpilcueta, 4 November 1540: Xavier, *Monumenta Xaveriana* 1, no. 8 (234–246): "Plegue á Dios nuestro Señor, á quien plugo tan liberalmente dar á V.md. tantas letras para que con otros partiese, que así V.md. sea liberal en partir con los que desean sólo sauer para con ello al Creador y Señor de todas las cosas seruir, y tubiendo su gloria delante y aumento della deseando" (235). English translation: Coleridge, *Life and Letters of St Francis Xavier*, 79.

16 Aquinas, *Summa Theologiae*, 2a 2ae, q. 23 art. 6 co.: "caritas est excellentior fide et spe; et per consequens omnibus aliis virtutibus".

17 Aquinas, *Summa Theologiae*, 2a 2ae, q. 23 art. 2 arg. 1.



tering the homeless, visiting the sick and the imprisoned (which is sometimes also taken as ransoming the captives), and, finally, burying the dead. Alongside this concept of material needs and charitable works, medieval theology also developed a corresponding concept of seven spiritual works of mercy. Aquinas presents the catalogue “consule, castiga, solare, remitte, fer, ora,”<sup>18</sup> meaning to counsel, reprove, console, pardon, forbear, and pray. Although the mnemonic verse contains only six words, in fact there are seven spiritual works of mercy: *consule*, Aquinas explained, is to be understood in two different ways, namely as *consilium et doctrina*, i.e., to offer advice and to give religious instruction.

Considering the giving of alms as the emblematical work of mercy, Azpilcueta mused in his *Manual*:

I do not remember ever having read that someone, who during his lifetime did not stint himself in the works of piety, died badly. From whence it follows that it is unwise to reserve one's alms for after death, and even less so to labour to gather together many superfluous goods in order to leave them to one's children, who perchance will destroy them or be moved by them to sin even more and so jeopardise their own salvation.<sup>19</sup>

What Azpilcueta wrote about almsgiving could be just as well applied to teaching the Christian doctrine: *doctrina* as a spiritual work of mercy would require him to not only teach his students, but also advise anybody who consulted him about cases of conscience. To keep one's learning and knowledge to oneself would be a sin; for a renowned professor of theology, to rely on one's students to publish one's teachings accurately and exhaustively would be as ill-advised as counting on a rich man's heirs to give alms in the deceased's name.

Even if Xavier in his letters does not explicitly refer to the spiritual works of mercy, the allusions to them are as unmistakable as the direct reference to the Parable of the Talents (Matt. 25:14–30), underlining the point that wasting a God-given talent is a grievous sin. The idea to apply the Parable of the Talents to intellectual work was not a new one: Gregory the Great, one of the church fathers, proposed this understanding of the parable in a homily preached in 590:

18 Aquinas, *Summa Theologiae*, 2a 2ae, q. 32 art. 2.

19 Azpilcueta, *Manual*, Salamanca 1556, cap. 24 no. 8 (510): “No me acuerdo auer leydo, que muriesse mal, quien biuiendo se exercito bien en las obras de piedad. De donde se sigue, no ser cordura reseruar las limosnas, para despues dela muerte: y menos, trabajar de ayuntar muchos bienes superfluos, para los dexar a sus hijos, que por ventura los destruyran, o les seran causa de mas pecar, y que se condemnen”. English translation is mine.

Let's be clear, no lazy is immune to a talent received. Because no one can say with truth: "I have not received any talent. There is nothing, then, which I am obliged to give an account of." ... Thus, one has received the faculty of understanding; this talent obliges him to the ministry of preaching. ... You who have the faculty of understanding, take great care not to be silent. ... So let us all think each day with fear of what we have received from the Lord, so that when we return, we can safely return the count of our talent. ... he will undoubtedly return to ask us for our talents, and if we sleep without doing good, he will judge us very severely, precisely because of the gifts he has given us.<sup>20</sup>

Salamanca authors like Domingo de Soto and Domingo Báñez cited the parable, or rather Gregory's interpretation, in various contexts: as a possible argument when one wanted to argue for an obligation for lawyers to look after the interests of the poor for free<sup>21</sup> and as the reason for everyone's duty to give one's best in whichever office, especially if one considers the office as beneath their own faculties.<sup>22</sup> In any case, Soto and Báñez warned, "talentum autem abscondere culpa est", to hide one's talent makes one guilty, as the punishment of the over-anxious servant in the parable shows.<sup>23</sup>

That Azpilcueta shared this interpretation of the Parable of Talents with his Salamanca colleagues and with Xavier seems highly probable: for him, as a professor, not to teach and diligently transfer his accumulated knowledge to students, confessors, and penitents in need of guidance would have been a mortal sin.

20 Gregory the Great, *Homilies*, Homily 9 on the Gospels (on Matt. 25, 14–30), online edition and English translation: Patristic Bible Commentary, <https://sites.google.com/site/aquinasstudybible/home/matthew-commentary/gregory-the-great-homily-9-on-the-gospels> (Accessed 19 March 2022).

21 Soto, *De Iustitia et Iure* (2020 [1553]), pars 1 lib. 5 q. 8 art. 1, in: The School of Salamanca. A Digital Collection of Sources <https://id.salamanca.school/texts/W0011:1.5.9.1.2?format=html> (Accessed 19 March 2022); Báñez, *De Iure et Iustitia Decisiones* (2019 [1594]), q. 15 art. 1, in: The School of Salamanca. A Digital Collection of Sources <https://id.salamanca.school/texts/W0003:16.2.1.2?format=html> (Accessed 19 March 2022).

22 Báñez, *De Iure et Iustitia Decisiones* (2019 [1594]), q. 7 art. 2, in: The School of Salamanca. A Digital Collection of Sources <https://id.salamanca.school/texts/W0003:8.3.2.2.60?format=html> (Accessed 19 March 2022).

23 Soto, *De Iustitia et Iure* (2020 [1553]), pars 1 lib. 5 q. 8 art. 1, in: The School of Salamanca. A Digital Collection of Sources <https://id.salamanca.school/texts/W0011:1.5.9.1.2?format=html> (Accessed 19 March 2022). Very similar and citing the same passage in Gregory's homily: Báñez, *De Iure et Iustitia Decisiones* (2019 [1594]), q. 15 art. 1, in: The School of Salamanca. A Digital Collection of Sources <https://id.salamanca.school/texts/W0003:16.2.1.2?format=html> (Accessed 19 March 2022).

The Coimbra community of Jesuits, including his former student and friend, Manuel da Nóbrega, added to this conviction: in 1549, six young Jesuits left for Bahia, among them Nóbrega and Juan, Azpilcueta's nephew.<sup>24</sup> Both had been his students, and Azpilcueta was fond of them both, praising Nóbrega as his best student when he received the *bachillerato* in canon law from him in June 1541.<sup>25</sup> The younger men used to consult Azpilcueta in difficult moral decisions they had to make as priests and confessors<sup>26</sup>, and both kept this consulting habit up in their letters from Brazil. In one of those missives, Nóbrega explicitly invoked the prominent position of Azpilcueta in contemporary Christianity. God, Nóbrega wrote, had given their generation a special mercy, enabling them to be of exceptional service to humankind thanks to three exceptional men: Azpilcueta himself, working as teacher and author among (all) Christians, Xavier in India, and Azpilcueta's nephew Juan in Brazil<sup>27</sup> respectively, where, in the eyes of their Jesuit brethren, their endeavours were blessed beyond the ordinary.<sup>28</sup>

*Doctrina* was understood as the very duty of a professor to teach, the moral obligation of the theologian and canonist to pass on knowledge: this per-

24 Cf. Barbosa in this volume; Forsyth, "Beginnings of Brazilian Anthropology", 148.

25 Nobrega, *Cartas do Brasil*, 21 sq.

26 Cf. the example recounted in Nobrega, *Cartas do Brasil*, 24: in the 1540s, Nóbrega served as confessor to a convicted Portuguese highway robber who was prone to extreme mood swings between deep contrition and heavy blasphemies. Nóbrega consulted Azpilcueta on this difficult case, suggesting to give this sinner the eucharist only immediately before his execution. Azpilcueta answered in the affirmative and Nóbrega put the idea into practice.

27 Juan, who was born in Navarre between 1521 and 1523, entered the Company in Coimbra on December 22, 1545; four years later, he embarked for Brazil with Manuel da Nóbrega. His fellow Jesuits considered him the most gifted to learn indigenous languages; for them, the Tupi language seemed similar to Basque, Juan's mother language, explaining thus his linguistic prowess. Nóbrega writes enthusiastically about Juan's communication skills and the success of his preaching, e.g. in his letter to Martín de Azpilcueta written on August 10, 1549, less than six months after the Jesuits' arrival in Brazil: "Ya sabe la lengua de manera que se entiende con ellos y a todos no haze ventaja, porque esta lengua parece mucho a la biscayna. Anda con grande hervor de aldea en aldea, que parece que quiere encender los montes con fuego de caridad. Tiene tres o quatro aldeas de que tiene cuidado, y en dos de las principales le hazen casa donde biva y enseñe los catecúminos": Leite, *Monumenta Brasiliae* 1, doc. 8, no. 5 (141). Juan de Azpilcueta Navarro died on April 30, 1557 in Bahia (Leite, *Monumenta Brasiliae* 1, 58).

28 Letter Manuel da Nóbrega to Martín de Azpilcueta, August 10, 1549: Leite, *Monumenta Brasiliae* 1, doc. 8 (132–145): "... parece que nuestro Señor tiene hecha mercé a esa generación particularmente de aprovechar al próximo: v.m. entre christianos, Maestre Francisco en las Yndias, y este su sobrino [i.e. Juan de Azpilcueta Navarro] en estas tierras del Brasil" (no. 5, 140).

spective adds a spiritual dimension as well as a heightened urgency to Azpilcueta's lifelong preoccupation with the revision, updating, and enriching of his *Manual*. Very likely, the book was not merely meant to serve as a reliable guide to all questions a confessor in Spain and Portugal, Brazil, India, or Peru might encounter; it was also conceived as a vessel to transfer the breadth, width, and depth of Azpilcueta's knowledge in its entirety to as big an audience as possible. The printing press allowed him to broaden his potential audience without the constraints of university affiliation, geography, or even time itself; with the printed page, Azpilcueta would not be dependent on other persons to divulge his knowledge. Instead, the printed book, in its many updated, revised, and enriched editions, allowed him to make his voice heard far and wide among the Catholic Christians, and the translations from Portuguese into Spanish into Latin also opened up ever-widening circles of readers. Azpilcueta seemed determined to avoid, at any cost, procrastination and perilous dependence on others, which Xavier had warned him against. Looking at the ceaseless and tremendous effort he put into updating, revising, enriching, translating, and re-publishing the *Manual*, resulting in a stunning intellectual and theological legacy, nobody would be able to accuse him of not having made the utmost of the talent the eternal master had entrusted to his servant Martín de Azpilcueta.

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**PART 2**

*Circulation and Presence of  
Azpilcueta's Manual on the Globe*





# Martín de Azpilcueta Navarro in the Andes (16th–17th Centuries)

*Pedro M. Guibovich Pérez*

## Abstract

The diffusion of Martín de Azpilcueta's work among members of the clergy, particularly doctrinal priests in rural areas, in the viceroyalty of Peru during the sixteenth and seventeenth centuries is the subject of my essay. The presence of this work allows, on the one hand, to observe the adaptation of the colonial ecclesiastical regulations to the dictates of the Council of Trent, and, on the other hand, to study the implementation of that ecclesiastical regulation among the members of the clergy in charge of the care of souls. I argue that the dissemination of Azpilcueta's work shows the interest of the ecclesiastical hierarchy in reinforcing the knowledge of moral theology among ecclesiastics.

## Keywords

Andean clergy – Readership – Council of Trent – Moral theology – Ecclesiastical knowledge

“This comprehensive manual is intended as a treatise of Christian doctrine for all; a repertoire of moral guidelines for the learned; a complete handbook for confessors; and a broad, crisp steel mirror for penitents, in which, hopefully, we will see reflected our faults and sins, and abhor them”:<sup>1</sup> in such eloquent and accurate terms, Martín de Azpilcueta Navarro describes the features and

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1 [“Este manual grande se podía dezir doctrina christiana de todos, manual y reportorio resolutivo de lo necessario a las conciencias para los doctos, confessorio perfecto para confesores, espejo de hazero grande y claro para penitentes, en que oxalá veamos y aborrezcamos nuestras faltas y pecados”, Azpilcueta, *Manual de confesores y penitentes*, f. 7<sup>r</sup>.], I am grateful to Manuela Bragagnolo for providing me with an original copy of this edition.



intended readership of his *Manual de confesores y penitentes* (*Manual for confessors and penitents*, henceforth *Manual*) to the “pious reader”. According to him, it is simultaneously a repertoire of moral theology, a guide for confessors, and a treatise of doctrine, targeted at confessors, scholars, and penitents; that is, the entire Christian community. In addition to the extensive audience for which it was written, another element that contributed to the book’s wide dissemination was its relevance to its time. The first edition of the *Manual* was published in Portuguese shortly after completion of the Council of Trent’s Canons on Penance in November 1551. The establishment of penitential discipline as a pillar of the Tridentine reform provided a platform that gave Azpilcueta’s work a global reach.<sup>2</sup> Notably, in addition to fundamental matters like the salvation of souls, the nature of pastoral work, and the need to provide guidance to confessors and penitents “through the labyrinth of moral cases”, it addresses issues relevant to the ongoing transition from a traditional agricultural society to a pre-modern economy, where an increasing number of Christians made a living in commerce, business, and credit.<sup>3</sup> Therefore, it is not surprising that a man of his time like Azpilcueta should tackle moral issues related to banking (especially loan and financing operations) and commercial activities.<sup>4</sup> Finally, the work has also been acknowledged as an authoritative summary, selection, and compilation of legal knowledge.<sup>5</sup>

The book’s contents and targeted audience made it a publishing success, resulting in 82 editions in Latin, French, Spanish, Portuguese, and Italian between 1553 and 1620 (although more probably went into print).<sup>6</sup> Notably, the available information shows its extensive distribution throughout the Peruvian Andes in the 16th and 17th centuries. Despite its author’s intentions, the *Manual* seems to have been associated mainly—although not solely—with the pastoral work of priests in charge of *doctrinas* (Indian rural parishes). It is well known that clergymen normally owned books but, unfortunately, the subject of priests’ book culture in the 16th and 17th centuries remains largely unexplored,<sup>7</sup> in contrast with the extensive studies on the matter for the late colonial period.<sup>8</sup> There-

2 Belda Plans, *Martín de Azpilcueta Jaureguizar*, 25.

3 Decock, “Martín de Azpilcueta”, 124.

4 Decock, “Martín de Azpilcueta”, 124.

5 Bragagnolo, “Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta’s Manual for Confessors and the Phenomenon of Epitomisation”, 187–242.

6 Haliczzer, *Sexualidad en el confesionario. Un sacramento profanado*, 3.

7 On priests’ book culture, see Guibovich, “Los libros de los doctrineros en el virreinato del Perú, siglos XVI–XVII”. Much research remains to be done, especially in the ecclesiastical archives of Lima, Arequipa, Trujillo y Huamanga.

8 It is worth noting the works by Di Stefano, “Religión y cultura: libros, bibliotecas y lecturas

fore, the purposes for which priests used books are mostly unknown. A crucial issue in the study of colonial book culture is to establish the reasons why a given work became widely disseminated. Along these lines, this chapter seeks to shed light on the historical circumstances behind the extensive circulation of Azpilcueta's work throughout the Andes.

More specifically, the subject of this chapter is the dissemination of Azpilcueta's *Manual* among *curas doctrineros* (parish priests) in the Viceroyalty of Peru (especially the Diocese of Lima) during the 16th and 17th centuries. Multiple sources, such as library inventories, lists of goods for sale, and records of canonical visitations provide evidence of its widespread influence. This study argues that such presence shows, on the one hand, the adherence of colonial church practices to the dictates of the Council of Trent and, on the other, the fast compliance with Tridentine norms by clergymen in charge of *cura de almas* (salvation of souls). This chapter also maintains that the diffusion of Azpilcueta's work reflects the Church hierarchy's interest in improving knowledge of moral theology among the clergy. In sum, the circumstances of the time strongly promoted Azpilcueta's work, particularly the new emphasis on the sacrament of confession, the formal training of priests, and the surveillance of their reading material.

## 1 The Council of Trent and Its Influence in the Andes

The Council of Trent, summoned in 1545, sought to accomplish two main goals: define the fundamental tenets of the Roman Catholic faith and establish a framework for the reform of the Church. Shortly after the Council concluded its sessions in December 1563,<sup>9</sup> King Philip II mandated compliance with Tridentine norms throughout the vast Spanish Empire by royal decree (*real cédula*) of 12 July 1564:

It is our wish that the decrees from the said Council, sent to us by His Holiness, be kept, fulfilled, and executed in our domains. [...] We mandate the archbishops, bishops, and other prelates; the generals, provincials, priors, and guardians of the orders; and all those concerned to make public

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del clero secular rioplatense (1767–1840)", and Peire, "Leer la revolución de mayo: bibliotecas tardocoloniales en Río de La Plata". The latter provides an overview of lay and ecclesiastical book owners.

9 O'Malley, *Trent. What happened at the Council*, 279–282.

[the dictates from] the said saintly Council in their churches, districts, dioceses, and other convenient places.<sup>10</sup>

In a letter addressed to the King, dated 20 April 1567, Jerónimo de Loayza, Archbishop of Lima, acknowledged receipt of the decrees of the Council of Trent on 28 October 1565 and informed that “the decrees deemed valuable to the public were published in Spanish in all the churches in the Archbishopric”.<sup>11</sup> To ensure thorough compliance with the new norms, in April 1565 Philip II ordered prelates to hold provincial councils, as established by the Council of Trent.<sup>12</sup> The Viceroyalty of Peru complied in 1567 by holding the Second Provincial Council of Lima under the leadership of Archbishop Loayza, who formally mandated the execution of the Tridentine decrees.<sup>13</sup>

## 2 The New Religious Order: The Sacrament of Penance

Historian Stephen Haliczer highlights that “one of the most remarkable features of post-Tridentine Catholicism was the emergence of the sacrament of penance as a defining element in the new religious order” and that “Catholic Europe became a confessionally-oriented society, with a magnified awareness of sin, a growing emphasis on confession, and an intensified role of priests/confessors in charge of *cura de almas*”.<sup>14</sup> The same was replicated in Spain’s colonial domains. Moreover, the arts, literature, and homiletics reinforced the relevance of the sacrament of penance both in Europe and the Americas.<sup>15</sup>

10 [“Y ahora habiéndonos S.S. enviado los decretos del dicho santo concilio y queremos en estos nuestros reinos sea guardado, cumplido y executado. [...] Y así encargamos y mandamos a los arzobispos y obispos y a otros preladados, y a los generales, provinciales, priores y guardianes de las órdenes, e a todos los demás a quienes esto toca e incumbe, que hagan publicar e publiquen en sus iglesias, distritos y diócesis, y en las otras partes y lugares do convinere el dicho santo concilio”, *Novísima recopilación de las leyes de España*, Vol. II, 6.].

11 [“se publicaron en romance en la dicha yglesia los decretos que pareció que convenía el pueblo supiese, y por la misma orden se mandó rescibir en todas las demás yglesias deste arzobispado y publicar los dichos decretos”, Aparicio, *La orden de la Merced en el Perú. Estudios Históricos*, II, 559].

12 Parker, *Imprudent King. A New Life of Philip II*, 87.

13 Aparicio, “Influjo de Trento en los concilios limenses”.

14 Haliczer, *Sexualidad en el confesionario. Un sacramento profanado*, 24.

15 Artistic representations of the repentant St. Peter and Mary Magdalene became iconic symbols of confession. See the classical study by Male, *El arte religioso del siglo XII al siglo XVIII*, 163–164.

In the context of Reformation, the Lutheran doctrines of Justification by Faith and Priesthood of all Believers had weakened devotional practices—especially the sacraments—as well as the role of priests as mediators between Divine Grace and man. It was necessary to reinforce doctrine and establish the vision of a new—specifically Catholic—spirituality, where faith and devotion were linked to the ministry of a clergy armed with enhanced capabilities and discipline.<sup>16</sup> The Roman Catholic Church set out to provide a forceful response to Luther’s teachings. From the Lutheran perspective, Justification is an act of acquittal whereby God gives contrite sinners the status of the righteous, thus rendering all deeds, obligations, and sacraments unnecessary (except for baptism). In contrast, Catholics considered that human behaviour was key to obtaining Grace and Justification. Therefore, obligations and sacraments were essential, as they created the channels whereby God responds to man’s search for Grace. Theologians at the Council of Trent agreed that man must cooperate in Justification and voluntarily accept God’s Grace. Moreover, as it is impossible to know whether Grace has been attained solely by faith, man is destined to persevere until reaching a Second Justification through baptism. This Second Justification depends on man’s use of God’s Grace and the efforts to enhance it through the sacraments, which “grant that Grace to those who do not place obstacles in the way” (“conferen esa gracia a aquellos que no ponen obstáculos en su camino”).<sup>17</sup> According to Haliczzer, the Council’s stance on Justification reinstated the relevance of the sacraments, which were declared to have been established by Christ, not just as a means for “promoting” faith, but also as “necessary for salvation”.<sup>18</sup> This author adds that the sacrament of penance “was particularly important for its close association with man’s struggle for Justification”; despite faith, salvation cannot be taken for granted, as man’s innate inclination to mortal sin erases Grace, thereby preventing Justification. Man can only recover God’s Grace through the sacrament of penance.<sup>19</sup>

The relevance given to the sacrament of penance, and to those who administered it, becomes evident in colonial literature, in the norms issued by provincial councils held in the Viceroyalty of Peru, and in the testimonies left by Church members. Reflecting to what degree confessional practice was embedded in colonial society, native Peruvian author Felipe Huamán Poma de Ayala recommended in his *Corónica y buen gobierno* (written at the beginning of the 17th century) “that priests who administered the saintly sacrament of confes-

16 Haliczzer, *Sexualidad en el confesionario*, 13.

17 Haliczzer, *Sexualidad en el confesionario*, 14.

18 Haliczzer, *Sexualidad en el confesionario*, 14.

19 Haliczzer, *Sexualidad en el confesionario*, 15.

sion mandate penitents, including Spaniards, to examine their soul and conscience for one week”.<sup>20</sup> For their part, Indians were required to record their sins in a *quipo* and were instructed by priests on “the way to confess each sin and on the difference between mortal and venial sin”.<sup>21</sup>

The works of Jesuit authors also provide evidence of confessional practices in rural areas. Jesuit Pablo José de Arriaga, in his treaty on *Extirpación de la idolatría* (*Extirpation of Idolatry*) published in 1621, described in vivid detail his work as assistant to ecclesiastical visitations, aimed at achieving the so-called “extirpation of idolatry”, and evangelisation missions pursued by his fellow Jesuits in the Archbishopric of Lima at the beginning of the 17th century. Like many of his contemporaries, Arriaga voiced his displeasure at the Indians’ scarce knowledge of the sacraments of confession and eucharist. He underscored that the examinations conducted under ecclesiastical visitations revealed that most Indians admitted to having concealed, during confession, the practices of worshipping *huacas* and seeking the assistance of sorcerers. Arriaga illustrates this experience in a touching personal account: seeking to establish whether such omissions were caused by ignorance or malice, he asked an Indian who was known to have worshipped *huacas*, in the presence of the *visitador*, whether he had confessed such sins. The Indian replied he had not and, writes Arriaga, “I pressed him further with a common expression in his language: what did your heart tell you when you concealed such sins? The reply was a sudden outburst of moaning and sobbing”.<sup>22</sup> Once calm, the Indian declared: “My heart told me that I was deceiving God and the priest” (“Decíame mi corazón que engañaba a Dios y al Padre”). In conclusion, Arriaga emphasises that the Indian said these words “with such sentiment that for a while he did not wish to leave the church to join the other Indians, who had gathered at the cemetery, and remained crying in a corner after parting ways with us”.<sup>23</sup>

Regarding the norms governing the responsibilities of priests in charge of *cura de almas*, the Second Council of Lima (1567) established “that the ministry

20 [“que los padres del santo sacramento de la confesión manden examinar su ánima y conciencia una semana al penitente, aunque sea español”, Huamán Poma de Ayala, *Nueva crónica y buen gobierno*, 248].

21 [“cómo han de confesar cada pecado y le den a entender al penitente la culpa del pecado mortal o venial”, Huamán Poma de Ayla, *Nueva crónica y buen gobierno*, 248].

22 [“Preguntéle más con esta que es frase de su lengua: ¿Qué te decía tu corazón cuando callabas estos pecados? La respuesta fue llorar de repente con grandes gemidos y sollozos”, Arriaga, *Extirpación de la idolatría*, 41].

23 [“con tanto sentimiento que en un buen rato no quiso salir de la iglesia al cementerio, donde estaban los demás indios, sino que se estuvo llorando en un rincón, después que se apartó de nosotros”, Arriaga, *Extirpación de la idolatría*, 41].

of confession be conducted only by persons selected through proper examination and approval, and proven to be prudent and capable of guarding secret knowledge”<sup>24</sup> and that confession should not be conducted through translators. Priests who did not master native languages were required to delegate confession duties to those who did.<sup>25</sup> Moreover, priests were mandated to teach Indians that the sacrament of penance was necessary for those who had committed mortal sins and that concealing them rendered confessions invalid and constituted sacrilege. Indians were assured that priests would keep their confessions in secret, probably to calm their misgivings.

In turn, the Third Council of Lima, held in 1582–1583, mandated that “bishops thoroughly examine both regular and secular clergymen seeking to become confessors” and added that, as not all were suitable for listening to confession, “the most scholarly and learned among them be approved through proper examination and the less educated be assigned duties according to their competencies”.<sup>26</sup> Moreover, it established that those approved should be duly accredited, that all parishioners should request a *cédula* from confessors as certification of compliance with the precept of annual confession,<sup>27</sup> and that the confessors of Indians should be fluent in the language of their parishioners to make the absolution of sins “legitimate”. They were reminded that, if they did not understand penitents’ confessions, they should send them to a more learned priest, or learn from the latter what they did not know, “as he who imposes a sentence on what he does not understand cannot be a good judge” (“pues no puede ser buen juez el que da sentencia en lo que no entiende”).<sup>28</sup> Years later, the 1613 Synod of Lima established the obligations of annual confession and communion in Easter and threatened non-compliers with excommunication.<sup>29</sup> Penalties (*penas*) had already been introduced in 1567 for non-compliance with confession, mass attendance, baptism, and the denunciation of idolatry practices. Although such penalties were not specified, the norms mentioned that they should be “personal or corporal” (“personales o corpor-

24 [“que el ministerio de confesar no se cometa sino a personas examinadas y aprobadas, prudentes y que guarden secreto”, Bartra, *III Concilio Provincial*, 137].

25 Bartra, *III Concilio Provincial*, 137.

26 [“examinen con diligencia los ordinarios a los que hubieren de ser expuestos por confesores, aunque sean religiosos”]; [“convendrá guardar la devida regla de su examen, de suerte que a los letrados y muy doctos se les dé aprobación general, y con los que no son tan suficientes se guarde la limitación de personas o estados que se juzgare convenir a sus letras y suficiencia”, Bartra, *III Concilio Provincial*, 66].

27 Bartra, *III Concilio Provincial*, 66.

28 Bartra, *III Concilio Provincial*, 67.

29 *Sínodos de Lima de 1613 y 1636*, 199.

als”) and not “spiritual or in the form of censorship” (“espirituales o censuras”), as “Indians draw little benefit” (“se aprovechan poco los indios”) from the latter. Sanctions were determined by the bishop and carried out by priests.<sup>30</sup>

In line with Church regulations imposing confession, parish priests kept books where they recorded their parishioners’ civil status and compliance with annual confession; the norms issued by the Council of 1567 ordered priests to “keep a book with the names of all those subject to confession” (“que tengan escriptos en un libro todos los nombres de los que se han de confesar”). The regulations warned priests that those from outside their *doctrinas* should not receive confession, unless expressly authorised by their own parish priests. At the same time, they established that, in case of need, a priest could hear confession from anyone.<sup>31</sup> Although such records have not been preserved, ecclesiastical visitations involve the category “Indians of confession” (“indios de confesión”), that is, those in condition to receive, or subject to the obligation of, confession. For instance, the notary in charge of documenting Bishop Toribio Alfonso de Mogrovejo’s extended visits within the diocese of Lima (at the turn of the 17th century) usually recorded the *indios de confesión* in each *doctrina*, together with taxpayers; married, single, and widowed men and women; and boys and girls receiving training in doctrine before baptism (“muchachos y muchachas de doctrina”), among others.<sup>32</sup> Despite the intentions of legislators, it was not always possible to administer confession properly, as confirmed by Manuel de Mollinedo y Angulo, Bishop of Cuzco, during a visit around his diocese in 1674. His final report states that the visit “aimed to persecute idolatry and revalidate multiple null confessions” (“persigióse [*sic*] la idolatría, revalidándose muchas confesiones nulas”), but does not provide further details.<sup>33</sup>

### 3 Formal Training of the Clergy: Seminaries and the University

With an aim to build a better educated clergy, capable of correct administration of the sacraments, the Council of Trent mandated the founding of seminaries and encouraged the use of books. The goal was to create a better trained, morally irreproachable clerical body. Seminaries were introduced by the Council of Trent to provide residence and serve as study centres to young men pursu-

<sup>30</sup> Bartra, *III Concilio Provincial*, 177.

<sup>31</sup> Bartra, *III Concilio Provincial*, 166.

<sup>32</sup> *Libro de visitas de Santo Toribio Mogrovejo (1593–1605)*.

<sup>33</sup> Guibovich Pérez and Wuffarden, *Sociedad y gobierno episcopal. Las visitas del obispo Manuel de Mollinedo y Angulo, 1674–1687*, 86.

ing priesthood. In contrast with cathedral schools and universities, seminaries were intended to professionalise clerical work by establishing academic standards, as mentioned by Leticia Pérez Puente. Seminaries provided a bishop with support from young loyal clergymen who owed him their education, as well as from their families, thereby reinforcing his role as protector of society and spiritual and moral guide. Pérez Puente underscores that the Crown supported the founding of seminaries wherever bishops—and the Church in general—were needed to support colonisation efforts and the exploitation of resources.<sup>34</sup>

Seminaries played a key role in educating young students and acquainting them with books and reading practices. Moral theology stood out among the subjects taught in class. The charter of the Seminary of San Antonio Abad, founded in Cuzco at the end of the 16th century, states that “students in the said school should learn grammar, rhetoric, moral cases, the Holy Scriptures, homilies, the sacraments, the ecclesiastical calendar and, especially, the necessary capabilities to listen to confession and administer the other sacraments of the Church”.<sup>35</sup> The charter of the Jesuit Seminary of Tucumán establishes that the teaching staff should include “a Latin teacher, two if necessary; and a lecturer on moral cases, depending on the number of listeners”.<sup>36</sup>

Not all seminaries taught classes; the Seminary of Santo Toribio, founded in Lima upon initiative of Archbishop Mogrovejo at the beginning of the 17th century, after overcoming multiple financial shortcomings, functioned basically as a student residence. Apparently, as of 1606, the Seminary taught the Quechua language, which was deemed essential for pastoral work among the Indian population, followed by Latin classes in 1611. In contrast with the Cuzco Seminary, the Lima Seminary did not teach other subjects, as students could learn them at San Marcos University.<sup>37</sup>

The University in Lima was the main academic training centre for colonial society members seeking to pursue a career at the service of the Crown or the Church. In 1630, Franciscan friar Buenaventura de Salinas y Córdova exalted

34 Pérez Puente, *Los cimientos de la Iglesia en la América española. Los seminarios conciliares, siglo XVI*, 14.

35 [“en el dicho colegio se lea por los dichos colegiales la gramática y retórica, cánones o casos de conciencia, escritura sagrada, homilías, sacramentos, cómputo eclesiástico, y principalmente lo que fuere necesario para oír confesiones y administrar los demás sacramentos de la Iglesia”, Pérez Puente, *Los cimientos de la Iglesia en la América española. Los seminarios conciliares, siglo XVI*, 41].

36 [“un maestro de latín, y cuando haya necesidad, dos; y otro que lea casos de conciencia, habiendo número de oyentes”, Pérez Puente, *Los cimientos de la Iglesia en la América española. Los seminarios conciliares, siglo XVI*, 460].

37 Vargas Ugarte, *Historia del Seminario de Santo Toribio de Lima (1591–1900)*, 34 and 54.



it as “most prolific mother of singular and numerous children, where the perfection of Art surpasses that of Nature itself”.<sup>38</sup> Another contemporary, Diego de León Pinelo, a Professor at the University, spared no praises, describing it as “patroness of liberal arts, splendid banquet of wisdom, foundation of all truths, melodious zither, soft-sounding organ, master of the learned, elevated workshop of excellent studies”.<sup>39</sup> Such laudation confirms contemporaries’ awareness that the University was key to personal promotion in colonial society. It is worth noting that university studies also enabled access to holy orders.

Theology was included in the University’s curriculum since its founding. For instance, the 1577 charter established that students applying for a degree in theology should submit to “three public presentations consisting of nine conclusions each, including one on positive theology and another on moral philosophy, before at least four University scholars”.<sup>40</sup> One of the first theology Professors, Jesuit priest Esteban de Ávila, wrote several abstracts of Azpilcueta’s work at the end of the 16th century.<sup>41</sup> It is no coincidence that Esteban de Ávila was an enthusiastic reader and probably a diffuser of Azpilcueta’s ideas at the University, as Azpilcueta’s work was widely known and appreciated at the Society of Jesus, and its reading was intensely recommended to young novices.<sup>42</sup>

The interest in theology in general (and in moral theology in particular) among San Marcos students can be documented from the book inventories held in custody at the University. For instance, Francisco de Ávila and Fernando de Avendaño were both parish priests, Doctors of Theology, and cathedral council members. The inventory of Francisco de Ávila’s extensive library, made

38 [“madre fecundísima de singulares y numerosos hijos, donde la misma naturaleza queda vencida por el primor del Arte”, Salinas y Córdova, *Memorial de las historias del Nuevo Mundo Pirú*, 162].

39 [“patrona de las artes liberales, mesa espléndida de la sabiduría, base de las verdades, cítara canora, órgano dispuesto de suave voz de los intérpretes, maestra de los doctores, alto taller en el cual radica la economía de los estudios”, León Pinelo, *Semblanza de la Universidad de San Marcos*, 115].

40 [“tres actos públicos, de nueve conclusiones cada una y en cada uno una de Teología positiva y otra de filosofía moral, y en cada uno de ellos, le arguyan por lo menos quatro que sean doctores del claustro”, Eguiguren, *Historia de la Universidad. Volume I. La Universidad en el siglo XVI. Vol. II Las constituciones de la Universidad y otros documentos*, 112].

41 Ávila, *Compendium summae seu Manualis Doct. Nauarri in ordinem alphabeti redactum* (1609); Ávila, *Compendium summae seu Manualis D. Navarri in ordinem alphabeti redactum* (1614); Ávila, *Compendium Summae seu Manualis doctoris Navarri* (1620).

42 “Los que van de un collegio a otro no lleven más que una Biblia y un libro devoto; ni el Superior dé licencia para más, si no fuere alguna Summa de Navarro, pareciendo que será necesaria, por aver de exercitar algunos ministerios en el camino; los escritos de mano que cada uno tubiere, podrá llevar donde fuere”, Lima 1579, Egaña, *Monumenta Peruana*, 689].

upon his death in 1648, included, in addition to numerous history, literature, and theology books, a rich assortment of Azpilcueta's works. Altogether, the collection provides an exceptional testimony to Francisco de Ávila's ministry as priest in charge of *cura de almas* and his reading interests. In particular, Francisco de Ávila seemed to be keen on acquiring the latest editions of the works of the famous Spanish jurist.<sup>43</sup> In contrast, the inventory of Avendaño's equally large book collection, made in 1656, included only "[Azpilcueta] Navarro's works in three volumes" ("Navarro opera en tres tomos") and "[Azpilcueta] Navarro's *Manual*" ("*Manual de Navarro*").<sup>44</sup> It is worth emphasising that Francisco de Ávila and Avendaño's reading interests were in line with the doctrine promoted by the Council of Trent.

#### 4 The Clergy's Reading Practices

The Council of Trent also proposed to enhance episcopal authority over priests through the standardisation of evangelical practices. Towards this end, the Council mandated the use of liturgy and doctrine texts approved by bishops.<sup>45</sup> This standardising initiative is reflected in the norms governing the evangelisation of Indians. In this regard, the Second Council of Lima recommended using a Catechism compiled and approved by the episcopal authority, as well as a confession manual for priests who "are not fluent in native languages" ("no son tan diestros en la lengua"). Such texts were never produced, but the proposal, far from falling into oblivion, was taken up by the Third Provincial Council. A main achievement of the latter was the publication, between 1584 and 1585, of *Doctrina Christiana y catecismo para la instrucción de los indios* (*Christian Doctrine and Catechism for the Education of Indians*), *Tercero catecismo y exposición de la doctrina christiana por sermones* (*Third Catechism and Sermons on Christian Doctrine*), and *Confesionario para los curas de indios* (*Confessionary for Indian Parish Priests*). In addition to ratifying the decisions from the previous Council on priest practices, administration of the sacraments, and catechisation policies, the Third Provincial Council of Lima issued, for the first time,

43 "Tratado de confesores de Navarro, viejo, 8vo. y pergamino", "Obras de Azpilcueta, folio y pergamino", "Navarro in capitulum inter vivos, un tomo 4to. y pergamino", "suma de Navarro en romance, 4to. y pergamino", "manual de Navarro, 4to. y pergamino", and three copies of "compendio de Navarro, 8vo. y pergamino" (Hampe, *Cultura barroca y extirpación de idolatrías. La Biblioteca de Francisco de Ávila*).

44 Guibovich Pérez, "La carrera de un visitador de idolatrías en el siglo XVII: Fernando de Avendaño (1580–1655)".

45 Po-Chia Hsia, *The World of Catholic Renewal 1540–1770*, 115–116.

norms on the books that rural parish priests should hold. Along these lines, the chapter entitled “On Clergymen’s Studies” (“Del estudio de los clérigos”) mandated that “clergymen avail themselves of ecclesiastical books, especially by authors addressing moral cases about which they should be knowledgeable; and be reprimanded if proven negligent in this regard”.<sup>46</sup> As the episcopal siege of Lima had the rank of archdiocese, its norms, including those on book practices, were progressively implemented throughout most bishoprics in the Viceroyalty of Peru. Some prelates made it their personal responsibility to instruct priests in their dioceses. For instance, Fernando de Mendoza, Bishop of Cuzco between 1609 and 1616, “lectured his clergymen on moral theology at his home to make them worthy of the priestly ministry and cheered them up with gifts after the lesson”.<sup>47</sup>

The implementation of the decisions from the Third Provincial Council of Lima lingered for several years due to a delay in their approval by the Crown. Finally, in 1591, shortly after the Crown gave its consent, the Council’s decisions appeared in print in Madrid, thereby paving the way for executing them in the Andes.<sup>48</sup> In the same year, the Fourth Provincial Council of Lima mandated priests to keep copies of the decisions from the previous Council. Synods held in the suffragan dioceses of Lima issued similar orders.

At the turn of the 17th century, priests were instructed to add the decisions from the Council of Trent and the synods held in their respective dioceses, as well as the three Catechisms published in Lima in 1584–1585, as mandatory texts. Further instructions, issued in the early 17th century, added the *Catecismo ex decreto Concilii Tridentini ad parochos*, as well as the treatises on moral theology mandated by the Third Provincial Council of Lima.

The need to ensure proper education for priests in charge of *cura de almas* is a recurrent topic in colonial literature. For instance, regarding the sacrament of penance, Bachelor Juan Pérez Bocanegra, priest of Andahuaylillas in the bishopric of Cuzco, wrote in his *Ritual formulario e institución de curas (Instructions for Priests)*, published in 1631, that, in order to discern properly “and cure prudently, as wise and expert physicians, the illnesses of the soul

46 [“A la lección de libros eclesiásticos deven atender los clérigos, y tener especialmente autores que traten bien de casos de conciencia en que es necesario sean versados; y si en ello fuesen negligentes, sean reprehendidos”, Bartra, *III Concilio Provincial Lima 1582–1583*, 98].

47 [“leyó Teología moral a sus clérigos en su casa para hacerlos más idóneos ministros para el ministerio de curas, endulzábales este entretenimiento con regalos que repartía entre los cursantes después de la lección”, Contreras y Valverde, *Relación de la ciudad del Cusco 1649*, 124].

48 *Concilium Limense celebratum anno MDLXXXIII sub Gregorio XIII.*

with the best medicine available, priests should acquire as much science and prudence as possible through prayer and by *consulting approved books, particularly the Roman Catechism, and seeking the advice of wise, experienced and prudent men*.<sup>49</sup> Another author, Pedro de Reina Maldonado, in his *Norte claro del perfecto prelado en su pastoral gobierno*, (*Clear North for the Perfect Prelate in his Pastoral Government*) recommended priests “not to own too many books, to avoid becoming confused by a welter of opinions, but rather study the views and doctrine of selected authors”.<sup>50</sup> At the same time, he reiterates that both Spanish priests and Indians should own the books prescribed by the local Councils and Synods, including “some *sumas* on sacraments and moral cases” (“*algunas sumas de sacramentos y casos morales*”). For his part, Alonso de la Peña Montenegro, in his *Itinerario para párrocos de indios* (*Itinerary for Indian Parish Priests*), published in 1668, states that *curas doctrineros* acting as judges over their parishioners should have accurate knowledge of the offences committed and their gravity, so as to impose penance in due proportion, and stresses that “as spiritual physicians who must prescribe the necessary medicine to cure diseases, they must be knowledgeable in its use”.<sup>51</sup> In support of this argument, he cites authors like Azpilcueta, Francisco Suárez, and Tomás de Vio Cayetano, among others. Finally, he adds: “I maintain that, for parish priests to legitimately administer the sacrament of penance, they must learn to clearly identify sin; and be able to state whether it is mortal or venial, establish its nature, and determine the virtue to which it is opposed”.<sup>52</sup> Starting in 1609 (and perhaps somewhat earlier), ecclesiastical visitations were conducted to ensure that priests held the books mandated by Council norms.<sup>53</sup>

49 [“y cure prudentemente, como sabio y experto médico, las enfermedades de las almas y sepa también aplicar a cada uno, remedios más apaos [*sic*] y convenientes, procure adquirir toda la mayor ciencia y prudencia que pudiere, assí con oraciones hechas a menudo a Dios, como *buscando la de autores aprovados, particularmente del catecismo romano, y consulte a los hombres sabios, experimentados y prudentes*”, Pérez Bocanegra, *Ritual y formulario e instrucción de curas*, 90].

50 [“no han de ser muchos, porque será ofuscarse con la variedad de opiniones, sino estudiar de propósito algunos autores considerando lo que dizen y el modo de su doctrina”, Reina Maldonado, *Norte claro del perfecto prelado en su pastoral gobierno*, vol. 1, 226–227, 229].

51 [“siendo también médico espiritual que ha de recetar las medicinas según la calidad de los achaques [...] es forzoso tenga ciencia y conocimiento de la malicia de ellos”, Peña Montenegro, *Itinerario para párrocos de indios*, 90].

52 [“Yo solo digo que por lo menos es necesario en el párroco, para que lícitamente ejerza el sacramento de la penitencia, que sepa distinguir entre pecado y no pecado: y si es pecado, si es mortal o venial; sepa de qué malicia es y de qué especie y a qué virtud se opone”, Peña Montenegro, *Itinerario para párrocos de indios*, 91].

53 Guibovich Pérez, “Los libros de los doctrineros en el virreinato del Perú, siglos XVI y XVII”.

## 5 The Presence of Azpilcueta's Work

The three circumstances discussed above (the new sacramental order, the theological training of prospective clergymen at seminaries and the university, and the norms on possession of books by priests) contributed to the dissemination of moral theology works among “shepherds of souls” (*pastores de almas*). Ecclesiastical visitation officials asked parish priests *de rigueur* to produce the “*sumas* of moral cases” (“*sumas de casos de conciencia*”) that they held for study purposes. The available sources show that, in the 17th century, the term *suma* encompassed a wide repertoire of manuals for confessors, such as the works by Francisco de Vitoria,<sup>54</sup> Bartolomé de Medina,<sup>55</sup> Juan de Pedraza,<sup>56</sup> Antonio de Córdoba,<sup>57</sup> Pedro de Ledesma,<sup>58</sup> Manuel Rodríguez,<sup>59</sup> Tomás Sánchez,<sup>60</sup> Manuel Saa,<sup>61</sup> Melchor Zambrano,<sup>62</sup> Enrique de Villalobos,<sup>63</sup> and Alonso de Vega,<sup>64</sup> among others.

The influence of Azpilcueta's work among the *doctrinas* in the Archbishopric of Lima during the 17th century is extensively documented in the records of ecclesiastical visitations conducted in the diocese of Lima around the early 1630s. During his pastoral visitation, Hernando Arias de Ugarte arrived in 1631 at the *doctrina* of San Salvador de Pachacamac, in charge of *Licenciado* Agustín Ortiz Serrano: “When asked whether he held the required missal, breviary, and calendar, [the priest] produced them and declared not to possess priestly ornaments”.<sup>65</sup> Immediately afterwards he was asked about other books: “When asked whether he kept the decisions from the Council of Trent, the Lima Councils of 1567 and 1583, and the Synods held in this archbishopric; the required catechism, sermonary, and Christian doctrine in the Quechua language; and the records of the previous Lent, the Roman Catechism, the sermons he had

54 Vitoria, *Summa Sacramentorum*.

55 Medina, *Breve instruccion de como se ha de administrar el sacramento de la penitencia*, and other editions.

56 Pedraza, *Suma de casos de conciencia*, and other editions.

57 Córdoba, *Tractado de casos de conciencia*, and other editions.

58 Ledesma, *Primera parte de la summa*, and other editions.

59 Rodríguez, *Summa de casos de conciencia*, and other editions.

60 Sánchez, *Operis moralis*, and other editions.

61 Saa, *Aphorismi confessoriorum*, and other editions.

62 Zambrano, *Aureae Decisiones Casuum conscientiae*.

63 Villalobos, *Manual de confessors*, and other editions.

64 Vega, *Suma llamada nueva recopilación*, and other editions.

65 [“Preguntado [el cura] si tiene el misal, breviario y calendario, y los exhibió y dixo no tener ornamento propio”, AAL, Visitas].

preached, and some *sumas*,”<sup>66</sup> Ortiz Serrano responded affirmatively and produced the printed editions of the decisions from the Council of Trent, the Lima Councils of 1567 and 1583, and the Synod of 1613; the Roman Catechism; “and the *sumas* by Córdoba and [Azpilcueta] Navarro; the *directorium curatorum*; the Catechism, *cartilla*, and sermonary in Quechua and Aymara; manuals and glossaries for those languages; a number of sermons in those languages and Spanish; and the general and confessional records.”<sup>67</sup> In 1633, during his pastoral visitation to his diocese, the above-mentioned Archbishop Arias de Ugarte asked Bachelor Diego Barreto, priest of Sayán, about the books in his possession. Barreto “declared that he owned the mandatory breviary, *diurno*, and missal” (“dixo que tiene breviario y diurno y missal”); the decisions from the Council of Trent and the Lima Councils of 1567 and 1583; the doctrinal texts printed by order of the latter Council (*Third Catechism, Doctrine, and Confessionary*), “the printed decisions from the Synods” (“las sinodales impresas”); the Roman Catechism; and the *sumas* by Azpilcueta, Francisco de Toledo, Giovanni Battista Possevino, and Tomás Sánchez.<sup>68</sup> Years later, in 1658, *Licenciado* Gabriel de la Cueva, priest of the *doctrina* of Santiago de Chilcas, showed the ecclesiastical visitation officials “the summary and compendium of the Synods summoned by the said archbishop [Toribio Alfonso de Mogrovejo] in 1598 and 1600, as well as the Catechism of St. Pius v, the *directorium curatorum*, the perpetual calendar, [Azpilcueta] Navarro’s *suma*, a breviary, and a *diuron*.”<sup>69</sup>

Clearly, the rulings from councils and synods contributed significantly to the diffusion of Azpilcueta’s work in the Viceroyalty of Peru. Its presence can also be traced in the diocese of Cuzco: Bachelor Francisco Gutiérrez, a priest based in Yucay, a village located a few kilometres from Cuzco, lived in poverty. The inventory of his belongings, made upon his death in 1643, included barely six

66 [“Preguntado si tiene el concilio de Trento y los concilios limenses de sesenta y siete y ochenta y tres, y las sinodales impresas de este arzobispado, el catecismo, sermonario y doctrina christiana en la lengua quichua, los padrones de la quaresma pasada, el catecismo romano y los sermones que a predicado y algunas sumas”, AAL, Visitas].

67 [“y las sumas de Córdoba y de Nabarro y el directorium curatorum y el catecismo y cartilla y sermonario en lengua quichua y aymara, y un arte y vocabulario en la lengua, y exhibió cantidad de sermones así en la lengua como en romance; y assimismo exhibió los padrones así los generales como los de las confesiones”, AAL, Visitas].

68 AAL, Visitas. Leg. 14, exp. 4.

69 [“el sumario y compendio de los sínodos que el dicho arzobispo [Toribio Alfonso de Mogrovejo] hizo hasta el año de mil quinientos i noventa i ocho, i lo que después hizo hasta el de seiscientos, el catecismo de Pío Quinto, directorium curatorum, el calendario perpetuo, la suma de Navarro, el breviario y diurno”, AAL, Visitas. Leg. 12, exp. 8].

books, among them “a manual by [Azpilcueta] Navarro in Latin” (“un manual de Navarro en latín”).<sup>70</sup>

However, throughout the 17th century Azpilcueta’s work gradually weakened in importance. It seems that it took second place to other similar works like Francisco Lárraga’s *Prontuario de teología moral* (*Handbook of Moral Theology*); but, more importantly, a set of key developments determined the book’s declining influence. The dominance of ‘laxist’ moral theology peaked in the first half of the 17th century but met heavy resistance starting in the 1640s (although some works had already been previously banned by Rome). Since then, the ‘rigorist’ current became progressively predominant and set out to condemn ‘laxist’ works like Azpilcueta’s books.<sup>71</sup> As a result, the latter never went back into print. For instance, the last edition of *Enchiridion sive manuale confessoriorum et poenitentium*, currently held by the Valencian Library in Spain, was published in Rome in 1623.<sup>72</sup> There is ample room for further research on the issue of Azpilcueta’s waning relevance. However, this exceeds the scope of this study.

Attempting to explain the dissemination of a written work involves a fascinating exercise in reconstructing the cultural practices of a given time and place. This study argues that the diffusion of Azpilcueta’s work throughout the Andes reflects the alignment of colonial ecclesiastical norms with the dictates of the Council of Trent, the compliance with the latter by priests in charge of *cura de almas*, and the Church hierarchy’s interest in improving knowledge of moral theology among the clergy. Along these lines, the mandate to own and read the works produced by Azpilcueta—reputed among his contemporaries as “the most enlightened jurist of our time, the most accurate and skilful interpreter of the sacred canons, knowledgeable in both theory and practical cases”<sup>73</sup>—falls into place within the historical coordinates of his time, namely, the enhanced importance of the sacrament of confession, the emphasis on the formal education of priests, and the norms governing their mandatory readings.

*Translated by Carlos Pereyra Plasencia*

<sup>70</sup> AAC, caja XXXIII, paquete 2, folder 34.

<sup>71</sup> Delumeau, *La confesión y el perdón*, 101–102.

<sup>72</sup> Alagona, *Compendium manualis Nauarri et commetarij eiusdem De Usuris*.

<sup>73</sup> Azpilcueta, *Operum*. Copy held at the National Library of Spain, Madrid.

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# Azpilcueta in the Atlantic Book Trade of the Early Modern Period (1583–1700)

*Pedro Rueda Ramírez*

## Abstract

This chapter focuses on the works of Martín de Azpilcueta that circulated on the book distribution networks of the Hispanic Atlantic world. Shipping manifests and reports with the titles declared for shipment to the West Indies show which of Azpilcueta's works were present or absent, revealing their distribution via different channels and to different territories in the Americas.

1) To identify the presence of Azpilcueta's texts in the shipping manifests for books dispatched to the West Indies on the fleets of New Spain and Tierra Firme in the period of 1583–1700; 2.1) to analyse the networks of distribution and intermediation that facilitated the delivery of Azpilcueta's books; 2.2) to identify the agents who took part (e.g., booksellers, private individuals, and merchants) and the routes and circuits in active use between Seville and the Spanish Crown's American territories; 3.1) to analyse Azpilcueta's presence in a specific network of booksellers (Diego Mexía and his son Fernando); and 3.2) to gather detailed information on private shipments containing the texts of Doctor Navarrus (as Azpilcueta was also known), especially those of law professionals who set sail for the West Indies with their libraries aboard.

An analysis of shipping manifests from the 16th and 17th centuries in the colonial records known as the *Registro de Ida de Navíos* within the *Casa de la Contratación* held in the General Archive of the Indies in Seville. The analysis covers in the region of 325 shipping manifests from the 16th century (1583–1600) and 1,586 manifests or other reports with titles from the 17th century (1601–1700). The documents enable us to quantitatively track the shipments of each title (*Manual de confesores y penitentes*, *Compendium*, the *Opera*, and a few other works by Azpilcueta) and qualitatively analyse their presence in certain shipments of booksellers and private individuals.

The research has turned up 73 manifests from the 16th century that contain Azpilcueta's books, including 96 entries of different titles by the author. It has also identified 56 manifests from the period of 1601–1650. In shipments sent in the second half of the 17th century, however, Azpilcueta's works are no longer present.

## Keywords

Martín de Azpilcueta – Books – Circulation of Knowledge – Booksellers – Seville

### 1 Introduction

The civil Mexican authorities asked all royal ministers or officials of the *Real Audiencia* of Mexico to submit a declaration of their assets. From their responses, we can see which books were in their possession. These Crown servants—specifically, lawyers, prosecutors, magistrates, and the like—put down in writing the characteristics and economic value of their libraries. Their declarations provide an overview of how they valued and categorised their books. It is interesting, for instance, to note how they described a professional library. Pedro Zamorano, a *corregidor* and *alcalde mayor*, declared that he had “los libros de derecho canónico y civil y de las leyes de Partida y Nueva recopilación y de diferentes autores así *teóricos* como *prácticos* que valdrán trescientos pesos poco más o menos”.<sup>1</sup> Interestingly, Zamorano divides the authors into theoretical and practical ones. Such a division points to the pragmatic character of a portion of the books in his library.

Normative texts enjoyed notable success among jurists and theologians.<sup>2</sup> The fluid normativity in Spanish colonial societies played an essential role in the adaptation of norms and standards brought from the European tradition. Joanne Rappaport points to the desirability of having a “constelación de prácticas” (“constellation of practices”) related to European norms and standards in order to implement them successfully in the new territories.<sup>3</sup> In a newly written review, the recently deceased historian J.H. Elliott analyses a number of new approaches to the cultural objects in use in Spain’s American territories, pointing to how “this new interdisciplinary approach helped to enrich a story that in the past was too frequently depicted in monochrome. But enrichment by its nature creates new levels of complexity, and this in turn gives rise to new historical problems that are not easily solved.”<sup>4</sup>

1 [“books on canon and civil law as well as books on the laws in the *Partidas* and the *Nueva recopilación* and books by different authors, both theoretical and practical ones, altogether worth approximately 300 pesos”]. AGI, Mexico, 262, no. 62, fols. 2<sup>v</sup>–3<sup>r</sup>.

2 Danwerth, “The Circulation of Pragmatic Normative Literature in Spanish America (16th–17th Centuries)”.

3 Rappaport, “Letramiento y mestizaje en el Nuevo Reino de Granada, siglos XVI y XVII”.

4 Elliott, “Mastering the Glyphs”.

Drawing on the history of the book, this chapter seeks to reconstruct the context surrounding the circulation of the works of Martín de Azpilcueta in order to ascertain which ones circulated in the book distribution networks of the Hispanic Atlantic world.<sup>5</sup> The analysis focuses on the dissemination of works produced in Europe and dispatched to Latin America in the 16th and 17th centuries, noting their presence or absence in shipments bound for Spain's Crown territories.<sup>6</sup> It is crucial to define the reception of legal works, since not every printed title circulated in the same way.<sup>7</sup> In this respect, this analysis identifies the presence of Azpilcueta in the book market, revealing aspects of the circulation of legal works that go beyond an examination of their distribution in the European space, which generally focuses on distribution markets connected to the Frankfurt book fair.<sup>8</sup> As Manuela Bragagnolo notes, Azpilcueta's *Manual* achieved up to some 270 editions, translations, and compendia between 1549 and 1640.<sup>9</sup> The question, however, is how many of them circulated in Spain's American territories. It is also of interest to identify other normative texts akin to Azpilcueta's *Summa* that entered the Atlantic book market. Making this comparison will help to show any publishing competition that may have existed between the texts in question.

Shipping manifests or other lists and reports featuring the titles declared for shipment to the West Indies reveal the distribution of books to Spain's territories in the Americas. In particular, we are interested in finding out how books circulated in distribution networks and whether the published titles aroused interest among American readers. It is important to know the network of agents (e.g., merchants, booksellers, and private individuals) and their interactions, as well as their motivations and interests in the traffic of books. It is equally important to know how the Atlantic routes worked (with their systems of fleets, ports of arrival, and trade fairs) and how they related to American geography and the circuits of exchange. This general framework of the Atlantic trade defined the opportunities for Azpilcueta's texts to travel to Spain's American territories. This chapter aims to increase our understanding of legal culture in a given context in accordance with Garriga Acosta's

5 This research is part of a project entitled "Networks of Knowledge: the Sale and Circulation of Printed Books in Spain and Latin America" (HAR2017-84335-P, 2018-2021), Ministry of Science and Innovation, Spain.

6 González Sánchez, *New world literacy*.

7 Beck Varela, "The Diffusion of Law Books in Early Modern Europe: A Methodological Approach".

8 Maclean, *Scholarship, Commerce, Religion*.

9 Bragagnolo, "Les voyages du droit du Portugal à Rome: Le 'Manual de confessores' de Martín de Azpilcueta (1492-1586) et ses traductions".

criteria, which proposes that the “tarea prioritaria de los historiadores del derecho habría de ser la reconstrucción de las culturas jurídicas históricas” [“priority task of legal historians is the reconstruction of historical legal cultures”].<sup>10</sup>

## 2 The Commercial Records of Book Shipments

Trade with the American territories under the control of the Spanish Crown was subject to controls in both directions. The shipment of books to the West Indies underwent a two-part procedure. First, the books were declared in a list submitted to the inquisitors in Seville. Then, the crates were registered by royal officials in the accounts office of the *Casa de la Contratación* and the customs office, also in Seville. In other words, all books passed through two systems of control (one inquisitorial in nature, the other an administrative inspection undertaken by the Crown).<sup>11</sup> The control of the goods in the customs office was carried out by the Crown through its agents of the *Casa de la Contratación* and the control of the titles was carried out by the inquisitorial agents of the Inquisition of the district of Seville.

All merchant ships that set sail were required to open a register or file of the goods loaded aboard. Such files are key documents that have enabled us to locate the manifests of titles dispatched to the West Indies. Each file contains dozens of pages of manifests with entries pertaining to goods that merchants sought to send to the West Indies. Detailed lists of titles appear in the cargo declarations and the reports submitted to the inquisitors, and these sources (whether registration sheets or lists of titles) are essential because they identify the works of Azpilcueta that were loaded onto ships.

That said, very few records prior to 1583 remain extant, even though some system of control governed the shipment of goods from the very beginning of the *Casa de la Contratación*. For example, there is a 1509 record called the *Registro de las mercaderías que se cargaron para las Indias en diferentes naos*, which declares medicines and “cinco libros de medicina” [“five books of medicine”].<sup>12</sup> As noted earlier, such records were only regularly preserved from 1586 onwards, that is, following Azpilcueta’s death, affording us some notion of his posthumous fame and the success of a handful of his works. This was a key moment since

10 Garriga Acosta, “Historia y Derecho: Perspectivas teóricas para una historia *localizada* del Derecho”.

11 González Sánchez, “El impacto de la tipografía europea en el Barroco hispanoamericano”.

12 AGS, Consejo Real, 43–5, fol. 83<sup>r</sup>.

his texts had already been incorporated into normative practice in the Americas, for instance, in the *Directory for Confessors* of the Third Mexican Provincial Council (1585).<sup>13</sup>

This chapter does not examine any American sources, such as the notary protocols of Mexico City or Lima, which would provide supplementary information and would involve analysing the internal distribution in the American market, as well as the buying and selling of books and the auctioning of books, in order to better understand the circulation in the American territories. For example, as a brief look at an American source, Gonzalo Franco, *doctrinero* of Indians in Kallapa (Bolivia), died in 1578 leaving a library of 49 volumes which was sold at public auction, acquiring Pakasa Indian titles, such as “don Phelipe Oturi yndio un *bocabulario de la lengua* en quatro pesos” and a “Juan Carrillo por un *Navarro* viejo e desenquadrado dos pesos”. The fact that Azpilcueta’s book was “old” (used) and unbound did not prevent its purchase in an area where barely 40 years had passed since the first contacts with Europeans.<sup>14</sup>

Indeed, American sources have received little attention, although there are studies by Irving Leonard that identify a shipment of printed books arriving in Lima in 1583. In this case, two references to Azpilcueta appear. Indeed, they are among the earliest references that we find in relation to the reception of printed works by Azpilcueta in the Lima book market: eight copies of his *Manual* in Latin in “los mejores y más enmendados en tablas de madera becerro y manos” [“the finest, most updated edition in wooden boards covered in calfskin and clasps”]—that is, bound in leather on boards with metal clasps (very likely of brass)—and four copies of “Nabarros en romance de los mejores con el capítulo veynte y ocho en tablas de madera becerro y manos” [“the finest edition of Navarrus in Spanish including chapter 28, in wooden boards covered in calfskin and clasps”].<sup>15</sup> In other words, there were 12 copies of the *Manual*, eight in Latin and four in Spanish, all bound with great care. It was more common to bind texts in parchment on cardboard or in flexible parchment than in wooden boards, both of which are much more economical.

In this study, we are concerned only with the supply of the Atlantic market. A critical review of the documents, especially the shipping manifests, has been undertaken by economic historians who have analysed trade and culture

13 Poole, “El *Directorio para confesores* del Tercer Concilio Provincial Mexicano (1585): luz en la vida religiosa y social novohispana del siglo XVI”.

14 Barnadas, “La cultura libresca a Xarques, 1557–1724: panorama, estat del debat i noves aportacions”.

15 Leonard, “Best Sellers of the Lima Book Trade, 1583”, 27. In the case of Mexico, see Mathes, “Humanism in Sixteenth- and Seventeenth-Century Libraries of New Spain”.

TABLE 8.1 Shipping files analysed from the General Archive of the Indies, by century

Centuries	Number of files from outgoing vessels heading from Europe to Latin America	Number of reviewed files from outgoing vessels	%
16th	516	189	35
17th	1,503	1,294	86
Total	2,019	1,483	73.4

through a study of the listed titles.<sup>16</sup> At least 516 shipping files are extant from the period of 1583–1600, but some of the files are incomplete and, as we know, a much greater number of ships sailed at the time; between 1551 and 1600, some 4,000 vessels crossed the Atlantic. In any case, we have analysed only 189 files (roughly 35%) of the total number for the period, so it is necessary to exercise a good deal of caution with the results obtained. While the sample is significant, it still only covers a portion of the extant shipping records.

As for the 17th century, the total number of extant files is 1,503, although some of the files are incomplete and others are fragmented across more than one bundle in the General Archive of the Indies, etc. Without going into the methodological details, our analysis has focused on 1,294 records (86% of the total) from the 17th century. Once again, however, many more vessels actually crossed the Atlantic during this period; indeed, almost 5,000 made the Atlantic voyage between 1601 and 1700. This chapter undertakes a study of only a portion of the extant records. In addition, the documents make reference only to the books that were officially declared, but other books might have been taken aboard as contraband or in the luggage of passengers. As a result, the data is partial, but represents one of the few serial sources that can be used to analyse the book trade in the early modern period.

An examination of the records reveals that books were often present aboard outgoing ships. Out of 1,483 reviewed files, we have been able to identify the shipment of books in 683 cases. That means that 46.2% of the vessels carried books as goods. It is useful to recall that the passengers might also have taken goods with them on the voyage, which lasted several weeks, and some of them likely packed books to read on the crossing. Books taken aboard for reading

16 García-Baquero González, *La Carrera de Indias: suma de la contratación y océano de negocios*. Adorno, "Los libros del conquistador" de Irving A. Leonard: aportes y legados".



TABLE 8.2 Shipping files that contain books declared as goods

Centuries	Number of analysed files on outgoing vessels bound for Latin America	Number of vessels carrying shipments of books	%
16th	189	120	63.4
17th	1,294	563	43.5
Total	1,483	683	46.2

TABLE 8.3 Shipping files analysed from the General Archive of the Indies

Fleet	Number of files from outgoing vessels heading from Europe to Latin America	Number of reviewed files from outgoing vessels	%
New Spain	1,186	856	72.1
Tierra Firme	833	627	75.2
Total	2,019	1,483	70.5

en route do not appear in the declared manifests. It is interesting to note the importance of books as goods in the 16th century, since 63.4% of the ships included printed books among their declared goods, whereas the figure fell to 43.5% in the subsequent century.

Ships on the West Indies Run sailed in two fleets, one bound for the territories of Tierra Firme (supplying the territories of Panama and all of the territories of South America) and one bound for New Spain (supplying the Central American territories and the viceroyalty based in Mexico).<sup>17</sup> The present study has sought to achieve a balanced analysis that represents the ships in both fleets. As a result, the analysis covers 856 files for the New Spain fleet and 627 for the Tierra Firme fleet, which represent 72.1% and 75.2% of the preserved files, respectively. In this way, we have been able to verify the cultural offering in each of the two territories.

As we shall see, a shipper can record one title or several. Overall, however, we have been able to find references to 182 mentions of titles by Azpilcueta

17 Martínez Ruiz, *Las flotas de Indias: la revolución que cambió el mundo*, 82–102.

TABLE 8.4 Titles of works by Azpilcueta in the shipments, by decade

Decades	Titles
1583–1590	16
1591–1599	93
1600–1610	54
1611–1620	7
1621–1630	8
1631–1640	1
1641–1650	3
Total	182

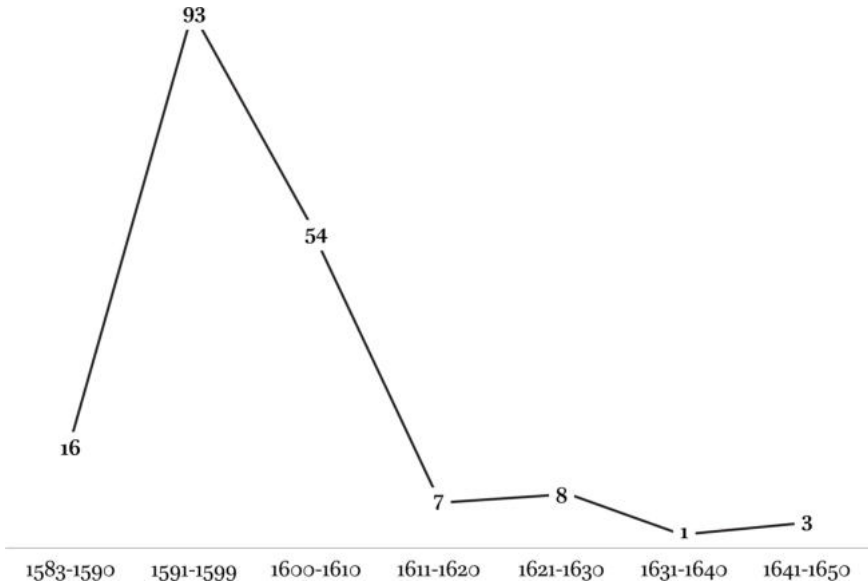
sent to the Americas in the period of 1583–1650. In the shipments between 1651 and 1700, by contrast, no title of Azpilcueta has been found. The last case in which a title by Azpilcueta appears is in the 1650 shipment of the private library of Francisco Rodríguez de Valcárcel, Bishop of Cartagena.<sup>18</sup> The bishop brought with him an exquisite legal library, works on religion, Renaissance texts, such as Erasmus' *Apophthegmes*, and Greco-Roman classics in Latin and Greek, in addition to a book of his own that had just been published in Alcalá de Henares in 1647, the *Epitome Iuris Canonici*, of which he took 100 copies to the Americas.<sup>19</sup> After the 1650 shipment, Azpilcueta vanishes from the analysed lists in the commercial records held in the *Casa de la Contratación*.

The period of 1591–1601 has the highest number of shipments with titles by Azpilcueta (see Graph 1 below). It is important to bear in mind, however, that there are very few extant shipping manifests prior to 1583 and that the sample for Tierra Firme is somewhat limited in the present analysis.<sup>20</sup> In any case, the existing data shows that the traffic in titles of works by Azpilcueta was particularly strong from 1592 to 1608, which were growth years. Starting in 1611, by contrast, a period of stagnation begins (see Table 4). The final years of the reign of Philip II (especially from 1580 to 1599) witnessed a sharp increase in the pro-

18 AGI, Contratación, 5794, l. 1, fol. 53. His biography and previous postings appear in Indiferente, 192, n. 209.

19 AGI, Contratación, 1197, no. 4, *Nuestra Señora del Rosario y San Francisco Solano*, fols. 24–27.

20 Gil, "El libro greco-latino y su influjo en Indias".



GRAPH 8.1 Titles of works by Azpilcueta in the shipments, by decades (1583–1650)

duction of books by Spanish printers, with at least 16% of the titles addressing law subjects and 46% covering religious subjects. This was a time at which a strong increase can be observed in the circulation of Azpilcueta's works, many of them imported from Italy or France, since as Wilkinson recalls, "the Peninsula produced relatively few scholarly works in this period as a proportion of total output, vernacular production remained incredibly buoyant—at least in Spain".<sup>21</sup>

In the period of 1611–1650, Azpilcueta mostly appears in private libraries but vanishes almost completely from the Atlantic book market. At the time of Azpilcueta's inclusion in the 1632 index of the Spanish Inquisition, the circulation of his texts was already limited.<sup>22</sup> His scarce presence, however, does not appear to be related to his appearance on the *Novus index librorum prohibitorum et expurgatorum* or successive indices. Moreover, his purge seems to have affected only the first volume of his *Opera* (Lyon, 1595), which appeared as a banned book in successive indices from 1640, 1707, 1747, and 1790.<sup>23</sup>

21 Wilkinson, "Exploring the Print World of Early Modern Iberia", 500.

22 Beck Varela, "La enseñanza del derecho y los Índices de libros prohibidos: Notas para un panorama ibérico, 1583–1640".

23 Martínez de Bujanda, *El índice de libros prohibidos y expurgados por la Inquisición española (1551–1819)*, 313.

TABLE 8.5 Titles of works by Azpilcueta, by fleet and decade (1583–1650)

Decades	Tierra Firme	New Spain	Total
1583–1590	12	4	16
1591–1599	36	57	93
1600–1610	16	38	54
1611–1620	7	0	7
1621–1630	2	6	8
1631–1640	0	1	1
1641–1650	3	0	3
Total	76	106	182

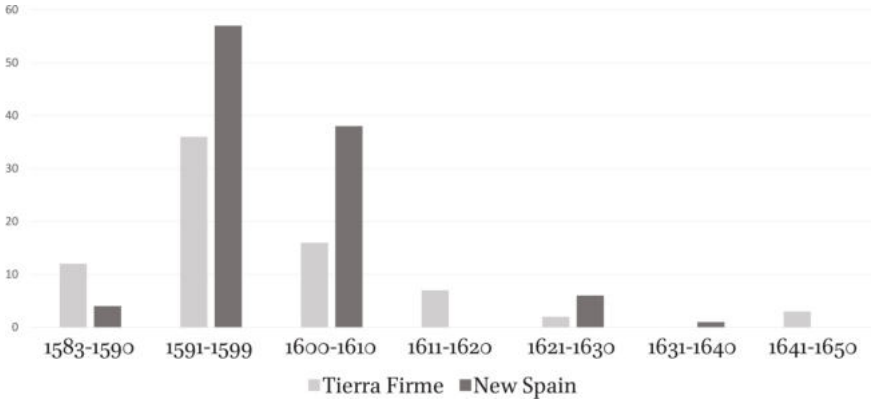
In the shipments for the period of 1591–1610, the total number of titles dispatched to New Spain was nearly twice as great (95 titles) as the number of titles going to Tierra Firme (52) (see Table 5). In the case of texts by Azpilcueta, there is a clear drop in circulation in both viceroyalties from 1610, with a slight increase in New Spain in 1621 and another one in Tierra Firme in 1622. However, these phenomena are short-lived. In the case of Mexico City, the uptick was the result of efforts made by booksellers like Diego de Ribera. In the case of Tierra Firme, it was down to the merchants Carlos de Covarrubias and Lorenzo de Garate. On the same ship, *Nuestra Señora de la Candelaria*, the latter two merchants registered a “Suma de Navarro” [“*Summa* of Navarrus”] and the “*Compendio* de Navarro del padre Ávila” [“*Compendium* of Navarrus belonging to *padre Ávila*”], respectively.<sup>24</sup>

The analysis by fleet reveals a more extensive and diversified circulation in the territories of New Spain (106 titles) than in those of Tierra Firme (76 titles). However, the distribution by decade points to similar behaviour in the two regions, with a concentration in the period of 1591–1610 in both cases, and quite a sharp decline in subsequent years.

It is interesting to note the greater market consolidation of the book market in New Spain, which contributed to the consolidation of distribution channels and enabled nearly twice as many books to reach New Spain in the period of 1591–1610 as the number of books that reached Tierra Firme in the same period.<sup>25</sup> This aspect is related to the role of Mexican booksellers in the Atlantic

24 AGI, Contratación, 1172, *Nuestra Señora de la Candelaria*, fols. 126, 209.

25 Jiménez, “Cuentas fallidas, deudas omnipresentes: Los difíciles comienzos del mercado del libro novohispano”.



GRAPH 8.2 Titles of works by Azpilcueta, by fleet (1583–1650)

TABLE 8.6 Typology of people who shipped titles by Azpilcueta

Number of titles in shipments			
Type of shipper	Tierra Firme	New Spain	Total
Merchant	54	20	74
Bookseller	9	66	75
Private individual	12	14	26
Religious order	1	6	7
Total	76	106	182

trade and the consolidation of civil and ecclesiastical organisations in the extensive territory of New Spain. Both of these helped to encourage the establishment of private and institutional libraries.<sup>26</sup>

A significant share of the books shipped to New Spain were sent as part of booksellers' lists (66 cases, 36% of the total). In the case of Tierra Firme, however, it was more common for the works of Azpilcueta to be sent through merchants (54.29%), indicating that the book market differed in the two territories. The networks differed because the booksellers of New Spain were

26 García, "Orden dentro del desorden: circulación de libros de derecho en Nueva España, 1585–1640". Moncayo Ramírez, "Los saberes en los fondos conventuales de la ciudad de Puebla".

successful in establishing themselves and forging strong ties with their counterparts in Seville. By contrast, such networks took hold much later in Peru, where they depended on relationships that included, for example, the booksellers of Medina del Campo, such as Francisco del Canto and Benito Boyer, to name a few.<sup>27</sup> It is interesting to note the limited role of religious orders, which sporadically shipped the works of Navarrus, and the striking presence of Azpilcueta in private libraries dispatched to the West Indies. Over the years in question, 26 titles appear in the libraries of private individuals.

The *Manual* enjoyed considerable publishing fame and Azpilcueta played a key role in its fortunes, as Bragagnolo's chapter in this volume demonstrates. It is also important to bear in mind Azpilcueta's preparation of the *Compendium* in the Valladolid edition of 1586. The shipping manifests contain abbreviated information on titles and occasionally some data on formats, language, and binding. In 1586, the manifests feature "dos *sumas* de Nabarro en romance con el capítulo veyntiocho en veinte y ocho reales" ["two *Summae* by Navarrus in Spanish with chapter 28 at 28 reals"], which belonged to the Augustinian monk Francisco Tristán.<sup>28</sup> This level of detail helps to identify the *Manual* together with *Chapter 28 of the Addenda to the Manual of Confessors*, revealing the notable importance of the editions revised and amended by the author himself. Another example is a shipment in 1622 by the merchant Lorenzo de Garate, a resident of Seville, mentioned earlier, who sent an edition of the *Compendium* of Azpilcueta's *Summa* written by the Jesuit Esteban de Ávila, which figures in the list as a "*Compendio de Navarro del Padre Ávila*" ["*Compendium* of Navarrus by *padre Ávila*"].<sup>29</sup> The role played by the Jesuits was crucial in debates over law. Ávila played a key role, drawing on the texts of Azpilcueta to prepare a new book entitled the *Compendium Summae seu Manualis D. Nauarri: In ordinem alphabeti redactum, sententiasque omnes succinctè complectens*. This edition was prepared at the end of the 16th century, but it was not introduced into Peru until its publication in Europe in 1609, specifically in Lyon, and copies were dispatched to the Spanish Crown's territories in the Americas. Another edition was published in Venice in 1614.<sup>30</sup> The work had a role in the debates on moral theology that played out in the new chairs being set up in universities and schools, indicating the importance of having an American version to

27 González Sánchez, "El comercio de libros entre Europa y América en la Sevilla del siglo XVI: impresores, libreros y mercaderes".

28 AGI, Contratación, 1085, *La Magdalena*, fol. 104.

29 AGI, Contratación, 1172, n. 2, r. 7, fol. 211<sup>r</sup>.

30 Ávila, *Compendium Summae seu Manualis D. Nauarri*.

send back to the colonies after being printed in Europe so that its influence would continue to be felt at a time of major dispute between Dominicans and Jesuits.

It is interesting to note the important presence of the *Summa* or *Manual* (54 times) and the *Compendium* (44 times). In the sources, the *Manual de confesores y penitents* [*Manual of Confessors and Penitents*] is cited both as “*manual de Navarro*” and “*suma de Navarro*”, while the *Compendio del manual de confesores* [*Compendium of the Manual of Confessors*] is cited both as “*compendios de Navarro*” and, to a lesser extent, as “*compenditos Navarro*”. Notably, some commercial shipments carried both books, indicating a business strategy that permitted the diversification of sales opportunities, since the price of the two works was different; indeed, the higher price could be as much as double. In 1598, for example, the merchant Diego de Soria shipped to Peru “*Dos manuales de Navarro 4<sup>o</sup> pergamino a doce reales*”<sup>31</sup> [“*Two Manuals of Navarrus 4to parchment at 12 reals*”] and, in the same year, the merchant Juan González de Moya sent to Potosí “*Dos compendios de Navarro a seis reales*”<sup>32</sup> [“*Two Compendia of Navarrus at 6 reals*”]. It is important to bear this economic aspect in mind when assessing the publishing success of the texts. The Portuguese version of the *Compendium* that came out in 1567, for example, made reference to the fact that it could “*ser usado e tratado dos menos doctos*” [“*be used and handled by the less learned*”], an aspect that was expanded on in the Spanish version of 1580, which stated in its foreword that it was intended for, among others, “*los que no pueden tener tantos libros de sumas y doctores como conviene a sus consciencias*” [“*those who cannot afford to have as many Summae books and scholars as might suit their consciences*”].<sup>33</sup> This summarisation of Azpilcueta’s text entailed making changes to the content, but it also reduced the production costs so that the resulting price was much lower. As a consequence, it was able to reach a more diverse audience. As Paul Dover notes about books in Latin that circulated in the trading networks for European books, “*like commodities, books became more impersonal objects, produced for a market instead of a specific patron or owner in mind*”.<sup>34</sup>

31 AGI, Contratación, 1128, *San Francisco*, fols. 67<sup>r</sup>–70<sup>r</sup>.

32 AGI, Contratación, 1128, *San Francisco*, fols. 153<sup>r</sup>–155<sup>v</sup>.

33 Muguruza Roca, “*Del confesionario ibérico de la Contrarreforma a los manuales para confesores en la América colonial: el Manual de confesores y penitentes de Martín de Azpilcueta como texto de referencia*”, 43.

34 Dover, *The Information Revolution in Early Modern Europe*, 163.

TABLE 8.7 Titles of works by Azpilcueta shipped to the Americas (1583–1650)

Titles of works by Azpilcueta in shipments	Period of shipments to the Americas	Total number of shipments
<i>Opera</i>	1592–1650	56
<i>Summa</i>	1584–1622	50
<i>Compendium</i>	1586–1628	44
<i>Consilia</i>	1594–1608	15
<i>Commentarius de Iobeleo et indulgentiis</i>	1586–1592	3
<i>Commentarius in cap. inter verba</i>	1594–1598	3
<i>Tractado de alabança y murmuración</i>	1592	2
<i>Apologia libri de redivibus ecclesiasticis</i>	1586	1
Capítulo veynte y ocho de las addiciones [Chapter 28 of the addenda]	1586	1
<i>Relectiones in capit. si quando</i>	1594	1

Shipments of the *Summa* and *Compendium* are concentrated in the period of 1591–1599. Gradually, however, their circulation declined. Azpilcueta's *Opera* came onto the market in the late-16th and early-17th century. The cost of the *Opera* might have ranged from 110 to 220 reales, as in the shipment of “1 Obras de Navarro de las nuevas León [i.e., Lugduni] en becerro con sus consejos 220 reales” [“1 *Opera* of Navarrus published in Lyon in vellum with his *Consilia* at 220 reales”] sent on a ship bound for Honduras by the merchants Fernando and Bartolomé de Carmona.<sup>35</sup> The Lyon editions of the *Opera* are mentioned on five occasions, indicating the importance of the French city in the traffic of scholarly books bound for institutional libraries and the private libraries of learned men, such as the collection belonging to the jurist Juan Marín de Nava, who had a number of copies of “Navarro *Opera*” [“Navarrus' *Opera*”] in 1649.<sup>36</sup>

Other works by Azpilcueta, such as his *Apologia libri de redivibus ecclesiasticis*, the *Commentarius de Iobeleo et indulgentiis* and the *Relectiones in capit. si quando*, appear more sporadically. After his death, the *Opera* had a notable

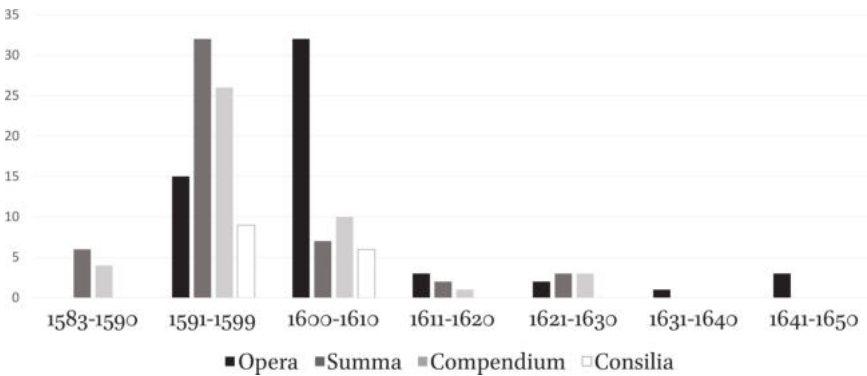
35 AGI, Contratación, 1141, *Nuestra Señora del Rosario*, fol. 76.

36 AGI, Contratación, 1195, *Nuestra Señora del Rosario y la Antigua*, fol. 28.



TABLE 8.8 Titles of works by Azpilcueta shipped, by decade from 1583 to 1650

Decades	<i>Opera</i>	<i>Summa</i>	<i>Compendium</i>	<i>Consilia</i>
1583–1590	0	6	4	0
1591–1599	15	32	26	9
1600–1610	32	7	10	6
1611–1620	3	2	1	0
1621–1630	2	3	3	0
1631–1640	1	0	0	0
1641–1650	3	0	0	0
Total	56	50	44	15



GRAPH 8.3 Shipped titles of works by Azpilcueta, by decade from 1583 to 1650

presence in the traffic of books to Latin America, at least in shipments from 1592 to 1650.

### 3 Networks of Distribution and Intermediation

The merchants who acted as intermediaries on the West Indies Run played a key role in the movement of Azpilcueta's books, dispatching the *Summa* on 18 occasions and the *Compendium* on 22. Their role was especially important in the shipments that sailed on the Tierra Firme fleet. The merchant Andrés Sánchez sent a number of important shipments bound for Lima.<sup>37</sup> In 1592,

37 García Fuentes, *Los peruleros y el comercio de Sevilla con las Indias, 1580–1630*, 101. Álvarez-Nogal, "Mercados o redes de mercaderes: el funcionamiento de la feria de Portobelo".

he declared texts by Azpilcueta in a handful of cases: one lot included two works “*Commentarius de voto paupertatis*” and “*Commentarius de Iobeleo et indulgentiis*”, a second lot contained “un *Manual* de Navarro”, “tres Navarros de *murmuración*”, “cinco *compendios* de Navarro”, and “dos Navarros de *Jubileo*” [“a *Manual* of Navarrus”, “three Navarrus of the *Murmuración*”, “five *Compendia* of Navarrus”, and “two Navarrus of the *Iobeleo*”], and a third lot included several books but without much detailed information (“un Navarro de la *murmuración*”, “un *compendio* de Navarro”, “tres capítulos de Navarro”, and “un Navarro”) <sup>38</sup> [“a Navarrus of the *Murmuración*”, “a *Compendium* of Navarrus”, “three chapters of Navarrus”, and “a Navarrus”]. The merchants typically divided their cargo among several vessels in order to ensure that only a portion of their goods would be lost in the case of a shipwreck. In many of these instances, the merchants were intermediaries who received money in Lima, carried it back to Spain, and returned with the goods. In 1598, the Peruvian Juan González de Moya recorded “las cajas de libros de abajo consignadas a mí el dicho Joan González de Moya mercader que voy en la dicha flota” [“crates of books below consigned to me Joan González de Moya, merchant, who is sailing on said fleet”]. The books were intended for delivery in Peru to “Alonso Reluz mercader de la villa de Potosí” <sup>39</sup> [“Alonso Reluz, merchant of the city of Potosí”]. The shipment in question provides a perfect summary of the offering of texts by Azpilcueta on the market, since it includes the following three titles:

Dos *obras* de Navarro f<sup>o</sup> pergamino León a çiento y diez reales. 744<sup>o</sup>  
[maravedís]

Unos Consejos [i.e., *Consilia*] de Navarro en dos cuerpos 4<sup>o</sup> pergamino  
grande a doce reales. 816 [maravedís]

Dos *compendios* de Navarro a seis reales. 408 [maravedís]

[Two *Opera* of Navarrus f. parchment Lyon at 110 reals. 744<sup>o</sup> (*maravedís*)

Some Counsels [i.e., *Consilia*] of Navarrus in two volumes 4to large  
parchment at 12 reals. 816 (*maravedís*)

Two *Compendia* of Navarrus at 6 reals. 408 (*maravedís*)]

Booksellers also played a key role, typically shipping both titles, in some cases through intermediaries and in other cases directly. The latter was the case for the bookseller Benito Boyer, a resident of Medina del Campo, who sent an

38 AGI, Contratación, 1094, N.S. de la Concepción, fol. 12<sup>v</sup>. 1095, n. 3, *San Gabriel*, fols. 32<sup>r</sup>–50<sup>r</sup>. 1098, 1–5, *San Francisco*, fols. 183<sup>r</sup>–190<sup>v</sup>.

39 AGI, Contratación, 1128, n. 2, *Jesús, María, José*, fol. 16.

TABLE 8.9 Typology of shippers of the *Summa* and *Compendium* by Azpilcueta

Type of shipper	Number of shipments	
	<i>Summa</i>	<i>Compendium</i>
Merchant	18	22
Bookseller	23	17
Private individual	9	3
Religious order	0	2
Total	50	44

important lot in 1586 that included “*Dos Manuales de Navarro*” [“Two *Manuals* of Navarrus”] bound for Lima.<sup>40</sup> Boyer, who was a prominent bookseller with one of the finest bookshops in all of Castile and León, maintained close ties with the book market in Peru and shipped a number of lots there.<sup>41</sup> In one of his business dealings, Boyer negotiated the above-mentioned shipment of 40 crates of books to Mexico City in 1585, including 200 “*Biblias de Vatablo*” [“*Vatablo Bibles*”], which were sold to the bookseller Juan Treviño “a cuarenta por ciento bruto, pagado en tres flotas”<sup>42</sup> [“at 40 per cent gross, paid in three instalments”].

Spanish booksellers not only distributed books by Azpilcueta, but also financed some of the editions, as in the case of the *Commentarii et tractatus ad sacras confessiones* (Venice, 1601) that was published “expensis Domini Simonis Vassallini” [“at the expense of Simone Vassalini”].<sup>43</sup> Simone Vassalini was a bookseller of Venetian origin who opened a bookshop in Madrid and published the first sales catalogue for books to appear in Spain under the title *Index librorum* (Madrid, 1597). Items for sale in the catalogue included *Commentaria Martini ab Azpilcueta Navarro, numquam impres. 4. Venet.* and *Compendium Manualis Navarri, in 32. Rom.*<sup>44</sup> A few years later, Vassalini set sail for New Spain

40 AGI, Contratación, 1086, n. 1, *N.S. de la Peña de Francia*, fols. 171<sup>r</sup>–172<sup>v</sup>.

41 Rojo Vega, “El negocio del libro en Medina del Campo. Siglos XVI y XVII”. Jiménez, “Medina del Campo y la intermediación sevillana: Aspectos del comercio de libros con las Indias en el último cuarto del siglo XVI”.

42 Fernández del Castillo, *Libros y libreros en el siglo XVI*, 428–430.

43 Bognolo, “El libro español en Venecia en el siglo XVI”.

44 Cagliari, University library, ROSS.D.115.

and carried on selling books in Mexico City, Manila, and Lima. In our analysed sample, we find him shipping an important lot to Mexico City in 1608 that included “1 Navarri *opera* in 4<sup>o</sup>”<sup>45</sup> [“1 Navarrus *Opera* in 4to”].

One bookselling network that played a prominent role in the trade of Azpilcueta’s works revolved around the Mexía family. The bookseller Diego Mexía and his son Fernando shipped texts by Doctor Navarrus over the period of 1593–1608. The Mexías, who had relatives in Peru, also drew on the assistance of Mexican booksellers, who regularly collaborated by receiving batches of books and selling them in the viceroyalty of New Spain.<sup>46</sup> In their cargo declarations or authorised lists of goods, the Mexías noted the recipients. In addition, they often indicated the number of copies pertaining to each title and, in some cases, the value of the books. Of the 51 texts by Azpilcueta that we can find in their shipments, 48 went to New Spain and only 3 went to Tierra Firme.

This was made possible because of the Mexías’ established ties in Mexico City. For example, Diego Mexía recorded 14 shipments between 1594 and 1600, with a total of 4,605 copies of various titles valued at 39,286 reals. The pairs’ activity carried on into the early years of the 17th century, at least until the death of Diego Mexía in 1605. In their bookshop, they also sold many lots of books that were sent to the Americas. For example, Fernando Mexía declared that he was paid 756 reals for 30 copies of the *Summa* by Manuel Rodríguez and 6 *Explicaciones de la bula* by the same author.<sup>47</sup> That is, it was common for him to sell not only Azpilcueta’s works but also other titles in the same vein—texts that were market competitors of Azpilcueta’s *Manual* and *Compendium*.

The text that was dispatched in the highest number of shipments was the *Opera* (17). Interestingly, however, the text dispatched in the greatest number of copies was the *Compendium* (71 copies in 14 shipments). The latter figure is telling because it indicates that the *Compendium* was in relatively wide circulation, likely because of its lower price. In 1600, for example, a shipment contained “un compendio Navarro 3 reales”<sup>48</sup> [“a *Compendium* of Navarrus at 3 reals”], which is a lower price in comparison with the same title in shipments sent by other shippers or with the price of the *Consilia* (from 30 to 55 reals) or the *Opera* (132 reals). In this case, it also proves notable that for each *Manual* that they shipped they sent three copies of the *Compendium*, which gives a good approximation of the relationship between the two works when they appeared in the New Spain market. The bookselling Mexías typically diver-

45 AGI, Contratación, 1150, *Nuestra Señora del Junca*, fol. 65.

46 Gil, “Diego Mexía Fernangil, un perulero humanista en los confines del mundo”.

47 AGI, Contratación, 1082, *Santa María de la Rosa*, fol. 95.

48 AGI, Contratación, 1135, *La Trinidad*, fols. 151<sup>r</sup>–152<sup>v</sup>.

TABLE 8.10 Titles of works by Azpilcueta shipped by Diego and Fernando Mexía

Author	Title	Years	Shipments	Copies
Martín de Azpilcueta	<i>Opera</i>	1593–1608	17	25
Martín de Azpilcueta	<i>Compendium of the Manual of Confessors</i>	1593–1606	14	71
Martín de Azpilcueta	<i>Manual of Confessors and Penitents</i>	1593–1597	11	22
Martín de Azpilcueta	<i>Consilia</i>	1594–1602	8	35
Martín de Azpilcueta	<i>Relectiones in capit. si quando. et in cap. cum contingat. de rescriptis</i>	1594	1	2

sified the titles sent and the prices of the works so as to offset the shipments of a few copies of very costly titles aimed at institutional libraries and the libraries of professionals (theologians, jurists, physicians, etc.) with shipments of more economical texts aimed at a more diverse public, which were shipped in much greater numbers.

Merchants and booksellers were the professional groups that bore the most responsibility for the circulation of Azpilcueta's books, whereas private individuals and religious orders had a smaller impact on their circulation through the networks of the Atlantic trade. The Dominican Domingo de Rosales shipped the *Compendium* to Guatemala City in 1593, together with the *Opera*.<sup>49</sup> The Jesuit Alonso de Escobar, who shipped some “*compendios de la suma de Navarro*” [“*Compendia of the Summa of Navarrus*”] to New Spain in 1606,<sup>50</sup> was in charge of the Office of the Procurator for the Indies in Seville for over two decades from 1599 to 1622, attending to several provinces in the Americas at a time of strong consolidation in the viceroalties based in Lima and Mexico City.<sup>51</sup>

49 AGI, Contratación, 1099, *El Espíritu Santo*, fol. 67.

50 AGI, Contratación, 1148, *Nuestra Señora de Loreto*, s.f.

51 Galán García, *El “Oficio de Indias” de Sevilla y la organización económica y misional de la Compañía de Jesús (1566–1767)*.

#### 4 Azpilcueta in Private Libraries Shipped on the West Indies Run

In terms of shipments involving private individuals, the underlying causes for these shipments varied. Works by Azpilcueta appear in 26 shipping manifests of books connected to private individuals.<sup>52</sup> In some cases, individuals sailing across the Atlantic took their libraries abroad because they were either going to the Americas to take up a post or returning after a stay in Europe. In other cases, batches of books were requested through various intermediaries by individuals living in the Americas, indicating some of the reading preferences in the colonies. In the Tierra Firme fleet, we find 12 titles of works by Azpilcueta bound for private individuals, such as professionals of the courts (prosecutors, lawyers) and church officials (canons, bishops). It is a small sample, which is marked by a shift from the late 16th century, when the *Manual* is primarily cited, to the 17th century, when the preference turns to the *Opera*, highlighting Azpilcueta's notable prestige among professionals in civil and canon law. In the viceroyalty of Peru, such readers found three spaces for intellectual activity, which Pedro Guibovich Pérez identifies as the viceregal court and Crown bureaucracy; the churches, convents, and religious schools; and the university.<sup>53</sup> In 1592, the cleric Domingo de Almeyda sailed to the viceroyalty of Peru “con dos caxas de libros de su estudio” [“with two crates of books from his study”] that contained a careful selection of books on canon law and on religion, including the *Summa* and *Compendium* of Navarrus, together with the *Summa* of Bartolomé de Medina, in addition to the “catálogo de los libros vedados” [“catalogue of banned books”], probably the *Index librorum prohibitorum* (1584), and various books of rhetoric.

The shipments dispatched with the New Spain fleet offer a similar sample that includes clerics (Augustinians, Dominicans, canons) and legal professionals (lawyers) who had preferences for the *Opera*. Lucas Hurtado de Mendoza took receipt of the *Opera* (154 reals) and four copies of the *Compendium* (4 reals), which indicates that, in his case, he surely acquired copies to share among colleagues (revealing the interest aroused by the text). This was fairly common among jurists, who sometimes pooled various requests in order to

52 Maillard Álvarez, Fernández Chaves (eds.), *Bibliotecas de la Monarquía Hispánica en la primera globalización (siglos XVI–XVIII)*. García, *La vida privada de las bibliotecas: rastros de colecciones novohispanas, 1700–1800*.

53 Guibovich Pérez, “La ciudad letrada en el virreinato peruano (1680–1750): balance historiográfico”.

TABLE 8.11 Titles of works by Azpilcueta bound for private libraries in Tierra Firme

Title shipped	Year	Destination city	Shipper or owner	Profession
<i>Nauarro en latín</i> [ <i>Navarrus in Latin</i> ]	1583	Nombre de Dios	Villanueva Zapata, Diego de	Prosecutor
<i>Manual de Nauarro</i> [ <i>Manual of Navarrus</i> ]	1584		Pérez, Francisco	
Dos <i>sumas</i> de Nabarro en romance con el capitulo veyntiocho en veinte y ocho reales [Two <i>Summae</i> of Navarrus in Spanish with chapter 28 at 28 reals]	1586	Lima	Tristán, Francisco	Augustinian
<i>Nauarro el manual en latín</i> [ <i>Navarrus Manual in Latin</i> ]	1592	Charcas	Saez Escribano, Juan	Canon
Una <i>suma</i> de Nauarro de las nuevas 4 <sup>o</sup> [A <i>Summa</i> of Navarrus with addenda 4to]	1592		Almeyda, Domingo de	Teacher
Un <i>compendio</i> de Nabarro [A <i>Compendium</i> of Navarro]	1592		Almeyda, Domingo de	Teacher
Las <i>obras</i> de Nabarro [The <i>Opera</i> of Navarrus]	1594		Díaz de Abrego, Andrés	
<i>Obras</i> de Nauarro [ <i>Opera</i> of Navarrus]	1605	Lima	Pardo del Castillo, Lorenzo	Lawyer
Nauari <i>opera</i> 3 tomos [Navarrus <i>Opera</i> 3 volumes]	1608		Cruz, Blas	
<i>Manual</i> de Nabarro [ <i>Manual</i> of Navarrus]	1612	Cuzco	Núñez de Illescas Zambrano, Juan	Presbyter
Navarro <i>Opera</i> [Navarrus <i>Opera</i> ]	1649		Marín de Nava, Juan	<i>Oidor</i>
<i>Obras</i> de Nabarro [ <i>Opera</i> of Navarrus]	1650		Rodríguez de Valcárcel, Francisco	Bishop

commission the purchase of batches of books in Europe, especially for areas that were less well-supplied, as in the case of the Central American territories. The 1604 shipment addressed to “Lucas Hurtado canónigo de la Santa Iglesia de Guatemala” [“Lucas Hurtado, canon of the holy church in Guatemala City”] points to an interest in forming a private library as befit his status, since he had

been seeking a post for many years and finally secured a place in Santiago de Guatemala in 1602.<sup>54</sup>

Another interesting case, which is likewise on the periphery, pertains to the notable private library of Juan de Vargas, governor of Yucatán. On the list of passengers who set sail in 1628, Vargas is identified as “governador y capitán general de la provincia”<sup>55</sup> [“governor and captain general of the province”]. In addition, he sailed in the company of various servants and carried abroad numerous works of civil law and a “*compendio de Navarro*”<sup>56</sup> [“*Compendium of Navarrus*”]. The interest of the jurist in works of *ius commune* and legal texts can be seen in a library that included “*ordenanzas de las Indias*” [“*ordinances of the Indies*”], “*premiáticas del reyno*” [“*laws of the kingdom*”], and a “*suma artis notariatum*” [“*Summa artis notariae*”], together with legal works in Latin that covered civil law (with a special interest in legal procedures) and canon law, including works akin to those by Azpilcueta, such as “*Medin. de poenit. f.º Salamanca 1550*”. This text, which was entitled *In titulum de poenitentia eiusque partibus commentarii*, was a work by Juan de Medina, theologian and professor at the University of Alcalá de Henares, and it marked a major milestone in normative texts.

In some cases, the documents indicate that the books belonged to private libraries, such as those taken to New Spain by the physician Juan Godínez Maldonado “para sus estudios”<sup>57</sup> [“for his studies”]. In his case, a large share of the books were professional works, including Ambrogio Calepino’s *Dictionarium*, the *Summae* by Manuel Rodríguez and Azpilcueta, and texts from the Council of Trent. His selection of a legal *Vocabularium* and the *Expositio titulorum iuris canonici* appears to reflect titles that befit the man’s role as canon in the Cathedral of New Galicia. On some occasions, the books were acquired by residents of New Spain who had conducted their entire careers in Mexico and commissioned agents working on the West Indies Run to obtain supplies of books. The lawyer Bartolomé de la Canal de la Madrid is a good example of a graduate of canon law from the University of Mexico who served as a lawyer in the *Real Audiencia*, went on to become a prosecutor in Guatemala City in 1600, and ultimately rose in 1609 to become an *oidor*, or judge, in Guadalajara, where he remained in office until his death in 1627.<sup>58</sup> While serving as a prosecutor in 1606, he took receipt of a batch of books that included the “*Obras de Navarro*”

54 AGI, Contratación, 1144C, n. 1, r. 16, fol. 93.

55 AGI, Contratación, 5403, n. 34.

56 AGI, Contratación, 1176, n. 9, fol. 30<sup>v</sup>.

57 AGI, Contratación, 1149, *Santa María de la Rosa*, fol. 39. The folder of a 1606 passenger with the most information on this canon is found in AGI, Contratación, 5295, n. 9.

58 Barrientos Grandón, *Guía prosopográfica de la judicatura letrada indiana (1503–1898)*, 311.



TABLE 8.12 Titles of works by Azpilcueta bound for private libraries in New Spain

Title shipped	Year	Destination city	Shipper or owner	Profession
Unas <i>obras</i> de Nabarro 3 tomos pag <sup>o</sup> [Some <i>Opera</i> of Navarrus, 3 volumes]	1593	Mexico City	Bustinza, Pedro de	Augustinian
<i>Obras</i> del m <sup>o</sup> Nabarro [Opera of Navarrus]	1595		Rosales, Domingo de	Dominican
<i>Suma</i> de Nabarro [Summa of Navarrus]	1595		Rosales, Domingo de	Dominican
Unas <i>obras</i> de Nauarro en tres tomos de las nuevas leon 200 reales [Some <i>Opera</i> of Navarrus in three volumes with addenda, Lyon, 200 reals]	1600	Puebla de los Ángeles	Vega Sarmiento, Pedro de	Schoolteacher
1 <i>Obras</i> de Nauarro con los <i>consejos</i> f <sup>o</sup> tres tomos 132 reales [1 <i>Opera</i> of Navarrus with <i>Consilia</i> , f. 3 vols., 132 reals]	1603		Meneses, Mariana de (widow of Juan del Castillo)	
1 <i>Obras</i> de Nabarro con sus <i>consejos</i> f <sup>o</sup> en 3 tomos 154 reales [1 <i>Opera</i> of Navarrus with <i>Consilia</i> , f. in 3 vols., 154 reals]	1604	Guatemala City	Hurtado de Mendoza, Lucas	Canon
4 <i>Conpedios</i> de Nabarro a 4 rs 16 reales [4 <i>Compendia</i> of Navarrus at 4 reals, 16 reals]	1604	Guatemala City	Hurtado de Mendoza, Lucas	Canon
1 <i>Obras</i> nabarro con <i>consejos</i> f <sup>o</sup> 14 ducados 154 reales [1 <i>Opera</i> Navarrus with <i>Consilia</i> f. 14 ducats, 154 reals]	1604		González, Francisco	Schoolteacher
<i>Obras</i> de Navarro [Opera of Navarrus]	1606	Guatemala City	Canal de la Madrid, Bartolomé	Lawyer
Otra <i>Suma</i> de Nabarro [Another <i>Summa</i> of Navarrus]	1606		Godínez Maldonado, Juan	Canon
<i>Summa</i> de Nauarro en romance libro viejo [Summa of Navarrus in Spanish, used book]	1621	Puebla de los Ángeles	Río, Francisco del	Physician

TABLE 8.12 Titles of works by Azpilcueta bound for private libraries in New Spain (*cont.*)

Title shipped	Year	Destination city	Shipper or owner	Profession
<i>Manual</i> de Nabarro [ <i>Manual</i> of Navarrus]	1621	Puebla de los Ángeles	Río, Francisco del	Physician
<i>Obras</i> de Nauarro con <i>consejo</i> [ <i>Opera</i> of Navarrus with <i>Consilia</i> ]	1621	Puebla de los Ángeles	Gómez Briceño, Felipe	
<i>Compendio</i> de Nauarro [ <i>Compendium</i> of Navarrus]	1628	Campeche	Vargas, Juan de	Governor

[“*Opera* of Navarrus”].<sup>59</sup> His rise up the *cursus honorum* occurred in parallel with the consolidation of his private library, which was a fairly common occurrence among legal professionals.

## 5 Normative Books in the Atlantic Book Market

A letter sent by the Jesuit Tomás Vallejo from the “ysla de San Juan y del pueblo de San Ignacio de Agaña” [“island of San Juan and the village of San Ignacio de Agaña”] in Guam (Marianas) offers intriguing clues into the books that interested him. Vallejo’s missive, which was penned on 14 June 1680, was addressed to Tirso González, a prominent Jesuit who would rise to senior positions within the order. After addressing a number of other matters, Vallejo writes the following:

*Tenemos mucha falta de libros Morales y espirituales en esta misión. Suplico a Vuestra Reverencia, si es posible, remita Vuestra Reverencia dos autores legistas, porque se ofrecen aquí muchas causas de muertes de soldados e indios o, por lo menos envíeme Vuestra Reverencia dos libros morales escogidos y algunas obras del venerable Padre Luis de la Puente.*<sup>60</sup>

[We have great need of Moral and spiritual books on this mission. I beseech Your Reverence, if it is possible, to send two legal authors, be-

59 AGI, Contratación, 1149, *San Eugenio*, fol. 26.

60 Burrus, *Kino escribe a la duquesa: correspondencia del P. Eusebio Francisco Kino con la duquesa de Aveiro y otros documentos*, 358–359.

cause there are many cases of deaths among the soldiers and indigenous people, or at least send me two selected moral books and some works of the venerable father Luis de la Puente.]

The request for law books, specifically “legal authors”, reveals the correspondent’s interest in practical books that could help to answer the questions of clergy involved in the mission. The books included many *Summae morales* containing cases of conscience, which enjoyed notable publishing success and often appeared in shipments of books.

In a batch of books dispatched for Cartagena de Indias in 1622 by the shipper Carlos de Covarrubias, we find a crate with a selection of the most common titles from the first half of the 17th century. The shipping manifest includes:

*Obras* de frai Manuel Rodríguez  
*Suma* de [Francisco de] Toledo  
*Compendio* del dicho [Francisco de Toledo]  
*Suma* de Navarro  
*Suma* de [Bartolomé de] Medina  
*Suma de Sumas* de [Francisco Ortiz] Lucio  
 [Pedro Mártir Coma] *Directorum curatorum* [o *instrucción de curas*]  
*Doctrina* de [Roberto] Belarmino  
*Dos diurnos* pequenitos  
*Comptentus mundy*  
 Frai Pedro de Alcántara  
*Instrucción de sacerdotes*  
*Suma* de [Pedro de] Ledesma  
 [Lucas] Pinelo [*Tratado*] *de perfección [religiosa]*<sup>61</sup>

*Obras morales* of Fray Manuel Rodríguez  
*Summa* of [Francisco de] Toledo  
*Compendium* of said [Francisco de Toledo]  
*Summa* of Navarrus  
*Summa* of [Bartolomé de] Medina  
*Summa de Summas* of [Francisco Ortiz] Lucio  
 [Pedro Mártir Coma] *Directorum curatorum* [or *Instruction of Priests*]  
*Doctrine* of [Robert] Bellarmine  
 Two small *Diurnum*

61 AGI, Contratación, 1172, n. 2, r. 7, fols. 126<sup>r-v</sup>.

*Comptentus mundi*

Fray Pedro de Alcántara

*Instruction of Priests**Summa* of [Pedro de] Ledesma[Lucas] Pinelo [*Treatise*] on [*Religious*] *Perfection*

Here, it is particularly interesting that we can find only religious works, reflecting a clear preference for normative works in Spanish. As the list indicates, the shipment contained not only the “*suma* de Navarro” [“*Summa* of Navarrus”] but also other authors who were publishing competitors of Azpilcueta in the book market. Throughout the century, new titles took the place of older ones, so that the segment of *Summae morales* remained one of the most active in the publishing sector, marked by the constant renewal of the available supply. In the second half of the 17th century, however, significant changes occurred. The following entries appear in a shipment sent by the Seville bookseller Pedro de Santiago in 1675:

*Suma* de [Benito] Remijio [Noydens]*Suma* de [Enrique de] Villalobos*Compendio* de [Enrique de] Villalobos*Suma* de [Gaspar de la] Figuera*Prontuario* de [Benito] Remijio [Noydens]<sup>62</sup>*Summa* of [Benito] Remijio [Noydens]*Summa* of [Enrique de] Villalobos*Compendium* of [Enrique de] Villalobos*Summa* of [Gaspar de la] Figuera*Prontuarium* of [Benito] Remijio [Noydens]

Drawing on another study that focuses on the first half of the 17th century, we can answer the question about what other books similar to Azpilcueta's works succeeded in finding readers on the Atlantic distribution circuit.<sup>63</sup> Table 13, which sets out titles selected from a sample of 701 shipments from the period of 1601–1649, clearly shows that the book market had many titles that not only competed with Azpilcueta but actually outdid him in number of shipments and copies in circulation. Notably, the shipments that contained the *Manual* or

62 AGI, Contratación, 1225, n. 2, *Santo Cristo de San Agustín de Sevilla*, fol. 63<sup>r</sup>.

63 Rueda Ramírez, *Negocio e intercambio cultural: El comercio de libros con América en la Carrera de Indias (siglo XVII)*.

TABLE 8.13 *Summae morales* and treatises on moral theology in shipments bound for the Americas

	Appearing in the lists for the following period	Number of lists with titles	Number of copies
Manuel Rodríguez: <i>Summa</i>	1601–1649	110	508
Pedro de Ledesma: <i>Summa</i>	1602–1625	96	438
Francisco de Toledo: <i>Summa</i>	1603–1645	63	254
Alonso de la Vega: <i>Summa</i>	1601–1649	50	94
Enrique de Villalobos: <i>Summa</i>	1621–1649	44	504
Martín Bonacina: <i>Operum omnium</i>	1625–1649	40	99
Antonio Diana: <i>Summa</i>	1633–1649	36	236
Manuel Rodríguez: <i>Obras morales</i>	1602–1643	35	103
Juan Azor: <i>Institutiones morales</i>	1601–1643	33	74
Alonso de la Vega: <i>Espejo de curas</i>	1603–1612	26	76
Emmanuel de Saa: <i>Aforismi confessoriorum</i>	1602–1640	22	105
Enrico Enríquez: <i>Theologiae moralis summa</i>	1602–1621	22	39
Francisco Ortiz Lucio: <i>Summa de summas</i>	1602–1625	21	126
Pedro Mártir Coma: <i>Instrucción de curas</i>	1601–1625	21	101
Bartolomé de Medina: <i>Summa</i>	1604–1634	19	79
Antonio Diana: <i>Resolutionum moralium</i>	1640–1649	17	62
Martín de Azpilcueta: <i>Summa</i>	1600–1622	12	10
Martín de Azpilcueta: <i>Compendium</i>	1600–1628	14	28
Jerónimo Llamas: <i>Methodus curationum</i>	1601–1606	10	19
Juan Machado: <i>Perfecto confesor</i>	1643–1649	10	44

*Compendium* by Azpilcueta accounted for a small volume in comparison with similar books. Azpilcueta's texts made up only a small share of the total offering of available normative books. Indeed, treatises of this sort proliferated: at least 1,600 Catholic authors wrote texts on morals from 1564 to 1663,<sup>64</sup> but the most widespread circulation was achieved by the titles that appear below.

The authors who achieved the greatest success in the Atlantic book market were Manuel Rodríguez, Pedro de Ledesma, Francisco de Toledo, Alonso de la Vega, and Enrique de Villalobos. The *Summa* of the Portuguese Manuel

64 Delumeau, *La confesión y el perdón: Las dificultades de la confesión, siglos XIII al XVIII*, 117; Prospero, "La confessione e il foro della coscienza".

Rodríguez (1545–1613) appears on 110 lists, making Rodríguez one of the most circulated authors in the Atlantic trade. Other shipped items by Manuel Rodríguez were his *Obras morales*, which includes his *Summa de casos de conciencia* and his *Explicación de la Bula de la Cruzada*. They appear on 31 lists that feature a total of 94 copies of his works.

In some shipments, a number of the above-mentioned books appear together. This is the case for Felipe Gómez Briceño, resident of the city of Puebla de los Ángeles, who was the recipient in 1621 of a batch of books that included the “*obras de Navarro con consejo*” [“*Opera* of Navarrus with *Consilia*”], together with the *Summae* of Toledo, Emmanuel de Saa, Manuel Rodríguez, Bartolomé de Medina, and Vega. That is, a single owner could receive several similar normative texts, pointing to an accumulation of the pertinent authorities within a number of legal collections. In this case, Gómez Briceño rounded out his library with Greco-Roman classics and the “*obras de Lipsio en 9 tomos de a 4<sup>o</sup> Plantino*”<sup>65</sup> [“works of Justus Lipsius in 9 volumes and a 4to Plantin”].

## 6 Conclusions

The *Summa* and *Compendium* by Azpilcueta were books that enjoyed notable circulation on the Atlantic circuit in the period of 1583–1610, but their presence quickly dwindled at the start of the 17th century, and they were replaced in the publishing market by other normative titles. The varied publishing offering of new works produced many alternatives to Azpilcueta’s works. The publishing life of the *Summa* was intense, a great number of editions came out in Latin and in Spanish, and the book succeeded relatively easily in securing a strong position in the closing years of the reign of Philip II. At the beginning of the 17th century, however, it faded away almost completely from commercial book networks and, from 1611 onwards, practically disappeared from the book market altogether. In this sense, the Atlantic supply was reduced but, without a doubt, Azpilcueta’s texts that arrived in America continued in use and were distributed in the territory, being sold in book stores or at library auctions, expanding their influence throughout the 17th century. That said, the *Opera* by Azpilcueta appears to have achieved notable success, even though its price exceeded 100 reals, as it was shipped alike by booksellers, merchants, and private individuals.

65 AGI, Contratación, 1170B, n. 14, *San Ignacio*, fols. 140<sup>r</sup>–141<sup>r</sup>.

The publisher's summarisation of the *Summa* in the form of the *Compendium* was essential, because it hugely facilitated the distribution of the book. Booksellers sent both titles in several shipments, giving us some insight into the dissemination of the book via the same networks. The phenomenon of abridging works that had achieved commercial success was common in the early modern period, and it was applicable in the case of other normative books that had their own equivalent compendia. The differences concerned not only the text itself, but also the prices and formats. For example, the *Summa* by Azpilcueta appears to have been priced at 6 to 28 reals, while the *Compendium* was priced at 2 to 10 reals. This model would be repeated in the case of other normative titles, which constituted a publishing genre with a notable tradition in the Spanish publishing world in the early modern period.

The private libraries and other lots of books for private individuals that have been located in the shipments dispatched to the viceroalties of Peru and New Spain provide us with a picture of the level of interest that the titles in question aroused among American readers. In many cases, such as the books of the physician Francisco del Río in 1621, we can also find various *Summae* alongside one another in the same library. More specifically, we find the *Summa* of Ledesma “en dos cuerpos pequeños” [“in two small volumes”], the *Summa* of Navarrus “en romance libro viejo” [“in Spanish, used book”], the *Summa* of Alcocer, another “*Manual de Navarro*” [“*Manual of Navarrus*”], the “*Summa de Toledo en romance que es un compendio pequeño*” [“the *Summa* of Toledo in Spanish that is a small compendium”], the *Summa* of Enriquez, and many books of canon law and works of literature of which the reader was an enthusiast.<sup>66</sup> Civil and ecclesiastical professionals who conducted a career in the administration of the Crown or Church had an interest in the works of Azpilcueta, pointing to the considerable importance of normative knowledge. The circulation of “Doctor Navarro’s” texts reflects the continuity of a textual model that had numerous imitators and that facilitated in America the writing of a new normativity adapted to the American world. The repeated shipment of his books to the Americas clearly shows the interest aroused by his texts and the prestige of his *Opera*, which turned up in quite a number of law collections.

66 AGI, Contratación, 1170A, n. 10, fols. 139<sup>r</sup>–140<sup>r</sup>.

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# The Path of Doctor Navarro in Colonial Mexico: The Circulation of Martín de Azpilcueta's Works

*Idalia García Aguilar*

## Abstract

Recent research shows that the circulation of knowledge in Colonial Mexico was broader and more complex than we thought. In this particular territory, after the fall of Tenochtitlán City, books began to integrate into the first private and institutional libraries of every city and town. Such collections had crucial works of European thought that marked tendencies as pragmatic normative books. Because of this fact, an author like Martín de Azpilcueta became relevant. The impact of Azpilcueta's works, in Latin and Romance languages, can be appreciated in the analysis of booklists of the colonial epoch. Some of them were elaborated by instruction of the Holy Office of Inquisition which, aside from other tasks, was responsible for the control of books in these territories. In consequence, the inquisitors regularly ordered the delivery of booklists from readers, booksellers and institutions. Other booklists, from institutional libraries, were elaborated as a result of the Book trade. This chapter explains the circulation of Azpilcueta's editions, by analysing some preserved books by Azpilcueta that were read by religious orders (Jesuits, Dominicans, Franciscans and others) as well as different types of booklists from the same communities in the Viceroyalty of New Spain.

## Keywords

Books Circulation – Martín de Azpilcueta – Book Market – Colonial Mexico – Knowledge of Normativity

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Más durables bienes son los de la honra y la fama que las otras riquezas. Y por eso más cuidado debemos tener de ellas, que de las otras para fin de nos y a los nuestros sostener honestamente con lo que ganemos y nos den por ello.

MARTÍN DE AZPILCUETA (1572)<sup>1</sup>

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## 1 Written Culture and Book Circulation

In 1810, when the Independence of Mexico had begun, the friar Vicente de la Peña finished the Index of the Santo Domingo de México's Library in which he wrote the registers with the locations of the titles in the library's collection.<sup>2</sup> One of these titles was "Azpilcueta Moral", in the third box of bookshelf 83. This Index, as a rare object of documentary heritage, yields information on one of the most important libraries in the country. Indeed, few registers of these kinds of libraries have survived. Other testimonies include Franciscan,<sup>3</sup> Oratorian,<sup>4</sup> and Mercedarian,<sup>5</sup> and 20 additional 18th-century booklists from institutional libraries conserved in the National Library of Mexico,<sup>6</sup> which are the old version of modern library catalogues. Apart from this, many other lists of books exist in different Mexican repositories, developed for various purposes: commercial, personal, censorial, and inquisitorial. In all these sources it is possible to trace the path of a specific author of the past like Martín de Azpilcueta. The aim of this chapter is to contribute toward defining the cultural coordinates of the circulation of Azpilcueta's works based on the analysis of the previously mentioned evidence and some preserved rare books. By focusing on the editions of *Manual de Confesores* and the *Compendios*, this chapter explains

1 Azpilcueta, *Tractado de alabança*, 100.

2 BNM, Ms. 1119.

3 BNM, Ms. 10266.

4 BNM, Ms. 6426.

5 BNM, Ms. 10252.

6 Pérez, *Catálogo de los manuscritos*, 32–60. This catalogue is incomplete, and the descriptions are quite superficial, but it is still a useful instrument.

TABLE 9.1 Total number of Azpilcueta's works found in the sources, elaborated by the author

Institution	Religious order	Date	Number of Azpilcueta's works
Convento de San Luis de Huexotla	Franciscans	1664	1
Convento de San Juan Bautista de Temamatla	Franciscans	1718	3
Convento de San Juan Teotihuacán	Franciscans	1766–1768	2
Convento de la Inmaculada Concepción, Recolección de Nuestra Señora de la Merced de las Huertas	Mercedarians	1755	1
Colegio de Pátzcuaro	Jesuits	1768	1
Colegio de San Luis Potosí	Jesuits	1767	1
Colegio de Santa María de las Parras	Jesuits	1767	2
Colegio de Santa Cruz de Querétaro	Propaganda Fide	1766	5
Convento de Santo Domingo de México	Dominicans	1810	1
Visita de bibliotecas institucionales	Holy Office of Inquisition	1716–1720	1
Reader's Booklist (197 <i>memorias</i> )	Holy Office of Inquisition	1585–1764	7
Booksellers (15 <i>memorias</i> )	Holy Office of Inquisition	1585–1768	6
			<b>31</b>

the presence, impact, and use of Azpilcueta's *Manual* in colonial Mexico, all of which represent a reflection of different cultural practices.

The previous table presents a list of the documentary evidence used in this chapter. This sample is roughly indicative of book culture in New Spain given that it is impossible to know how many documents exist that provide evidence about books in colonial Mexico. Only by comparing these lists with similar documents in other territories of Spanish America can we gain a more precise idea of Azpilcueta's impact and use:

This sample may appear too large, but most of the documents involved have already been examined in the course of my previous research. These historical testimonies are the result of different practices: Jesuit libraries were catalogued

from 1767 onwards, following their expulsion from New Spain; Franciscan Convents, including their libraries, were inspected by a provincial visitor in the 17th century; and the documents that relate to Propaganda Fide, Dominicans, and Mercedarians are indexes, an old type of library catalogue. The remaining documents listed above are the result of various inquisitorial actions aimed at controlling book circulation, and all of them come from Mexico. The focus here is on the titles and editions of Azpilcueta's *Manual*, inconsistently recorded as *Manual*, *Manuale*, *Suma*, or *Enchiridion*, but other works, such as *Compendio*, and *Opera*, are also considered when necessary.

The best indicator of access to books was found in the convent libraries—spaces where the level and the complexity of culture in New Spain from the 16th century until the 19th century could be appreciated. During this exact time span, the new independent government of Spain decided to close all religious houses. Consequently, their books and documents were transferred to new public institutions, such as the National Library of Mexico, and other cultural and scientific entities. These holdings were removed from the convents of nuns and friars by the authorities in 1860 and 1861, respectively. Although these institutions were the seed from which public universities were born, not all of this bibliographic and documentary legacy was effectively relocated into Mexican collections. On the contrary, some valuable items were exported to foreign libraries and archives during the 19th century, and remain there to this day. One famous example is the professions book from the Saint Jeronimo nun Convent of Mexico City, currently at the Benson Library, University of Texas.<sup>7</sup>

Like secular and private libraries, these conventual ones were supplied by the commercial and religious networks that linked Europe and America. As a result, all of them had books from the most important typographic centres on both sides of the Atlantic and were a direct reflection of the phenomenon of book circulation. As a concept, circulation implies various forms of distribution of books as both merchandise and intellectual objects. Access to books in Spanish America is not a new topic of historical research. On the contrary, it is a decades-old field of knowledge, and yet many issues within it remain to be explored.<sup>8</sup> This issue may be studied from different angles, such as the analysis of book boxes that were transported between territories, contents of private or institutional libraries, and booksellers' stocks of titles. For this reason, the field requires the contribution of various disciplines.

7 This manuscript is important because it contains Sor Juana Inés de la Cruz's religious vows. Schmidhuber, "El Libro de profesiones", 539.

8 Rueda Ramírez, "El comercio de libros", 194.

Resulting from this disciplinary convergence, recent research has shown that the circulation of ideas in colonial Mexico was broader and more complex than traditionally assumed. The movement of books describes the process through which one edition travelled from its production to the hands of readers. In addition, circulation is a concept related to another idea: the impact of a certain edition and, in consequence, its function and reception by the community of interpretation. Therefore, in this article, impact is measured by how many times a specific edition is represented in historical documents. However, how can we understand the role of a certain book within a particular community? It seems clear that impact is more than just a simple notion. Assuming this complexity, can we somehow measure the historical impact of a book? Whatever it is that we understand by impact, it remains a subjective assessment that involves reading, interpreting, and evaluating the specific use to which the information conveyed by the book was put, which is perhaps one of the most interesting parts of a book's history.

Historical evidence has been used to show the impact of certain authors or their works in a given socio-historical setting. Therefore, we need to establish a way to measure impact that can be used in all circumstances and periods. An author with many editions of the same work and a single edition with many copies in circulation present two very different cases. This is relevant for most impact studies in book history, which tend to focus on titles, not editions. For instance, we can compare Azpilcueta with another famous author of his time, Diego de Estella, author of *Vanidad del Mundo*. This work is reflected in the sources as follows:

1, Estella Vanidad del Mundo<sup>9</sup>

Stella Vanidad del Mundo 01<sup>10</sup>

Estella Vanidad del Mundo. 3 tomos en folio<sup>11</sup>

Estela (Fray Diego) de la Vanidad del Mundo: En Madrid año de 1675,  
Pergamino apolillado<sup>12</sup>

9 "Petición de Fray Francisco de Estavillo para liberar dos cajones de libros que vienen para la Procuraduría General del Carmen, (S. XVIII)", AGNM, Indiferente virreinal, caja 4849, exp 5, fols. 39<sup>r</sup>–40<sup>r</sup>.

10 "Fray Juan de Jesús María, Comisario del Hospicio de San Agustín de las Cuevas en Filipinas, solicita permiso para llevar a esa provincia los libros cuya memoria adjunta (1787)", AGNM, Inquisición 1243, fol. 335<sup>r</sup>.

11 "Fray Joseph de Pedro Bernardo, procurador de la Provincia Franciscana de San Gregorio en Filipinas (1788)", AGNM, Inquisición 1292, exp. 18, fols. 188<sup>r</sup>–190<sup>r</sup>.

12 Memoria de los libros que quedaron por fin y muerte del Conde de Valparaíso, Marques del Jaral de Berrio (1780), AGNM, Inquisición 1191, exp. 1, fol. 4<sup>r</sup>.



1 Estella: Vanidad del mundo: en Madrid año de 1763<sup>13</sup>

1 Estella vanidad del Mundo Madrid 1767<sup>14</sup>

This is quite interesting because Estella was a famous 16th-century author, who only became well known and was widely printed two centuries later. The Spanish Collective Catalogue features at least five editions of this title in the 18th century: from 1720, 1759, 1775, 1785, and 1787. None of them appear in the sample above, which instead shows two additional editions—thus suggesting the existence of even more editions than the ones mentioned in the Spanish Catalogue. Estella also wrote *Meditaciones devotissimas* and *Oratoria Sacra*, which were also published in the 18th century. In contrast, Azpilcueta wrote many books and accrued fame and prestige owing to the multiple editions of his work published in the 16th century. Yet, both can be defined as bestsellers and are indicative of book demand in certain periods. Manuela Bragagnolo has argued that Azpilcueta's *Manual de Confessores* was one of the most important books on moral theology, which explains his continued influence, but not the lack of recurrent reprints in the following centuries. Many more authors present situations similar to that of Estella's *Vanidad*: many editions of the same book and the renewed publication of the same book in later centuries are clear marks of success and market appeal.

Azpilcueta's *Manual* is a special case, with over 70 editions in the 16th century alone, and it is necessary to explain and understand the social interest in this particular book. In the past, there were different reasons that led a book to circulate and, more importantly, the notion of authorship was quite different from modern approaches. Indeed, the authorship was affected by different variables: the conditions of translation, the community of readers, and the use they made of that information. Nevertheless, before focusing on determining which works of Azpilcueta effectively circulated in colonial Mexico, it is necessary to prove our hypothesis about the variables that have an influence on the impact of certain editions and their demand. In any case, the numerous editions of Azpilcueta's work cannot be taken as direct evidence of market impact, use by readers in different communities (epistemic or interpretative), or permanent availability in a given territory.

13 "Lista de los libros que quedaron por fallecimiento del bachiller don Pedro Ledezma, rector del Colegio de San Pedro y su Santísima Trinidad de esta Corte (1785)". AGNM, Inquisición 1252, exp. 5, fol. 255<sup>r</sup>. No edition has been identified in this year.

14 "Memoria de todos los Libros, que quedaron en la Librería y casa del Difunto Don Antonio Espinosa de los Monteros (1785)", AGNM, Inquisición 1230, exp. 23, fol. 299<sup>r</sup>. This edition has not been identified.

Considering the *multitudo* of existing normative knowledge, including compilations and condensed and pragmatic-oriented books, we can suppose that this was in high demand during the *Ancien Régime*. In fact, pragmatic normative literature, due to its portability and summarised guidelines, circulated more (and was probably used more) than the most reputed legal, erudite, and scientific literature, on which historiography has focused over the last century. Within this editorial genre, the *Manual* may have been the most successful title for confessional practices. Its number of editions is already an illustration of this, but this is not the only factor.

Indeed, it is possible that the *Manual*, and other similar titles, became a reference work throughout the Iberian empires, so it is important to understand its impact. To achieve this, we need a more precise assessment of the evidence, because not all Azpilcueta's editions circulated in the same way in all the territories of the Christian world, for example, America and Europe. The problem is that important information is often missing. For instance, only one edition by Azpilcueta features in the database IBSO (*Inventarios y Bibliotecas del Siglo de Oro*), property of Alonso Osorio, VII Marquis of Astorga.<sup>15</sup> This project compiles information from 42 libraries. No study has analysed the presence of Azpilcueta's works in European libraries.

## 2 Historical Sources and Bibliographical Canon

For decades, research has shown how the circulation of books operated in colonial Mexico, more specifically, what kind of authors, titles, and editions were circulated throughout the territory. Proof of this are the important works by Irving Leonard, José Torre Revello, Carlos Alberto González Sánchez, Cristina Gómez Álvarez, and others, including three colleagues in this volume: Pedro Rueda Ramírez, Natalia Maillard, and César Manrique Figueroa. In this vein, it is interesting to track the presence of books by Azpilcueta, namely of his *Manual* in the Mexican Colonial libraries mentioned in the table above.

Studying circulation as a social phenomenon requires confronting different sources, as this is the only way to precisely understand dissemination of books dealing with certain topics, such as moral theology. The organization of bibliographic collections reflected the classification of knowledge at that time. In the case of Mexican colonial religious libraries, one of these categories was

15 This is the edition identified: Azpilcueta, *Manual de confesores y penitentes*, 1556. <http://www.bidiso.es/IBSO/FichaEdicion.do?id=mdcypcticpeoooo>.

'Moral'. For example, in the Franciscan library of the Convento de San Luis de Huexotla, the collection was divided into "Santos Padres, Expositivos, Predicables, Morales, Teológicos, Filosóficos, Legales, Espirituales de Historia, Latinos y Gramaticos".<sup>16</sup> The Franciscans included 38 titles in the category 'Moral' and 25 in the category 'Theology', but the document only mentions one work by Azpilcueta as we will see. Furthermore, a Mercedarian library used similar categories: "Escolásticos, Moralistas, Expositivos, Predicables, Espirituales, Vidas de Santos, Históricos, Eruditos, Latinos, Varios pequeñitos",<sup>17</sup> and the category 'Moral' comprised 35 titles. This library also had works by Azpilcueta: "Navarro casus concienciae".<sup>18</sup> Obviously, the size of the library and the number of books classified under any of these categories depended on several factors, including the purpose of each institution.

But moral theology was also a topic of great importance for colonial society, if not one of the most important. The governance of colonial spaces required normative knowledge to rule, normalise, and discipline colonial life in all its aspects, from missionary and catechetical activities to the bureaucracy of imperial rule, including the administration of justice. In these societies, secular normative knowledge was only one of the factors that determined the legal setup. Depending on the context, royal legislation (e.g., *las Leyes de Indias*) could be less decisive in ordering a community than the instructions regarding the soul and conscience (*forum internum*) provided by moral theology. Therefore, religious normative knowledge was equally necessary to rule the daily life of a colonial settlement. One of the main channels for transmitting this normative knowledge was through books, which is the reason behind the intense circulation of legal and religious books from the very beginning of the colonial period. In this framework, pragmatic normative books marked important tendencies in colonial society "due to the fact that such a body of literature did not represent complex instructions or a sophisticated normative framework, but instead condensed normative knowledge".<sup>19</sup> As previous studies have shown, these books were present in many European libraries, but no similar surveys are yet available for colonial libraries in America, essentially because the topic has not commanded sufficient historiographical interest.

16 Biblioteca Nacional de Antropología e Historia. México (BNAH), vol. 174, fol. 218–221.

17 BNM, Ms. 10252.

18 BNAH, FF, vol. 74, fol. 37<sup>v</sup>.

19 Danwerth, "The circulation of Pragmatic Normative", 90.

That is precisely why it is important to analyse the works of certain authors like Azpilcueta. This analysis should also consider the contents of a given edition, the way the editions are arranged, quotations from other authors, the design, the biography of the copy at hand, etc., but could also address the number of copies in circulation or whether the work features in library catalogues. Therefore, two approaches can be adopted to examine the impact of a certain title or edition: looking at 1) the physical preserved object and 2) its bibliographic register in different periods of history. As a result, there are two types of evidence: one is bibliographical and the other is document-based. The analyses of both types will present a more comprehensive picture of written culture in a society. Following this, as a historical source, book registers are the result of specific processes and it is therefore mandatory that these processes are well understood.

One of these processes directly relates to the book market. During the Early Modern Age, royal officials and inquisitors kept the book trade under close supervision. Two complementary tools were put in place to control book circulation: commercial control over the merchandise and inquisitorial ideological censorship. Merchants and booksellers, participants of the commercial networks established in Spanish America since the early 16th century, took books between territories and cities and, regardless of who the final customer was, had to declare them. The participation of religious orders in book distribution was a complex issue because the activity of these orders spanned many regions of the world. Boxes of books were found in historical archives, such as the Archivo General de Indias or other repositories in Latin America. They present a more precise idea of this traffic and have been the foundation of many studies in book circulation, as Rueda Ramírez shows in his work about the presence of Azpilcueta in some Registros de Navíos.<sup>20</sup>

Most historical evidence for the books produced in New Spain comes from the archives of the Inquisition, due to their permanent surveillance of books which began in 1572. On this date, Pedro Moya de Contreras, who was the first inquisitor in New Spain, began demanding lists of books to control the sort of published texts that were in circulation. The decision was immediately communicated to the Supreme Council of the Inquisition, attached to the Spanish Crown in Madrid, which was responsible for controlling the activity of all inquisitorial tribunals, because the population were complying.<sup>21</sup> The Inquisition adopted various strategies to implement this policy, affecting the

20 Rueda Ramírez, *Negocio e intercambio cultural*, 38–60.

21 García, "Su señoría manda recoger", 231.

whole book sector from production to circulation. These actions influenced the whole of society too because inquisitors could operate without external legal limitations. As such, the Inquisition held the authority to enquire about everyone's books, even the viceroys, and many booklists were developed as a result. The Inquisition possessed exclusive authority to control books in the colonies, as well as carrying out other tasks related to religious orthodoxy.

In colonial Mexico, inquisitors regularly inspected lists of books from readers, booksellers, and institutions that they had demanded. A combination of these testimonies has recently been identified and examined regarding their differences and similarities in my recent research. Some of these booklists concerned commercial transactions. In any case, some legal or inquisitorial processes were similar in Spain and Spanish America and others were not. For this reason, it is important to know the legal framework and how this reflects on the record. Other institutional actions also led to the production of numerous booklists related to institutional libraries, such as the aforementioned catalogues as well as administrative requests. Furthermore, the transmission of property needed postmortem inventories to guarantee the legal distribution of family legacies. Some of these inventories included books, the presence of which needs to be explained against the historical background. Legally, it was not the same to be born in Albolote (Spain) or in Zacatecas (Mexico). Additionally, auctions, commercial lawsuits, letters, and institutional catalogues (including Franciscan, Dominican, Jesuit, and other religious orders) also yield descriptions of books. Other documents, specifically generated by institutions, were produced for different administrative purposes, such as provincial visits, convent library catalogues, and the expulsion of the Jesuits.

Sadly, a significant proportion of Mexican researchers thinks that colonial booklists are impossible to work with,<sup>22</sup> because the information provided falls short of successfully identifying the books that were registered; there is great despondency concerning the historical sources and their usefulness. This chapter takes a different point of view because the historical information recovered in recent decades has yielded more bibliographical information than expected. Some, indeed, meet these negative expectations regarding lack of information, but others have shown to be incredibly useful, including information concerning authors, titles, cities, printers, and years, as well as prices and binding conditions. One example suffices to illustrate this:

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22 Avilés, "Poseedores de libros y sus colecciones", 132.

Ystoria vida y milagros extasis y Revelaciones de la bien aventurada Virgen Sor Juana de la Cruz de la tercera orden de nuestro serafico padre san francisco Tratase desde el capitulo x hasta el 15 de las misteriosas cuentas subidas al cielo pa ministerio de los Angeles y bendezidas por Cristo y de las tocadas a ellas que tienen la misma Virtud y de sus propiedades y milagros. Compuesta y de nuevo corregida y emedada por fray Antonio daca yndigno frayle menor de la santa provincia de la Concepcion y Coronista de la orden Dirigida a la catolica magestad del Rey don felice III nuestro señor año 1614. Con lecenia en lerida por luys mariscal.<sup>23</sup>

Other documents cover certain information about the state of the book when it was registered, as well as indications of use and damage: “Yten un libro yntitulado Palidonia de los turcos que por estar rota la primera oja no se echa de ver la enprenta ni el año de ella en romanse.”<sup>24</sup>

This is quite interesting, as it gives some indication as to the circulation of used books, which provides evidence of a used book market in New Spain. Some records even reflect interest in specific editions of a given author or title. Although hypotheses about what lies behind this practice have been put forth, only one thing is clear: if the document was created for the inquisitors, people would give more information because it was required by inquisitorial norms. Yet, it is also true that, while the Inquisition demanded this information, no sanctions were placed when it was missing.

Alongside this new awareness, most studies on books during the Early Modern Age do not consider differences in the kind of record at hand, and the implications of this. Recent studies on the history of science show that controlling readers became harder as bibliographical production increased. In consequence, people such as Conrad Gesner, Antonio Possevino, and Nicolás Antonio, or institutions like the Inquisition, were forced to create tools with which to manage this kind of information, using bibliographical canons shared by all the communities of interpretation; that is, a group of people who share information, knowledge, interests, ideology, etc. These groups understood these book

23 “Listas de libros presentados al Santo Oficio de la Inquisición, en cumplimiento del Edicto de 20 de Octubre de 1612. México”. AGNM, Indiferente virreinal, caja 4217, exp. 39, fol. 24<sup>r</sup>. The register mentions this book: Daza, *Historia, vida y milagros, extasis, y reuelaciones de la Bienaventurada Virgen Sor Juana de la Cruz*.

24 “Relación y memoria de los libros en latin y Romance que don Francisco Alfonso de Sosa tiene (1615)”, AGNM, Jesuitas, Volumen III – 26, exp. 14, fol. 2<sup>v</sup>. This is probably Díaz Tanco's *Libro intitulado Palinodia de la nephanda y fiera nación de los turcos*.

records because they used the same practices when writing their own lists, quoted their works, read booksellers' catalogues, and consulted library catalogues.

This bibliographical canon was thus expressed in all booklists, which were sometimes called *memorias* in Spanish America. The *memoria* was a list of things that required no institutional validation. There are at least two different types of bibliographical register: author-title and full bibliographical information, as noted in the above quote concerning the book by Sor Juana de la Cruz. The latter was used more often than previously believed, providing information about old editions that have not survived. However, this has not been able to change the negative perception that exists, not only in Mexico, about this field of historiography. At any rate, as our two examples emphasise, there is no doubt that shared bibliographical canons existed in New Spain.

Bearing this in mind, my analysis involved examining the richest records available to create a group of possible editions that could help in the identification of these brief registers. At the beginning of the search, the repetition of the same edition or title was not important, but recurrence did create conditions for beginning to examine their relevance and relations. Complete registers were not only useful for inquisitors, but also for the market, because not all editions had the same value or price. In other words, material characteristics were relevant to readers and booksellers, the latter of which needed to know these details in order to make the right orders and serve their customers.

In addition, the bibliographic evidence offers other possibilities for finding the presence of Azpilcueta, as these colonial collections housed important works of the latest European thought, which marked the intellectual tone in this part of the world. It is possible to find moral theology which not only outlined the doctrinal guidelines, but also laid the grounds for later generations. Therefore, the works of Azpilcueta that have been preserved contribute to our understanding of the use of these books and also to the identification of the epistemic communities that demanded this specific form of knowledge, although we do not have specific information about the number of copies of each edition in circulation in New Spain, which is an important variable in the history of a given title. The historical records help to establish which editions were available to the readers and their preservation in Mexican Libraries.

It is fascinating to find out how many copies of each edition were available to the readers, as well as the number of copies that were available within a given time span. One factor that is usually underestimated, but which greatly affects the scale of the impact of a particular edition, is the conditions of supply and demand. In some cases, historical evidence is fairly precise in this regard. For

example, contracts between author and printer can describe many characteristics of the edition, such as format (folio or quarto) or specific printing types (*Atanasia* or *Cicerona*).<sup>25</sup> Some of these details were also mentioned in royal privileges, such as the one awarded to Azpilcueta for the use of the typography 'letra romana antigua'.<sup>26</sup> Contracts also established the number of copies that were to be published.<sup>27</sup> Obviously, this information is available for only a few old editions, because in most cases the contracts have not survived. Despite this, there are at least three important ways to study the impact of a title in book history: possession, reading, and appropriation of content. For our specific purpose, possession shall be prioritised in order to highlight the historical sources—bibliographical and documentary.

### 3 Documentary Evidence: Relations and Characteristics

With the intention of offering a precise idea of the circulation of Azpilcueta's works, this part of the chapter contains several examples extracted from historical sources and bibliographical objects. Such information is a result of collaboration and interchange. For many decades, Mexico struggled with the register and control of historical archives and libraries; this is the outcome of the non-existence of specific policies to safeguard historical collections. For this reason, most institutions have only very basic catalogues of their documentary and bibliographic resources. This is an old problem that affects both public and private repositories and is a result of the way in which this form of evidence has been handled since the Mexican Revolution. In this context, local and foreign researchers often find it difficult to find the specific document or book that they need for their work. In addition to this, the recent global COVID-19 pandemic led to the temporary closure of many institutions, such as archives and libraries. Despite this, it is still possible to collect interesting evidence for the analysis of different aspects of written culture.

For that reason, the following makes use of the numerous historical testimonies found in the National Archive of Mexico over the last decade to provide historical evidence of Azpilcueta's editions. Digital reproductions of some of the material have also been consulted. Some of these documents prove the presence and use of Azpilcueta's works, as reflected in KOBINO, our database

25 Pedraza, Clemente y Reyes, *El libro antiguo*, 154.

26 See Bragnolo's contribution in this volume (Chapter 2).

27 García Cuadrado, "Un contrato de impresión", 94.



for studying the circulation of books, described later. Additionally, to draw a more precise cultural map of books in colonial Mexico, librarians and researchers were asked to help identify and select editions of Azpilcueta's books from specific public collections. The aim was to find books bearing manuscript annotations that prove possession, use, or appropriation. Fortunately, our collaborators handed us several pieces of great interest as bibliographical evidence.<sup>28</sup> It is worth emphasising that the most important historical collections in Mexico came from the libraries of religious orders. After being selected as the most representative examples in institutional libraries, these books were linked with the documentary evidence presented in the beginning of the chapter. We also consulted previous research works that addressed this same issue.<sup>29</sup>

The following presents the information found in the historical sources used to locate Azpilcueta, starting with the institutional libraries:

Convento de San Juan Bautista de Temamatla (Franciscan)

“Concilios de Navarro. Tomo 1”

“Concilios de Navarro. Tomo 2”

“Manuale confesariorum de Azpilcueta”<sup>30</sup>

Convento de San Juan Teotihuacán (Franciscan)

“Azpilcueta, Manual de Confesores”

“Otro Azpilcueta, Manual de Confesores”<sup>31</sup>

Convento de la Asunción de Toluca (Franciscan)

“Martinus Azpilcueta en 3 tomos”

“Manuale confesionarum sine nomine”

“Martinus de Azpilcueta Manuale Confesariorum”<sup>32</sup>

28 I express my deep gratitude to Ana Cecilia Montiel Ontiveros (UAEM), María Guevara (UG), Fermín Campos (Lafragua Library), and my students Angélica Hoyos and Farid Castillo.

29 Sánchez, *El corazón de los libros*; Gómez, *La circulación de las ideas*.

30 BNM, Ms. 985, fol. 3<sup>r</sup>.

31 BNM, Ms. 989, fol. 29<sup>r</sup>.

32 BNM, Ms. 1108, fol. 70<sup>r</sup>–71<sup>r</sup>.

## Colegio jesuita de Pátzcuaro

“8<sup>o</sup> pasta. Azpilcueta Martini Enchiridion sive manuale confessoriorum, et poenitentium, Lugduni, 1574. Bueno”<sup>33</sup>

## Colegio jesuita de San Luis Potosí

“84 Concilium un Tomo en quarto que assi se intitula, este esta sin principio, por lo que no se sabe su autor, y Comienza a tratar en la Primera obra de sponsalibus, y acaba de lege Poenali, por un epigrama se saco, pueda ser su autor Navarro. Esta forrado en pergamino, mui mal Tratado ... 001”<sup>34</sup>

## Colegio jesuita de Santa María de las Parras

“1, dicho Compendio de Navarro dos reales”  
 “2, dichos Compendio Manual de Navarro cuatro reales”<sup>35</sup>

## Colegio Apostólico de la Santa Cruz (Propaganda Fide)

“D. Martinus de Azpilcueta: Manuale Confessoriorum”  
 “D. Martinus de Azpilcueta: Manuale Confesorum cum additionibus”  
 “D. Martinus ab Azpilcueta Navarrus: Reelectiones Varie”  
 “D. Martin de Azpilcueta Navarro: Manual de Confesores”  
 “D. Martinus ab Azpilcueta Navarrus: Reelectiones Varie”<sup>36</sup>

## Convento Imperial de Santo Domingo de México

“Azpilcueta Moral”<sup>37</sup>

## Convento de la Inmaculada Concepción, Recolectión de Nuestra Señora de la Merced de las Huertas

“Manual de Confesores [antiguo] 1 Thomito N. 5”<sup>38</sup>

33 AHN, Clero, Jesuitas, libro 413, fol. 5<sup>v</sup>. “Librería del Colegio de Pátzcuaro (1767)”.

34 AHN, Clero, Jesuitas, leg. 91, fol. 16<sup>v</sup>.

35 AGNM, Temporalidades 64, exp. 10, 15<sup>r</sup>. and 15<sup>v</sup>.

36 “Inventario de todos los libros de la presente librería [del Colegio de Santa Cruz de Querétaro] (1766)”. AHPFM, FSCQ, ms. R-1-2, fol. 93<sup>r</sup>.–93<sup>v</sup>., 107<sup>r</sup>., 161<sup>r</sup>. and 167<sup>r</sup>. The books were organised into: Moral, Law and ‘Moralistas latinos y romancistas duplicados (R)’. My deepest gratitude to David Rex for sharing this source with me.

37 BNM, Ms. 1119, fol. 4<sup>r</sup>.

As expected, all these institutional libraries had Azpilcueta's works, although we cannot determine with certainty which edition was available to be read by these religious communities. They probably had similar editions of the *Manual* in Spanish and Latin, as shown by the records featuring the *Enchiridion*. It is possible that they were 16th-century editions, but this is certain only in the records pertaining to the Jesuits. However, a copy of *Enchiridion* published in 1600, bearing a Dominican mark, is currently held by the National Library of Mexico,<sup>39</sup> which probably is the same copy that features in their Index. Most of these libraries were founded around the same time when Azpilcueta's *Manual* was being published, and the collections were operating actively until the closure of all convents. However, we cannot be certain if these copies were used throughout the colonial period or only in the opening stages of evangelisation.

The *Compendio* is an abridged edition of the *Manual*. Several *Compendia* of Azpilcueta's *Manual* appeared between the 16th and the 17th century, only one of them was authored by Azpilcueta himself.<sup>40</sup> The other two titles in the religious libraries refer to Azpilcueta's *Consilia* and *Relectiones*, part of Azpilcueta's legal contribution as a relevant member of the School of Salamanca.<sup>41</sup> The first of his *Relectiones* was published in 1547, followed by 11 more before 1584, as reported in the Universal Short Title Catalogue (USTC). The same catalogue records 32 editions of the *Consilia* printed in a variety of cities, between 1590 and 1605. The description of Pátzcuaro's booklist coincides with the 1591 edition of the *Consilia*.<sup>42</sup> As the following table shows, there is more representation of the title *Manual* and its variations than other titles in those historical registers.

The *Manual* is Azpilcueta's most widely represented work in the sample. Obviously, these results must be set against surviving copies that bear marks of religious provenance. For this reason, any documentary survey will be incomplete without a census of actual surviving copies. In this sense, this chapter can only pose a few illustrative examples, as it remains impossible to ascertain how many copies of Azpilcueta's *Manual* existed in the libraries of New Spain. To determine its success compared to similar titles is even harder.<sup>43</sup> Another relevant source is the content of boxes moved by the religious orders

38 BNM, Ms. 10252, fol. 7<sup>r</sup>.

39 Azpilcueta, *Enchiridion, sive, Manuale confessoriorum*, 1600.

40 Azpilcueta, *Compendio del manual de confesores, y penitentes*, 1586, 3<sup>v</sup>–4<sup>r</sup>.

41 Decock, "Martín de Azpilcueta", 117, 127–130.

42 Azpilcueta, *Consilia & Responsa*, 1591.

43 Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 188.

TABLE 9.2 Different titles of Azpilcueta's Manuals, found in the sources, elaborated by the author

Azpilcueta's works	Copies
<i>Manual, Manuale, Enchiridion</i>	9
<i>Compendio</i>	2
<i>Consiliorum</i>	3
<i>Relectio</i>	2
<b>Total:</b>	16

since the 16th century, a matter addressed by Rueda Ramírez in this volume. However, his study does not use documents preserved in Mexican archives. We have a representative sample of these records, but most of them date to the 18th century (one record pertaining to the Order of Saint Diego, two to the Jesuits, six to the Augustinians, six to the Carmelites, six to the Franciscans, and eight to the Dominicans).<sup>44</sup> Only one entry of interest to us was found in these box catalogues, specifically a box for the Jesuit Province sent between 1611 and 1612:

“dos sumas de la suma de navarro”<sup>45</sup>

It is worth mentioning here that, as Rueda Ramírez shows in his contribution to this volume, “Suma” was another way to cite the *Manual* in the sources: “*Sumas de la suma*” was therefore an expression used to refer to the *Compendia* of Azpilcueta's *Manual*. This represented a phenomenon of ‘epitomisation’ of texts; that is, “selecting, condensing and briefly summarising them, as well as compiling different works by providing excerpts from them in a convenient and pre-digested way”, were among several techniques used for managing scholarly information.<sup>46</sup> Azpilcueta had a close personal connection with the Jesuits, who used his works abundantly in their missionary work in Portuguese and Spanish America.<sup>47</sup> And Jesuits were also amongst the most successful authors

44 All these testimonies, some of which have already been published, are held by the National Archive of Mexico, and I have been working with them since 2015.

45 “Memoria de los libros que han venido a la Provincia de la Compañía de Jesús de la Nueva España en la flota de 1611–1612”, AGNM, Indiferente virreinal, caja 4849, exp 16, 11<sup>v</sup>.

46 Bragagnolo, “Managing Legal Knowledge in Early Modern Times”, 191.

47 Mugurunza Roca, “Del confesionario Ibérico de la Contrarreforma a los manuales para confesores”, 34.

of *Compendia*. Furthermore, as noted by Rueda Ramírez, Azpilcueta's works were easy to find in the book market until 1610. After this date, he only found Azpilcueta's works in transoceanic shipments of private libraries. Our evidence shows a similar trend. The evidence for the presence of Azpilcueta's work in private libraries is as follows:

Cristóbal Díaz del Toral (s.a)

“Un manual de navarro en latin”<sup>48</sup>

Juan de Galarza (1612)

“Compendio De Navarro en Leon por Horaçio Cordon An[o] de [1]603”<sup>49</sup>

Antonio Caldera Mendoza (1612)

“Navarro de penitencia impreso en Londres por Pedro fradino año de 1559”<sup>50</sup>

Antonio de Ubeda (1610)

“Manual de confesiones y penitentes en leon apud guliel Roviliam año de 1575”<sup>51</sup>

Gregorio de Cartagena (1614)

“Martín de Azpilcueta, Navarro. Manual de Confesores y Penitentes. Im-

48 “Memoria de los libros que tiene en su Poder el licenciado Cristóbal Diaz del Toral, Presbítero (s.a.)”, AGNM, Jesuitas III-26, exp. 3. We assume that this document was created before 1612 and, for this reason, any edition of the *Manual* by Azpilcueta in Latin likely includes the *Enchiridion*.

49 “Listas de libros 1612”, AGNM, Indiferente virreinal, caja 4217, exp. 52, fols. 46<sup>r</sup>–46<sup>v</sup>. Alagon, *Compendium Manualis D. Navarri*, 1603.

50 “Listas de libros 1612”, AGNM, Indiferente virreinal, caja 4217, núm. 38, fol. 22<sup>r</sup>.–23<sup>v</sup>. This information is quite interesting because throughout the document the city of Lyon is recorded as “Londres”. The only edition that may correspond to the one mentioned in the document was printed ten years later. Azpilcueta, *Commentarii in tres de poenitentia distinctiones posteriores*, 1569.

51 “Listas de libros 1612”, AGNM, Indiferente virreinal, caja 4217, núm. 44, fol. 33<sup>v</sup>. Azpilcueta, *Enchiridion, siue Manuale confessoriorum*, 1575. USTC 141271.

preso en Valladolid por Francisco Fernández de Cordoba, impresor. Con dos licencias del Consejo. Año de mil y quinientos y setenta”<sup>52</sup>

Bachiller Juan de Arzis (1622)

“Yten Compendio del manual de confesores y Penitentes del Doctor Don Martín Aspitueta Nabarro de la Sacra Penitenciaría de Roma nuevamente Recopilado por el mismo Autor. En Valladolid en casa de Diego Sanches de Cordova Ympresor de su Magestad. M. D. LXXXVI”<sup>53</sup>

Ignacio Rodríguez Navarajo (1764)

“1 Don Marquin Aspilcueta Navarro manual de confesiones. Maltratado [6 reales]”

“1 Pedro Alagona compendio de Navarro [3 reales]”<sup>54</sup>

Agustín Bechi (1792)

“1. Tomo. Aspilcueta de Navarro. Leon [1]575”<sup>55</sup>

As this evidence shows, Aspilcueta was read until the 17th century, pretty much disappearing in the following one. In this period, readers still submitted their booklists as had been done since 1572, a practice that continued throughout the colonial period. The inquisitors received several ‘memorias de libros’, which they examined in search of prohibited books and others that required expurgation, but also some that were regarded as suspicious or poisonous. Dozens of booklists relating to this process have been preserved. For instance, the Augustinian Juan de Galarza possessed a copy of the *Compendium* by the Jesuit Pietro de Alagona; the reader Antonio de Úbeda had Aspilcueta’s *Opera* published in 1595.<sup>56</sup>

52 “Memoria de los libros que presentó Fray Gregorio de Cartagena (1614)”, AGNM, Inquisición 301, fol. 63<sup>r</sup>–64<sup>v</sup>.; O’Gorman, “Bibliotecas”, Documento IV, 688. Aspilcueta, *Manual de confesores y penitentes*, 1570.

53 “Libros del bachiller Juan de Arciz (1622)”, AGNM, Indiferente Caja 5264, exp. 80, fol. 1<sup>r</sup>. Aspilcueta, *Compendio del manual de confesores*, 1586.

54 “Memoria de los libros del señor doctor don Ignacio Rodríguez Navarajo, cura más antiguo que fue del Sagrario de la Santa Iglesia (1764)”, AGNM, Inquisición, volumen 1045, exp. 26, fol. 276<sup>r</sup>.

55 “Memoria de los libros inventariados pertenecientes a la casa mortuoria del señor prebendado Doctor Don Agustín Bechi (1792)”, AGNM, Inquisición, vol. 1431, exp. 5, fol. 34<sup>v</sup>.

56 Aspilcueta, *Opera in tres tomos digesta*, 1595.

In the 18th century, private libraries of New Spain had to comply with another inquisitorial procedure passed in 1632: when the owner of the books died, the heirs or executors were to submit a list of books for the inquisitors' review. Hundreds of these lists are preserved in Mexico and are a formidable source of evidence about the number and type of editions that circulated in the territory. In this evidence, only three readers that owned works by Azpilcueta have been found in the records examined: Agustín Bechi, Ignacio Rodríguez Navarijo, and Domingo de Arangoiti. Among the five books by Azpilcueta found in these records there are two editions of interest: one *Manual* without a date and another that could be an edition of the *Enchiridion* published in Lyon. The latter is the *Compendium* by Alagona. Cristina Gómez found records of other books by Azpilcueta, including one that was part of Archbishop José Gregorio de Ortigoza's library (*Commentarius de spoliis clericorum* and one *Relectio de iudiciis*), which was brought from Europe to America in 1770. A post-mortem inventory of Bartolomé de Cruzelaegui's library, dated to 1786, may have included one copy of the *Enchiridion*.<sup>57</sup>

Our final source of historical documents relates to merchants and book-sellers. First, it is important to mention the records concerning the book merchant Alonso Losa.<sup>58</sup> In 1576, he committed to make a payment to Diego Mexía, a Sevillian dealer. The agreement includes a list of books with their prices. This document has been used in numerous studies about the commercial activity around a number of editorial genres; the document is of great interest concerning Azpilcueta because of the number of books dealt with and the language in which they were printed:

“22 Sumas de Navarro, en romance, con rentas eclesiásticas, in cuarto a 20 reales cada una”

“8 Sumas de Navarro, en latin, con capítulo y 28 puestos en sus lugares y con rentas eclesiásticas, in cuarto, en tablas, a 24 reales”<sup>59</sup>

As we have seen, *Suma* was used in these sources to refer to the *Manual* and the number of copies included in the order reflect the commercial appeal of

57 Gómez, *La circulación de las ideas*. The information is in the CD that accompanies the volume.

58 Cf. Leonard, “On the Mexican Book Trade”; Maillard Álvarez, “The Early Circulation of Classical Books”.

59 “Obligación de pago. Alfonso Losa con Diego Mexia (1576)”, Catálogo de Protocolos del Archivo General de Notarías de la Ciudad de México, Fondo Siglo XVI. En línea. Ivonne Mijares (ed.), Seminario de Documentación e Historia Novohispana, México, UNAM-Instituto de Investigaciones Históricas, 2014 <https://cpagncmxvi.historicas.unam.mx/ficha.aspx?idFicha=1-ALA-9-1071>.

the title in New Spain. Other merchants who have left booklists include Antonio Salinas (1585), Diego de Agundez (1585), Alonso Bautista Montejano (1609), Francisco de Espinoza (1612), Francisco Monforte (1612), Juan de Chavarría (1612), Juan Jiménez (1619), Juan de Laguna (1620), Pedro de Arias (1629), Simón de Toro (1629), and Isidro Gutiérrez (1682). The group of booksellers used in this chapter includes Diego de Ribera (1620), Bartolomé de Mata (1629), Agustín de Santiesteban and Francisco Rodríguez Lupercio (1655), Hipólito de Rivera (1655), José Trepana Quinto (1759), Joseph de Agua (1768), and Manuel Cueto (1768). The books listed are:

“Compendio de Navarro”<sup>60</sup>

“Martinus de Azpilcueta Navarro. Opera. Lugduni. Anno 1597”<sup>61</sup>

“Manual de Confesores autor el Bachiller Martin de Aspelicueta Navarro impreso en Valladolid por Francisco Fernando de Cordova año 1566”<sup>62</sup>

“Compendio Moral de Navarro año de 1680 en León”<sup>63</sup>

“1. Compendio de Navarro Azpilcueta. = Roma”<sup>64</sup>

“4. Navarro Martino opera Moralina = Benecia”<sup>65</sup>

From 1612, booksellers, merchants, and dealers were obligated to submit annual lists of books to the Inquisition, and many of these booklists are preserved in our National Archive; they constitute the most reliable source for the books that were on offer in the capital of the Viceroyalty. In addition, these documents bear witness to inquisitorial visits to book markets throughout the colonial period. Some of these testimonies date to the 18th century, and they suggest that Azpilcueta's works could still be found in the second-hand book market.

60 “Memoria de Libros del Mercader Simón de Toro (1629)”, AGNM, Inquisición 363, exp. 35, fol. 306<sup>v</sup>.

61 “Memoria de todos los libros de mi tienda, Hipólito de Rivera (1655)”, AGNM, Inquisición 438, 2<sup>a</sup> parte, fol. 502<sup>r</sup>. Number 552 in O’Gorman’s catalogue, “Bibliotecas”.

62 “El mercader Isidro Gutiérrez presenta relación de libros y pide se le permita venderlos (1682)”, AGNM, Indiferente Virreinal, Caja 791, Exp. 013, fol. 1<sup>r</sup>. No edition for this year and city is reported in USTC. It could be a different edition or a mistake.

63 “Memorias de libros de Manuel de Cueto, tratante de libros (1768)”, AGNM, Inquisición 825, exp. 3, fol. 17<sup>r</sup>. (1768) fol. 56<sup>v</sup>. This edition was not located and it was probably a mistake.

64 “Reconocimiento e Inventario de los libros que se hallan en esta Librería de Don Joseph de Quinto (1759)”, AGNM, Inquisición 992, exp. 6, fol. fol. 83<sup>r</sup>. There are several editions published in Rome between 1590 and 1593, and two more by Pedro Alagon in 1617 and 1623.

65 “Librería de Joseph Trepana Quinto”, fol. 97<sup>v</sup>. This could be the edition registered: Azpilcueta, *Opera omnia hucusque edita*, 1599–1600.



While still circulating in New Spain, Azpilicueta's *Manual* may have been replaced by another one in Portuguese America, as argued by Airton da Silva in his contribution to this volume. It may also be possible to track the rise and fall of the *Manual* in these documents, and this will help us appreciate the complexity of book circulation in the Early Modern Age. In order to better understand the impact and circulation of Azpilicueta's *Manual* in New Spain, we need to consider other authors who offered a similar editorial product. Probably, Azpilicueta's success was quite different in Europe and in New Spain. One aspect should not be forgotten: the competition posed by locally written *Manuales de confesores* and similar books exported from Europe, for example, locally produced books dedicated to the confessor of Juan Bautista or Alonso de Molina. Guadalupe Rodríguez has studied the significant number of such editions. In addition to this, we must also consider manuscript books that circulated among epistemic communities.<sup>66</sup>

#### 4 The Reader's Trace in Colonial Books

For this analysis, it was essential to bring together documental and bibliographical evidence to establish the motivation behind social interest in specific topics, authors, titles, and issues. The explanation must go beyond simply connecting the books preserved in Mexican libraries with certain people or institutions in New Spain. In most cases, evidence for provenance can demonstrate the possession of a book in that period. However, not all the rare books preserved in Mexico belong to the colonial period. Many interesting editions were acquired by politicians and intellectuals in the 19th century, in the belief that some of these books had been stolen from national institutions, as they aimed to return cultural objects to the country. This illustrates the enormous dispersion of historical libraries around the world and explains why some books have had a bumpy biography. For instance, some Mexican institutions hold books from the library of Antonio Álvarez de Abreu, member of the Council of Indies,<sup>67</sup> who only lived in Venezuela for a short time. In the same library, Marquis de Valdecilla in Madrid has books from the Franciscan Library of Convento de San Bernardino de Taxco, a Mexican colonial foundation.<sup>68</sup>

66 Duve, "Historia del derecho", 22–23.

67 García, "Saberes compartidos", 209–210.

68 I want to thank my colleague María Teresa Rodríguez Muriedas for sharing this information with me.

Another important characteristic to consider in the study of book circulation is the materiality of the object. All books have specific characteristics that are important to the readers: size (folio or quarto), column or plain text, font (Atanasia, Parangona, or Cicero), marginal notes, and paper quality, among others. This is what makes finding out if the edition was printed in Lyon, Venice, or Antwerp so important. Any researcher who has worked with rare books has heard about Plantino, Froben, Cardon, Junta, and other important names. These printers made their products to stand out and thus dominate a market that was even more competitive than today's. So, it is remarkable how the above material attributes were relevant in the early modern second-hand book markets. Only this market could explain the circulation of used editions in a given region, like colonial Mexico. There are many reasons for this phenomenon, although it is difficult to know whether it was the market that offered these editions or whether they also represented the interest of readers. Undoubtedly, some used books were cheaper than new editions, and only a specific edition could become more expensive.<sup>69</sup> These considerations must reorient our interpretation of book circulation in Spanish America to a one that involves a bigger focus on old editions.

Other examples of circulation involve the manuscript notes that the owners wrote on their books, for example: "Del fray Francisco Banosso de Vera, costo 3 pesos. 2 tomos en la ciudad de México en una librería" or "Compro este libro fr. Francisco de la Concepcion para que la librería de la assumption. Año de 1595. Fr. Francisco de la Concepcion".<sup>70</sup> These notes prove the presence of books in a certain territory, and give us information about possession, place, price, and other information concerning use, reading, and interpretation. Indeed, the manuscript notes are one of the best sources concerning these cultural practices, in particular, notes jotted down to mark some paragraph, idea, and concept and small hands (*manicule*) drawn to highlight something relevant for the reader.<sup>71</sup> However, many books in our libraries do not carry this sort of historical evidence and, due to this, in these cases any interpretation is possible. The other books with some evidence of provenance, such as the Azpilcueta editions, are useful to prove the reader's trace through handmade annotations or fire marks.

There are too many examples of this to provide a full account, but this phenomenon proves the importance of the second-hand book market even in the

69 García, *La vida privada*, 65–100.

70 For manuscript notes on books, see Roberto Maranta, *Avrea praxis*; and Francisco Campos, *Compendium, sive*.

71 Sherman, *Used books*, 29–30.

early commercial networks of Hispanic America. Another relevant piece of evidence can be found in the notes written by booksellers concerning the purchases of boxes of books. They did not know what titles or authors were in each box but buying them was generally regarded as an interesting commercial opportunity. In any case, during the 300 years of colonial rule, readers and institutions had easy access to moral theology volumes, new or used, because the presence of booksellers, merchants, and bookstores in New Spain was widespread. For many years, access to books in Mexico was always regarded as difficult compared with other regions, even within Spanish America. However, after the fall of the city of Tenochtitlan, books began to accumulate in the first private and institutional libraries created in the region. These collections included some of the most important titles of European thought, and from 1539 they also featured locally produced volumes; moral theology was always an important topic, which helped to construct the new social order and address problems in the new communities.

For that reason, this analysis also included rare books held in public and private modern repositories, so that the historical documents and the actual material object could be compared. Needless to say, many copies and editions of Azpilcueta's works were in circulation in New Spain. Other authors in the field of moral theology include Manoel Rodriguez, Enrique Villalobos, Juan de Ascargota, and Francisco Larraga, who were also present in colonial libraries in New Spain. For example, we found four different editions of Rodriguez's *Summa de casos de consciencia*, all of which were printed in Salamanca. Most of them were owned by 17th-century readers: six editions of Villalobos, four of which were found in the bookstore of Antonio Espinosa de los Monteros, an 18th-century bookseller; two editions of Ascargota, one in an institutional library and the other in a private one; and 11 editions of Larraga's *Promptuario de la theologia moral*, four of which were owned by José Rangel, the chancellor of the San Gregorio College, an important institution for the education of the indigenous population.

Azpilcueta wrote in the 16th century, while the others were 17th- and 18th-century authors, but some editions of Azpilcueta's *Manual* were still present in private and institutional libraries, as we have shown. It is beyond the scope of this chapter to provide a comprehensive census of Azpilcueta's books currently in existence in Mexico. For now, we can only describe interesting copies of Azpilcueta's *Manual* that bear evidence of having been possessed or read. Manuscript notes written in these books reveal knowledge-related cultural practices, such as quoting, reading, thinking, writing, and other intellectual activities. This historical evidence emphasises a classic premise: possession of a book does not necessarily mean the reading of it. Other books have marks

of possession, institutional or private, as well as marks from religious orders. These marks were often used in Mexico to signal possession, especially by religious orders or secular institutions. These elements of property are important for provenance studies in general, but few of these have been used in Mexico to reconstruct the history of institutional libraries.

To better document this issue, we examined some copies of Azpilcueta's books in five Mexican public libraries. The first example is the expurgation of the 1556 edition of Azpilcueta's *Manual*. The expurgation was undertaken by the Franciscan López Aguado and the copy is now held by the Armando Olivares Library at Guanajuato; it possesses two fire marks, pointing to the convents of San Francisco de Querétaro and San Antonio de Padua de San Miguel el Grande, in addition to some manuscript notes in the text: the name of Fray Joan de Rodriguez and of the Convent of San Francisco de Queretaro. Aguado's manuscript expurgation note reads: "Corregido por orden del Santo Oficio según el expurgatorio de 1707 en 17 de julio de 1717 Fray Juan López Aguado".<sup>72</sup> This friar was responsible for the inquisitorial revision of libraries in the Franciscan Province of San Pedro y San Pablo de Michoacán and was also the author of *Hojas del arbol de la vida*.<sup>73</sup> His inquisitorial commission was signed in Valladolid (Michoacán), by the provincial Minister Joseph Picazo on 17 December 1716.

This printed document, the commission of Aguado, is part of an unparalleled file conserved in Mexico, which explains the procedure of book expurgation in New Spain.<sup>74</sup> In essence, the same document that bestowed the responsibility of expurgation was used to inform about the procedure, the survey, and the prohibited books found. In his report, dated 10 October 1717, Aguado wrote that prohibited books had been collected to be sent to the Mexican Inquisition Tribunal. Why did the Franciscan decide to expurgate this particular copy? The decision is difficult to explain because Azpilcueta's only work in an Inquisitorial Index was the edition of his *Opera* published in Lyon in 1595. Obviously, the Franciscan had a particular valuation of Azpilcueta and his ideas. This is a stimulating topic of research for the future because it also represents other aspects of Azpilcueta's impact within a religious community.

The second example is the copy of the 1556 edition held at the Viceregal Museum of Zinacantepec. This copy holds several manuscript notes in both the text and its flyleaf, providing evidence of one reader. The title page of this copy also bears two interesting pieces of evidence pointing to the Franciscan

72 Biblioteca Armando Olivares CO 2682.

73 López, *Hojas del arbol de la vida*. 1743. BNM RSM 1743 M4LOP.

74 García, "Sospechosos, perseguidos y venenosos".

Convent of Santa Maria de la Asunción in Toluca: a paper seal and an ink or charcoal seal; it seems, at any rate, that both seals were made with the same matrix.<sup>75</sup> This religious house was the largest building in the city, founded in the mid-16th century and later destroyed.<sup>76</sup> As shown before when discussing Convents' Libraries, two of three different entries in that document could refer to this copy of Azpilcueta's work. This institutional inventory was carried out between 1730 and 1736 by order of the Provincial Juan de Estrada.

The copy currently in the National Library of Anthropology and History, which formerly belonged to the Franciscans, is an edition from Salamanca, printed in 1557.<sup>77</sup> This copy presents two fire marks—one of them is blurry, but it resembles two similar marks used in Mexico City and Puebla. Another is an epigraphic mark related to Convento Grande de San Francisco de México.<sup>78</sup> As is common, these marks appear together or, more precisely, one on top of the other. This is a result of the exchange of books between different houses of the same religious order during the colonial period. The book bears a number of manuscript commentaries, including several *manicule* pointing to specific concepts and ideas. Also, this copy includes another of Azpilcueta's works: the *Comentario resolutorio de usuras*, printed by Portonariis in the same year,<sup>79</sup> and similarly annotated. There is another copy in Lafragua Library and, although the title page is missing, the book possesses a fire mark on one of its edges: Convento de Nuestra Señora de la Merced de la ciudad de Puebla.<sup>80</sup> This public library has some copies of Azpilcueta's *Manual* and all of them yield clear evidence of use or possession as well as wear and tear.

One more copy of this *Manual*, specifically the edition printed in Estella in 1565, can be found in Armando Olivares Library. The title page is missing, but the colophon survives,<sup>81</sup> as does the vellum binding, a fire mark pointing to the Franciscan Convent of Atlixco in Puebla, and some manuscript notes in the

75 Museo Virreinal de Zinacantepec 395.

76 Rodríguez, "Del espacio sagrado al laico", 76.

77 Azpilcueta, *Manual de confesores y penitentes*, 1557. BNAH-XXXII.8.

78 Catálogo colectivo de marcas de fuego. Franciscan Marks, <http://www.marcasdefuego.buap.mx:8180/xmlLibris/projects/firebrand/collection.jsp?path=/db/xmlLibris/Marcas%20ode%20Fuego/Franciscanas/&map=1&sort=metadata/sequencia>.

79 Azpilcueta, *Comentario resolutorio de usuras, sobre el capítulo primero de la question*, 1557. BNAH XXXII.8.

80 Biblioteca Lafragua 5046–31030301. In this collection, there is another potential copy from a Franciscan house, but the evidence is less clear.

81 Azpilcueta, *Manual de confesores y penitentes que clara y brevemente contiene*, 1565. Biblioteca Armando Olivares 2682-A.

text. A copy in the Lafragua Library corresponding to this 1565 Valladolid edition presents a mutilated title page with two manuscript notes of possession: Doctor Salazar and Garcia de Hauarny. It also has a fire mark of the Oratorio de San Felipe Neri of Puebla and the volume also includes the *Reportorio* and the *Capítulo veinte y ocho*, published in Evora in 1571.<sup>82</sup>

Another surviving copy of the *Manual* corresponds to the Valladolid edition of 1566.<sup>83</sup> A manuscript note on the title page reads: “Es de la libreria del Convento de Nuestro Padre San Francisco de la Puebla”. Another is crossed out and two different Franciscan fire marks—one epigraphic and another figurative—are to be found. Both of them relate to the convent of Puebla. The edition of Azpilcueta’s *Manual* printed in Antwerp is also present in Zinacantepec. This is a ‘re-edition’ by Steelsius’ heirs in 1568, and it includes the one in César Manrique Figueroa’s chapter in this volume as an edition in 4°. <sup>84</sup> The copy belonged to the Carmelites of Toluca, as is written on the title page. At different times, the book was the property of two different houses of the same religious order: Guadalajara and Santo Desierto. Manuscript notes in bibliographical objects which provide evidence of possession reflect the complex biography of books, and this volume is a good illustration of this, including one fire mark pointing to the Convent of the Purísima Concepción. The volume includes three more titles: the *Reportorio*, the *Comentario resolutorio de usuras*, and the *Tratado de las rentas*, all works by Azpilcueta printed in the same place and year by the same printing house.<sup>85</sup>

The collection of the Armando Olivares Library also holds several copies of Azpilcueta’s *Manual* printed in Valladolid in 1570. This is, as noted above, the same edition owned by Fray Gregorio de Cartagena. One copy presents a note of possession on the title page written by Father Cristobal Plancarte, who lived in the Convent of San Agustin of Valladolid, and the fire mark of the Convent of San Agustin of Celaya; the binding is missing.<sup>86</sup> Another of the copies has the mark of the Convent of San Pedro de Alcántara of Guanajuato; the binding is severely damaged and the title page has been restored. The same edition is

82 Azpilcueta, *Reportorio general y muy copioso del manual de confesores*, 1565. Biblioteca Lafragua 334880 7587–31060204; Azpilcueta, *Capítulo veinte y ocho de las addiciones del manual de confesores*, 1571. Biblioteca Lafragua 4691–31040402.

83 Azpilcueta, *Manual de confesores y penitentes*, 1566. Biblioteca Lafragua 3650–31020503.

84 Azpilcueta, *Manual de confesores y penitentes*, 1568. Museo Virreinal de Zinacantepec 4270-B.

85 Azpilcueta, *Reportorio general y muy copioso del Manual de confesores*, 1568; Azpilcueta, *Comentario resolutorio de usuras*, 1568; Azpilcueta, *Tratado de las rentas de los beneficios eclesiasticos*, 1568. Museo Virreinal de Zinacantepec 4270-B.

86 Biblioteca Armando Olivares 7202-A and 7966-A.

also found in Zinacantepec, in a copy that carries a manuscript note: “deste convento de toluca de carmelitas descalzos”.<sup>87</sup> Another copy is found in Lafragua, on the title page of which there are two marks of possession, one private—“del uso de fray Juan del Campo”—and the other institutional—“de la librería de San Francisco de la Puebla”. This copy also has the same marks as the copy of the 1566 edition found in the same library.<sup>88</sup>

The last copy that we will deal with was printed in Venice in 1573.<sup>89</sup> The copy is currently in Mexico City and has the fire mark of the Franciscan Convent of San Luis Obispo de Huexotla, the magnificent ex libris of the Franciscan Convent of Mexico City, and probably a note related to the same religious house, but the title page is partially missing because someone cut the engraving. The title page bears another likely incomplete handwritten note of ownership: “el bachiller Mateo de Cepeda [?]” and a stamp that corresponds to the first attempt to undertake a national inventory of cultural heritage items in the 1930s. This book could be the same that was registered in the inventory of the library described earlier. Another copy, in Lafragua Library, belongs to an edition printed in Antwerp in 1584. It presents a manuscript note at the end—“del Padre Fray Juan de Yta de la orden del señor san Francisco”—and two Franciscan fire marks of their convent of Puebla.<sup>90</sup> A copy of the edition printed in Rome in 1588,<sup>91</sup> has a note of ownership on the title page—“Donna Andreas Bosius Neapoli emit sub anno dici 1591”—and the fire mark of the Convent of La Merced de Puebla.

Finally, some of the copies simply carry an interesting manuscript note: the sign of a bookseller from Valladolid, Antonio Suchet, who also played a role in printing some editions of Azpilcueta's works. This merchant used to sign the books that he sold in his bookstore,<sup>92</sup> and he was also responsible for the commercialisation of Azpilcueta's works in territories under Spanish rule, as pointed out by Bragagnolo. The copies of Azpilcueta's *Manual* which hold this particular sign are the Salamanca 1556 and Valladolid 1570, in the Zinacantepec Library, and the signature of the bookseller is also on the title-page of *Capítulo veinte y ocho de las addiciones del Manual* but not in the copy of *Comentario res-*

87 Museo Virreinal de Zinacantepec 715-D.

88 Biblioteca Lafragua 7001-31040103.

89 Azpilcueta, *Manuale confessorum, poenitentiumque*, 1573. BNAH. Fondo Conventual (Convento Grande de San Francisco de la ciudad de México-Convento de San Luis Huezotla, Estado de México Regular. XXXII.9).

90 Azpilcueta, *Enchiridion, sive manuale confessoriorum*, 1584. 7004-31040103.

91 Azpilcueta, *Enchiridion, sive Manuale confessoriorum*, 1588. Biblioteca Lafragua 9842-31070502.

92 Bouza, *Del escribano a la biblioteca*, 363.

*olutorio de usuras* from Valladolid printed in 1569. Suchet's signatures are also in the following editions: Valladolid 1566, Valladolid 1570, and Lugduni 1575, all of which are in the Lafragua collection. These books are but a small sample of the bibliographic heritage of Mexico.

## 5 Final Aspects to Consider

The goal of this chapter was to present the complex task of tracing the presence of Azpilcueta's works in Colonial Mexico. Sadly, it can only offer to trace one part of these editions, present in historical evidence, and the books conserved in Mexico. Reading and appropriation of ideas, in contrast, requires the review of the actual books, and this would require a census of all of Azpilcueta's works in Mexican libraries. This is a complex task because the information yielded by Mexican catalogues does not always match the physical object, as a result of the absence of appropriate cultural policies. As such, this task would take a long time. For example, the Nautilus catalogue of the National Library of Mexico reports a copy of *Enchiridion* published in 1600 which bears a Dominican mark.<sup>93</sup> Anyone could make the mistake of thinking that this is therefore probably the same copy that features in their Index, as mentioned above. On the contrary, the confirmation from the institutional information shows a different work by Azpilcueta: an edition of the *Opera* printed in the same place and year and by the same printer. Only the second volume of this title exists in our library and, indeed, the fire mark relates to the Imperial Convento de Nuestro Padre Santo Domingo de México.<sup>94</sup> As a researcher and a Mexican, explaining this situation, which confirms the serious problems present in Mexico regarding bibliographical identification, is a complex issue.

Furthermore, booklists only attest to the presence of a given edition in the past. However, the broader historical evidence used to study the circulation of books can be used to establish the popularity of works and authors. For this reason, impact analyses must include similar authors to Azpilcueta, such as Rodriguez and Emmanuel Saa. In this way, we shall gain a better understanding of the use and relevance of moral theology in a specific period. For example, it is likely that, in the early years of evangelisation, confession manuals written by missionaries for the indigenous groups were produced, copied, and used in greater numbers than other European manuals. These works, commonly known as *confesionarios*, were carefully revised before being printed in

93 Azpilcueta, *Enchiridion, sive, Manuale confessoriorum*, 1600.

94 Azpilcueta, *Opera omnia hucusque edita*, 1600.



New Spain, and also circulated in manuscript form.<sup>95</sup> The usefulness of these books was short-lived because of changes in confession values. Also, missionaries encountered diverse forms of religious practices,<sup>96</sup> which demanded them to constantly adapt their strategy.

Booklists are idiosyncratic records that demand an interdisciplinary approach. For now, this conclusion highlights a specific methodological problem, explains some results, and puts forth a number of questions to provide reliable and useful information for future researchers. For instance, why do we find a 16th-century book still in circulation in the 18th century? The evidence shows that Baroque books survived in the second-hand market, and that new editions of some of these works (e.g., Estella's) were published in the context of the Enlightenment. One explanation for this phenomenon could be the interest of readers in that author and their work, but we need to present historical evidence to substantiate this idea.

In a nutshell, even when an author was famous for their work, this did not guarantee the impact of a specific edition. Thus, as this article has shown, it is relevant to determine which edition circulated in a given period and region, as the edition alone does not necessarily indicate its impact. In this sense, market conditions and communities of interpretation (lawyers, clerics, etc.) are also crucial variables when explaining the nature of circulation. However, some important questions remain: how many copies of each edition were produced? Can we identify all of them? How many were present in our historical evidence? What type of evidence is needed to prove the existence of certain books? These questions are quite problematic, due to the nature of the sources. It is a fact that many more testimonies may be awaiting us in Mexican archives.

To acquire a more precise idea of book circulation in colonial Mexico, in 2018 Ricardo Vargas and I designed *KOBINO*, an open database to bring together all the information extracted from different booklists, with the ultimate aim of drawing a map of book circulation in this territory. The name *KOBINO* combines the first two letters of three elements: the name of the software *KOHA*, the word *Biblioteca* (library in Spanish), and the word *Novohispano* (the Spanish demonym of New Spain). *KOBINO* is still a work in progress, as input from a large number of records is expected over the next few years. This involves the palaeographical transcription of the documents and the identification of surviving editions. Our database only includes records from institutional catalogues from Italy and Spain because those offer the use of the z39.50 protocol.

95 Lira, "Dimensión jurídica de la conciencia", 1145.

96 Palomo, "Un catolicismo en plural", 199.

The aim is to relate historical records of books with actual bibliographic objects in libraries. To date, *KOBINO* contains approximately 6,215 entries for 7,936 copies in circulation and is the widest catalogue of books available in the Viceroyalty of New Spain. This digital tool contains much of the information shown in this chapter, and we hope that it will be useful to others.

Finally, we can conclude with two fitting ideas: Ernesto de la Torre Villar said that an army of people is needed to register the collections of historical libraries and archives in Mexico, while Jaime Moll always defended the idea that the past always had books for everyone. These thoughts reflect some of the endeavours of the authors of this volume. As researchers, we need to take on some of the responsibility of the inventory or register of historical conserved objects because that information will always be the basis of our work.

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# The Presence of Azpilcueta's *Manual de Confessores* in Portuguese America (16th to 18th Centuries)

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## Abstract

This chapter aims to map the circulation of Martín de Azpilcueta's *Manual de Confessores* in Brazil from the sixteenth to the eighteenth century. In order to undertake a general survey on the possession and circulation of the Manual in that period, a vast assortment of sources was examined. One of the earliest records of written culture produced in Brazil can be attributed to Jesuitical letters sent by Jesuit missionaries. In these epistolary documents, exchanged around the mid-sixteenth century, can be found probably the first evidence of the *Manual* in Brazilian soil. Confessional literature had particularly utility for the missions of evangelization in colonial spaces and to the proper performance of this sacrament among Christians. This explains the possession of the title by priests and by bishops, as *post mortem* inventories show. By the same token, its presence in conventual library collections was required, as some catalogues of Franciscan and Jesuitic libraries testify. Preliminary findings demonstrate that Azpilcueta's *Manual* indeed circulated in different regions of Portuguese America along the centuries, yet its presence in the shelves of institutional and private libraries was shared with other competing titles of the confessional literature. By the eighteenth century, the appearance of the title in the historic records decreases severely, while new confessional books replace it. In any case, the importance of Azpilcueta's *Manual* is attested for its persistence along three centuries assisting the regulation of colonial life in Brazil.

## Keywords

Book History – Circulation of Knowledge – Colonial Legal History – Portuguese America – Early Modern Period

## 1 Introduction

One of the main vehicles for the circulation of normative knowledge was written material, either printed or manuscript. The portability of books has allowed them to transmit normative information through time and space. This means that it was not only possible for the norms inscribed in their pages to persist for decades, but also to travel across oceans to be translated and then enacted in a different context with a particular communicative tradition. The book being studied in this volume is the perfect example of this: the *Manual de Confesores* by the canon law professor Martín de Azpilcueta, first published in the mid-16th century, had an astonishing number of editions and translations, some of which arrived on the other side of the Atlantic. In this way, the norms defined in the *Manual* by *Doctor Navarro*—as he was commonly known—to guide the conduct of confessors and penitents, were also by some means put into effect in colonial areas. Hence, ascertaining which titles effectively circulated and were available in a specific colonial context is crucial to understanding the complex and plural set of norms that governed that space.

Assuming the importance of confessional literature as a frame for normative knowledge and, moreover, the role of Azpilcueta within this kind of literature, this chapter traces the presence of his *Manual* as a material resource in Portuguese America from the 16th to the 18th century. For this purpose, this investigation scrutinises a variety of available sources that demonstrate the presence of books throughout the colonial experience in Portuguese America, from library catalogues to documents on secular censorship. This facilitated the tracking of the availability of the *Manual*, as well as normative confessional literature in general, in Portuguese America. This approach helps us to understand the diffusion of the *Manual* in the face of the larger context of this literary genre, whose production during the early modern period was quite prolific.

While the number of editions of this particular *Manual* certainly suggest its success, its circulation cannot be taken for granted. Although the scattered colonial sources that attest to the presence of books in Portuguese America as well as their scarcity broaden this chapter's account, the empirical evidence discussed here provides some tangible figures on the diffusion of Azpilcueta's *Manual* throughout the Portuguese empire and how long it circulated.

As Azpilcueta's works first crossed the Atlantic with the Jesuits, this chapter starts with an analysis of their epistolary communication to identify books already present in the missionary settlements of the 16th century. Those settlements would later become colleges and schools, in which all education and

formal instruction in the colony was concentrated. The conventual libraries that supported these institutions, from Jesuits to Franciscans and Benedictines, have therefore been surveyed in the search for normative confessional literature. Beyond religious orders, confessional literature was also found in postmortem inventories, which testifies to the spread of this genre among laymen and secular priests. Finally, moving towards the 18th century, the control exercised by the Portuguese Crown over the circulation of ideas allowed the identification of titles then in circulation.

The findings suggest that Azpilcueta's *Manual* did indeed circulate in various regions of Portuguese America over the centuries, although its presence on the shelves of institutional and private libraries was shared with other competing titles of confessional literature. By the 18th century, the appearance of the *Manual* in the historic records markedly decreases, with new titles on confessional matters replacing it. In any case, the importance of Azpilcueta's *Manual* is evidenced by its persistence for three centuries, assisting the regulation of colonial life in Portuguese America.

## 2 The Dynamics of Normative Knowledge: Jesuits and Doctor Navarro Bridging the Communication Circuit

“Father Navarro and I request the books, which I already asked for, because they are much needed to allay the doubts that appear here, all of which I am asked about”.<sup>1</sup> Less than five months after having docked in Bahia with the first expedition led by the Governor-general Tomé de Sousa in 1549, Father Manuel da Nóbrega demanded books from the first Provincial of the Society of Jesus in Portugal, Father Simão Rodrigues. Nóbrega, who headed the Jesuitic mission in Brazil alongside three other fathers—among them, the Juan de Alzpilcueta Navarro mentioned in the quote, nephew of Martín de Azpilcueta—bequeathed what would become one of the first references to written culture on Brazilian soil.

The quotation not only attests to a general need for books, but it also clarifies that they were needed to resolve uncertainties that were arising during their work of conversion and evangelisation of the indigenous population. The missionaries sought advice about how to behave in the face of the unusual situ-

1 “[...] ho P.º Navarro e eu, [pedimos] os livros, que já lá pedi, porque nos fazem muita mingoa para duvidas que cá há, que todas se perguntam a mym”. Letter from Father Manuel da Nóbrega, Baía, August 9 1549, to Father Master Simão Rodrigues, Lisboa. Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 131.

ations that had emerged in the New World. Ultimately, they were looking for normative knowledge to guide them; one of the main sources of this kind of information was books.<sup>2</sup>

Since the very beginning of the colonial experience, cultural clashes were observed in each and every context where missionary expeditions encountered otherness. Accordingly, the queries resulting from these outlandish encounters grew in number and increased in complexity. Over time, this continuous translation, from a variety of sources and agents, of normative information required to resolve all the quandaries and regulate the colonial social life likely resulted, as suggested by Thomas Duve, in a particular historical regime of normativity.<sup>3</sup>

A general feature of this regime was that law had an embedded Christian ethical valence.<sup>4</sup> In such circumstances, where the division between crime and sin was still barely determined, moral theology played a crucial role in the social discipline.<sup>5</sup> Normative information was mainly obtained from this field of study in order to shepherd behaviour according to religious values.<sup>6</sup> However, the subjugation of the natives was not solely a matter of information or doctrine. It required indoctrination—actual practices to inculcate the expected demeanour—which was performed through sermons, catechism teaching, and confession.

Regarding this process of colonising the imaginary<sup>7</sup> of the Native Americans in particular, the practice of confession, being part of the sacrament of penitence, was a powerful tool, functioning as direct access to the indigenous

2 Duve, "Rechtsgeschichte als Geschichte von Normativitätswissen?".

3 In general, see Duve, "What Is Global Legal History?"; regarding the colonial context in particular: Duve, "Pragmatic Normative Literature and the Production of Normative Knowledge in the Early Modern Iberian Empires (16th–17th Centuries)".

4 Grossi's comments regarding defining the medieval legal order are valid here: "La morale cattolica non costituisce un dato pregiudiziale, o giuridico soltanto a patto che l'ordinamento in varie forme lo recepisca. Essa circola invece entro la stessa esperienza giuridica costituendone l'invisibile elemento vitale e consentendo anzi lo svincolo di quella da una formalizzazione di carattere rigorosamente ugualitario e legalitario." Grossi, "Somme Penitenziali, Diritto Canonico, Diritto Comune", 113.

5 See Prodi, *Disciplina dell'anima, disciplina del corpo e disciplina della società tra Medioevo ed Età Moderna*.

6 The works of Cabral, "Os Jesuítas e a construção da ordem jurídica: Uma contribuição ao estudo da normatividade dos catecismos e confessionários na América Portuguesa (Séculos XVII–XVIII)"; Cabral, "Jesuit Pragmatic Literature and Ecclesiastical Normativity in Portuguese America (16th–18th Centuries)" are illustrative here.

7 Gruzinski, *La Colonisation de l'imaginaire: Sociétés indigènes et Occidentalisation dans le Mexique espagnol, XVI–XVIII siècle*. Regarding confession among indigenous peoples in particular, see Gruzinski, "Individualization and Acculturation: Confession among the Nahuas of Mexico from the Sixteenth to the Eighteenth Century".

conscience.<sup>8</sup> By disclosing most of the moral issues of indigenous minds, auricular confession both granted the Jesuits with a privileged position from which to shape indigenous thinking and, by the same token, functioned as a first indirect and diffused way to administer justice through the 'penitential law'.<sup>9</sup> After all, by the mid-16th century, spurred on by the Counter-Reformation spirit, the Society of Jesus obtained a blessing from both the Crown and the Pope, which granted institutional and legal backing. In sum, they not only acted under royal patronage,<sup>10</sup> but also received prerogatives and special dispensation from the Pope to carry out missionary activities overseas, such as authorisation given to "[...] all Jesuits to hear confessions of all Christians, without specifying the necessity of obtaining episcopal licences."<sup>11</sup>

Despite this permission, the administration of confession, especially in a post-Tridentine context,<sup>12</sup> was performed by trained confessors, who had to master moral theology and canon law, as well as be able to translate this information in a very practical way, evaluating sins and administering penance according to the actual, and often odd, circumstances.<sup>13</sup> This situation generated a demand for manuals and guidebooks that assisted confessors in how to conduct their duties properly and, as a consequence, obtain a complete confession and achieve the intended contrition. Being essentially normative,<sup>14</sup> the

8 As pointed out by Palomo: "The sacrament of penance was, in the sixteenth- and seventeenth-century Catholic world, one of the most powerful means for the church to influence individuals and societies." Palomo, "Jesuit Interior Indias: Confession and Mapping of the Soul", 105. Also, confession "divenne lo strumento più importante di indottrinamento dei fedeli, soppiantando in tale funzione la predicazione, che era stata il fulcro della pastorale tardomedievale." Angelozzi, "I Gesuiti e la Confessione", 43.

9 Grossi, "Somme Penitenziali, Diritto Canonico, Diritto Comune", 142.

10 Marcocci, "Jesuit Missions between the Papacy and the Iberian Crowns"; Sá, "Ecclesiastical Structures and Religious Action", 262–264.

11 It was granted in 1549, the year that Jesuit missionaries arrived in Brazil and Japan. Lea, *A History of Auricular Confession and Indulgences in the Latin Church. Vol. 1: Confession and Absolution*, 302–303. See also, Palomo, "Jesuit Interior Indias: Confession and Mapping of the Soul", 111.

12 Fernandes, "Do Manual de Confessores Ao Guia de Penitentes. Orientações e Caminhos Da Confissão No Portugal Pós-Trento".

13 O'Banion, "'A Priest Who Appears Good': Manual of Confession and the Construction of Clerical Identity in Early Modern Spain", 341–342; Angelozzi, "I Gesuiti e La Confessione", 42. For Portugal, see Fernandes, "As Artes da Confissão. Em torno dos Manuais de Confessores do Século XVI em Portugal".

14 As Delumaeu stressed: "Or la documentation disponible est essentiellement normative: elle indiquait aux prêtres comment confesser et aux fidèles comment se confesser." Delumaeu, *L'Aveu et le Pardon: Les Difficultés de la Confession, XIIIe–XVIIIe Siècle*, 9. See also, Tentler, *Sin and Confession on the Eve of the Reformation*, 82.

confessional literature, that had been profusely published from the second half of the 16th century on,<sup>15</sup> played an important role as a reliable information resource to provide solutions for local issues and to regulate communities<sup>16</sup>—hence the significance of knowing the literature available in colonial territories.

Although books were very important due to their authoritative nature, they were not the exclusive way to disseminate normative information. Indeed, the epistolary source cited above was part of a global communication system of letters in which Jesuits exchanged information and news about the missions taking place around the world.<sup>17</sup> For example, in the same letter quoted, Nóbrega declared that news from Congo missions would please them greatly.<sup>18</sup> In the global dynamics of the Society of Jesus, letters had been a vector in the circulation of knowledge on its own terms, enabling the consolidation of the Jesuits as both a community of practice and an epistemic community.<sup>19</sup> This is because several questions<sup>20</sup> were discussed in epistolary exchanges between the Jesuits simply through their sharing of experiences and interactions with native people.

Tougher questions could be addressed directly to an authority on the matter, a *doctor* in moral theology and canon law, such as when Nóbrega and Juan de Azpilcueta Navarro, the missionaries in Brazil, consulted their former professor in Coimbra (and uncle of the latter), Martín de Azpilcueta.<sup>21</sup> In reality, the intimate connection between *Doctor Navarro* and the Jesuit community, shown by the letters exchanged with missions in Brazil and Africa that besought him to solve problems and 'cases of conscience', provided him with

15 Turrini, *La Coscienza e le Leggi. Morale e Diritto nei Testi per la Confessione della Prima Età Moderna*, 65.

16 Duve, "Pragmatic Normative Literature and the Production of Normative Knowledge in the Early Modern Iberian Empires (16th–17th Centuries)"; Danwerth, "The Circulation of Pragmatic Normative Literature in Spanish America (16th–17th Centuries)".

17 Letters were a routine part of Jesuit life, forming one of the richest sources for accessing the colonial context where missionary activity took place. Nelles, "Jesuit Letters".

18 "Folgaríamos de ver novas do Congo; mande-no-las V. R.". Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 130.

19 Castelnau-L'Estoile et al., *Missions d'Évangélisation et Circulation des Savoirs. XVI–XVIII Siècle*.

20 The letter from Father Manuel da Nóbrega, Baía, August 1552, to Father Master Simão Rodrigues, Lisboa, gives an illustrative account of these doubts. Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 406–408.

21 Letter from Father Manuel da Nóbrega, Salvador, 10 August 1549, to Dr. Martín de Azpilcueta Navarro, Coimbra. Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 132–145. See, for example, when they awaited an answer from *Doctor Navarro*, p. 370.

rich material for continually preparing and updating his books; many cases and illustrations that mention precise matters asked about by missionaries can be found in Azpilcueta's writings.<sup>22</sup> It is very likely that a direct bridge within the communication circuit between readers and author<sup>23</sup> may have contributed to making his *Manual* appropriate for colonial contexts in the following decades.<sup>24</sup> It is worth recalling that in the same year that the Jesuit mission arrived in Brazil, the first edition of the *Manual*, revised by Azpilcueta, was published anonymously.<sup>25</sup> Accordingly, he closely followed the development of Jesuit missions around the world while organising and updating the several editions of his *Manual* throughout the second half of the 16th century.<sup>26</sup>

### 3 Azpilcueta's Authority within the Normative Confessional Literature

Eventually, the request made by Nóbrega was granted. In a letter written six months later, he acknowledges and welcomes the arrival of two boxes of books.<sup>27</sup> Although there is no evidence of their precise content, the mention of books in subsequent letters might provide a fair idea about the books then possessed by the mission, and the existence of Navarro's works in particular.

22 Bragagnolo, "Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta's Manual for Confessors and the Phenomenon of Epitomisation", 220–222.

23 "The reader completes the circuit, because he influences the author both before and after the act of composition." Darnton, "What is the History of Books?", 67.

24 The proximity of Azpilcueta to the Jesuit order is also noted by Isabel Muguruzu Roca, among other factors, as a decisive reason for the success of the *Manual* among missionaries. Roca, "Del Confesionario Ibérico de la Contrarreforma a los Manuales para Confesores en la América Colonial: El Manual de Confesores y Penitentes de Martín de Azpilcueta como Texto de Referencia", 33.

25 Silva, "A Primeira Suma Portuguesa de Teologia Moral e sua Relação com o 'Manual' de Navarro".

26 As pointed out by Bragagnolo, "This can be understood as a 'bottom-up' process, related to concrete questions Azpilcueta was asked from correspondants from both the Old and the New World." Bragagnolo, "Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta's Manual for Confessors and the Phenomenon of Epitomisation", 210.

27 Letter from Father Manuel da Nóbrega, Porto Seguro, 6 January 1550, to Father Master Simão Rodrigues, Lisboa, "Qua habbiamo ricevuto ogni cosa secondo ci havete scritto, cioè due casse con libri et ornamenti per le Chiese quali molto erano necessarii perchè con l'aiuto dei Signore si faranno delle Chiese in molti luoghi." Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 168.

One of the first mentions of Azpilcueta was made by the Bishop of Brazil, Pedro Fernandes Sardinha, in a letter to Father Rodrigues in 1552. Having just arrived in Brazil, he was complaining about the practices adopted by the Jesuits with converted indigenous people, particularly regarding the use of interpreters by Nóbrega when hearing confession from the natives.<sup>28</sup> Although the latter argued that it was allowed according to *doctores*, the Bishop reacted by prohibiting him the intermediation of interpreters, “even if three hundred Navarros and six hundred Caetanos said so”.<sup>29</sup> Although the reference to Azpilcueta does not indicate the material presence of the book, it certainly attests to his authority on the matter among Iberian ecclesiastics.

In fact, his prestige as the ultimate reference in matters of confession lasted throughout the following centuries, as the emblematic and polemic book *Arte de Furtar* testifies. Written around the mid-17th century, but published later in Portugal, the book satirically criticised all kinds of robbery in Portuguese society during the reign of João IV, leaving no one out, from the clergy to the nobility and the military.<sup>30</sup> This audacious book had great success, circulating throughout the Portuguese world.<sup>31</sup> When talking about speculative trading, its author<sup>32</sup> suggests that if a reader has any doubt as to whether this is a sin or not, they can ask their personal confessors, and “see what they will answer according to Navarro”.<sup>33</sup> The mention of Azpilcueta in a satirical book—not dealing with confession but the politics of Portuguese society—speaks for itself

28 On this topic, see Barros, “Intérpretes e Confessionários Como Expressões de Políticas Linguísticas Da Igreja Voltadas à Confissão”; Leite, *História Da Companhia de Jesus No Brasil*, Tomo II. Século XVI – A Obra, 282–287.

29 “Yo lo dixé que no lo devia hazer más, aunque trezientos Na[va]rros y seiscientos Caetanos digan que se puede hazer de Consilio, quoniam multa mihi licent sed non omnia expediunt. Ni por los doctores diziren que se puede hazer, se a de luego de poner em obra, [sed] occurrendum est periculo et standum est consuetudini Ecclesiae.” Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 461.

30 Saraiva and Lopes, *História da Literatura Portuguesa*, 493–495.

31 It was even found in the library of the Society of Jesus in Pará, north of Brazil (Livreria da Casa da Vigia). Leite, *História da Companhia de Jesus No Brasil*, Tomo IV. Norte: Obra e Assuntos Gerais. Séculos XVII–XVIII, 400. In the late 18th century, the book was found in at least five postmortem inventories from Vila Rica. Alvarenga, *Homens e Livros Em Vila Rica: 1750–1800*.

32 The book was published as being authored by the well-known Father António Vieira, which was most certainly a marketing strategy by the editor. Actually, it is now recognised that the author was the Jesuit Father Manoel da Costa (1601–1167), according to Rodrigues, *O Autor da Arte de Furtar. Resolução de um Antigo Problema*.

33 “Se nisto ha furto, perguntem-no a seus Confessores, e verão o que lhes respondem com Navarro.” Vieyra, *Arte de Furtar, Espelho de Enganos, Theatro de Verdades, Mostrador de Horas Minguadas, Gazua Geral Dos Reynos de Portugal*, 232–233.



in declaring his authority in Iberian written culture at the time. Sara Nolle's thoughts on the Spanish context apply here: "It was enough to say 'Fr. Luis' or 'el navarro' and everyone understood."<sup>34</sup>

Bishop Sardinha was actually reacting to well-grounded pleading from Nóbrega, who resorted to the most authoritative *doctores* on the matter: the Dominican Thomas de Vio Cajetan and Azpilcueta. In Nóbrega's defence of the use of an interpreter during the sacramental confession, equally addressed to Father Rodrigues, Azpilcueta was cited<sup>35</sup> quite precisely,<sup>36</sup> which allows us to conjecture that the book was to hand. In the following month, Nóbrega again referred to the same passage to defend the maintenance of confession through a native translator.<sup>37</sup> These two letters also acknowledge the direct appeal to the *auctoritates* to point out the right solution to this sort of problem: while in the previous letter, Nóbrega mentioned that he was waiting for Azpilcueta's response,<sup>38</sup> in the latter he explicitly asked Father Simão to put the question "in dispute according to experts' opinions", and then respond to him telling him what to do.<sup>39</sup>

#### 4 The *Manual* Crosses the Atlantic

The subsequent appearance of Azpilcueta's works in the Jesuit letters happened 15 years later, in 1567, when Nóbrega and Quirício Caxa had a dispute concerning voluntary enslavement.<sup>40</sup> Having arrived in Brazil in 1563,

34 Nolle, "Literacy and Culture in Early Modern Castile", 85.

35 "[...] como relatou Navarro 4 in capite Fratres de Paenitentia, distinctione 5<sup>o</sup>, n. 85, alegando Caietano e outros, verbo Confessio, cassu n.º 11." Letter from Father Manuel da Nóbrega, Baía, late July 1555, to Father Master Simão Rodrigues, Lisboa. Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 369.

36 Permitting the identification of the edition: Azpilcueta, *In Tres de Poenitentia Distinctiones Posteriores Commentarii*. [USTC 344799].

37 "Primeiramente, se se poderão confessar por intérprete a gente desta terra que não sabe falar nossa lingoa, porque parece cousa nova e não usada em ha christandade, posto que Caietano in summam, 11<sup>a</sup> conditione, e os que alega Navarro, c. Fratres, n.º 8.º de penit. dist. 5<sup>a</sup>, digam que pode, posto que não seja obrigado." Letter from Father Manuel da Nóbrega, Baía, late August 1555, to Father Master Simão Rodrigues, Lisboa. Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 407.

38 Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 370.

39 "[...] que as ponha em disputa entre parecer de letrados e me escreva o que devo de fazer." Leite, *Monumenta Brasiliae*, vol. 1 (1538–1553), 407.

40 On this topic, see the chapter by Samuel Barbosa in this book (Chapter 5). See also, Zeron, "Linha de Fé. A Companhia de Jesus e a Escravidão No Processo de Formação Da

Caxa soon assumed the teaching of cases of conscience and, later, theology in the College of Bahia,<sup>41</sup> from where he wrote his opinion on indigenous voluntary enslavement, served by an appropriate library that would become the largest in Portuguese America; this is clear judging by the amount and accuracy of quotations by Thomas Aquinas, Domingo de Soto, Duns Scotus, Richard of Middleton, and so on, which show he had a considerable number of titles at hand.<sup>42</sup> Likewise, Caxa referred to Azpilcueta's *Comentario resolutorio de usuras*<sup>43</sup> and, for the first time in Brazil, the *Manual*, in a manner that suggests both books were available to him. Indeed, it is very likely that the *Manual* was already well known and used among the Jesuits in Brazil, since it was recommended as a textbook for the lecture by Caxa<sup>44</sup> on cases of conscience by a visiting priest, who was reorganising studies at the College of Bahia.<sup>45</sup>

In his answer opposing Caxa's opinion, Nóbrega appeared to have a number of volumes at his disposal as well, from *Corpus Iuris Civilis* and *ius commune* masterworks, such as Accursius and Andrea Alciato, to his masters of the Salamanca School, Soto and Diego de Covarrubias y Leyva.<sup>46</sup> He not only referred to a great number of works, indicating both the author and place in the text, but transcribed many passages from the originals, which strengthens the evidence that he actually had the books with him. The *Manual* is likewise referred to

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Sociedade Colonial (Brasil, Séculos XVI e XVII)"; Castelnau-L'Estoile, *Operários de uma Vinha Estéril: Os Jesuítas e a Conversão dos Índios no Brasil—1580–1620*; Ehalt, "Defesas Jesuítas da Escravidão Voluntária no Japão e no Brasil".

41 Leite, *História da Companhia de Jesus no Brasil*, Tomo I (Século XVI – O Estabelecimento), 65; Leite, *Monumenta Brasiliae*, vol. 4 (1563–1568), 363.

42 "Parecer do P. Quirício Caxa", transcribed in the letter from Nóbrega. Leite, *Monumenta Brasiliae*, vol. 4 (1563–1568), 389–395.

43 There are at least six different editions before 1567.

44 "A lição de casos sempre existiu nas casas do Brasil. Na Baía começou de forma regular em 1565, dando o curso o P. Quirício Caxa." Leite, *História da Companhia de Jesus no Brasil*, Tomo I (Século XVI – O Estabelecimento), 77.

45 "Em 1586, já se anunciava a vinda da Ratio Studiorum no seu primeiro esboço. Enquanto não chegava, o Padre Visitador deixou as seguintes instruções: '[...] As outras matérias de São Tomaz se poderão deixar para o que ler a lição de casos, na qual somente se lerá Caetano ou Navarro, de maneira que, dentro de três ou quatro anos, se leiam as principais matérias morais, de *Contractibus*, *Restitutione*, *Voto*, *Iuramento*, *Sacramentis et Censuris*. [...]" Leite, *História da Companhia de Jesus no Brasil*, Tomo I (Século XVI – O Estabelecimento), 79. On *visiting priests* in Brazilian Jesuit missions, see Martineau, "Le Droit 'façonné' Par les Pratiques Coloniales? Les Voyages des Pères Visiteurs au Brésil et les Débats Relatifs à l'esclavage (XVI Siècle)".

46 Leite, *Monumenta Brasiliae*, vol. 4 (1563–1568), 395–415.

several times. It is interesting to see though that they disagree on the interpretation of Azpilcueta, as Nóbrega protested: “As for the authority of the doctores, Soto and Navarro must be understood by the cases they speak of, and not as freely as Your Excellency wishes.”<sup>47</sup>

Nevertheless, unlike Caxa, Nóbrega was not in the well-serviced library of the College of Bahia when he wrote his response. The letter dated August 1567 could have either been written in São Paulo, where he stayed for the preceding six months, or in Rio de Janeiro, where he was heading to found a College.<sup>48</sup> At that point, none of these places had any structure, let alone a library. This means that he would have been carrying the books he needed with him, like a professional travelling library.<sup>49</sup> By the same token, it also means that there were at least two copies of Azpilcueta’s *Manual* in Brazil, one in Bahia and another with Nóbrega. It is plausible that this collection of books later became part of the library of the College of Rio de Janeiro,<sup>50</sup> where Nóbrega was rector until his death in 1570.<sup>51</sup>

Naturally, one version of the *Manual* could have already been copied by hand in Brazil. Indeed, we cannot underestimate the role of manuscripts in the written culture of Iberian societies,<sup>52</sup> especially in a colonial context where books were rarely available. Many recent works pay attention to this part of written culture.<sup>53</sup> It was no different in early modern Brazil; José de Anchieta,<sup>54</sup> who had worked in both São Paulo and Rio de Janeiro at that time, used to complain about the lack of books, as Caxa, writing an account of Anchieta’s life,

47 “Quanto às autoridades dos doutores, já disse que Soto e Navarro se não-de entender nos casos em que falão e não tão livremente como V. R. quer.” Leite, *Monumenta Brasiliae*, vol. 4 (1563–1568), 409.

48 Leite, *História da Companhia de Jesus no Brasil*, Tomo I (Século XVI – O Estabelecimento), 398.

49 On travelling libraries, see Ribeiro, “Magistrates’ Travelling Libraries: The Circulation of Normative Knowledge in the Portuguese Empire of the Late 18th Century”.

50 Grover, “The Book and the Conquest: Jesuit Libraries in Colonial Brazil”, 271.

51 Leite, *História da Companhia de Jesus no Brasil*, Tomo I (Século XVI – O Estabelecimento), 401.

52 See Bouza, *Corre Manuscrito. Una Historia del Siglo de Oro*.

53 See, for instance, Ehalt, “‘Instrue e Informa Bem Os Confessores’: Um Estudo Introdutório Acerca da Suma de Moral e da Summa Lusitana dos Jesuítas Lopo de Abreu (1547–1606) e Vicente Álvares (1581–1634)”; Barros and Fonseca, “Passagens do Livro ‘Itinerário para Párcos de Índios’, de Peña Montenegro (1668), Em um Confessionário Jesuítico Setecentista da Amazônia”.

54 José de Anchieta (1534–1597) arrived in Bahia in 1553 but moved to São Paulo soon after, where he founded a College in 1554. He is known for having written the first grammar of the Tupi language, *Arte de gramática da língua mais usada na costa do Brasil*.

reported: "There were no arts nor books that students could learn from, and so, he had to compensate with his own quill writing by hand to make up for the lack of books."<sup>55</sup>

There was one decisive circumstance that constrained the Jesuits' access to the written culture: while in the Spanish part of America the first catechism had already been printed in 1539,<sup>56</sup> Portuguese America remained without printing presses until the 19th century.<sup>57</sup> Throughout the world, Jesuits had used printing as an important resource for the purpose of disseminating their faith. Taking only the Portuguese territories into account, the printing press had been introduced in Goa by the Society of Jesus in 1556, being used primarily to supply written materials for missionary work over the next two centuries.<sup>58</sup> Correspondingly, the same Jesuit missionaries first brought moveable type to Macau in 1588.<sup>59</sup> This scenario suggests that the situation of the Ignatians in Brazil was rather exceptional, not only in comparison with the Spanish domains, but also compared to other Jesuit missions.

Apart from a few scattered merchants who, among their wares, might have had one or two devotional titles to sell,<sup>60</sup> proper booksellers would only become established in Brazil during the second half of the 18th century.<sup>61</sup> As an Irish traveller passing through Rio de Janeiro in 1793 noted: "There were but two

55 "Não havia artes nem livros por onde os estudantes aprendessem, pelo que lhe era a êle necessário suprir com a sua pena escrevendo-lhes por sua mão o necessário para suprir a falta dos livros." Caixa, "Breve Relação da Vida e Morte do P. José de Anchieta, Provincial que foi do Brasil, por Ordem do P. Provincial Pero Roiz no ano de 1598", 155.

56 Boxer, *The Church Militant and Iberian Expansion 1440–1770*, 41.

57 The Portuguese Crown never consented to the establishment of printing activity in Brazil. The purpose of this restrictive policy is clarified by the prompt and strict response of the Portuguese Overseas Council, the central organ for colonial administration, to an attempt by a Portuguese typographer, Antonio Isidoro da Fonseca, to establish a printing press in Rio de Janeiro. On 10 May 1747, the royal order expressly prohibited any printing activity in the Brazilian colony. AHU, Brasil, Cx. 63, Doc. 14762. There had been some other attempts to install a printing press in Brazil, but all were suppressed.

58 "Os cerca de 40 impressos conhecidos confirmam, na sua maior parte, a relação entre os métodos missionários dos jesuítas e o seu recurso aos prelos tipográficos para efeito de divulgação das suas mensagens, sobretudo em Goa." Curto, *Cultura Escrita. Séculos XV a XVIII*, 325. See also Boxer, "A Tentative Check-List of Indo-Portuguese Imprints".

59 Curto, *Cultura Escrita. Séculos XV a XVIII*, 326. It had, however, been subsequently moved to Japan, remaining there until 1614, when the proscription of Christian proselytisation work by Japanese authorities forced the withdrawal of Jesuit missions. Braga, *The Beginnings of Printing at Macao*, 34–41.

60 Borrego, "Entre Fazendas Da Loja e Os Trastes Da Casa: Os Livros de Agentes Mercantis Em São Paulo Setecentista"; Alvarenga, *Homens e Livros Em Vila Rica: 1750–1800*, 27–54.

61 Hallewell, *O Livro no Brasil. Sua História*, 62–63; Silva, *Cultura Letrada e Cultura Oral no Rio*

booksellers in Rio. Their shops contained only books of medicine and divinity.”<sup>62</sup> Thus, during the previous centuries, missionary activity had to mainly rely on the periodic shipments from Portugal to provide the printed material needed.<sup>63</sup>

## 5 The *Manual* in Colonial Conventual Libraries

Despite these difficult conditions concerning the availability of books, there is still a chance that the *Manual* used by Nóbrega in Rio de Janeiro was indeed a printed version, since the title later appeared in the library catalogue of the College of Rio de Janeiro. The catalogues of the Jesuit libraries—most of them having been established by the mid-18th century when the order was expelled from the Portuguese domains—provide consistent evidence about which titles were available. For the library catalogue of the College of Rio de Janeiro, the inventory of the books was made in 1775, about 15 years after the expulsion, meaning it certainly does not directly correspond to the existing collection of the library prior to this.<sup>64</sup> In reality, a source that contains a list of books from a particular library always captures a collection at a specific time, which means that we cannot verify when each title was added to or removed from it. Despite the indication in the source that the inventory was drawn up by two qualified booksellers, misspellings run throughout the entire list.<sup>65</sup> As can be seen below, the lack of bibliographical information renders the identification of editions impossible.

In any case, the books were listed according to their format, from *folio* to 8°, and among the 4,700 volumes, the following records appear:

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*de Janeiro Dos Vice-Reis*, 13; Algranti, *Livros de Devoção, Atos de Censura. Ensaios de História do Livro e da Leitura na América Portuguesa (1750–1821)*, 168; Moraes, *Livros e Bibliotecas no Brasil Colonial*, 45.

62 Staunton, *An Authentic Account of an Embassy from the King of Great Britain to the Emperor of China*, 160.

63 Serafim Leite describes some purchases of books by the missionaries in Brazil in Leite, *História Da Companhia de Jesus No Brasil*, Tomo II. Século XVI – A Obra, 541–542.

64 It is estimated that more than 1,000 of 6,000 books disappeared during those 15 years. “Auto de inventário e avaliação dos livros achados no Colégio dos Jesuítas do Rio de Janeiro e sequestrados em 1775”, 213. In 1761, the Bishop of Rio de Janeiro, D. Friar Antônio do Desterro, lamented the neglectation of the books left by the Jesuits, already ruined by infestation. AHU, CU 17, Cx. 60, Doc.o 5794, 1761.

65 Some mistakes suggest that the list was prepared by someone who was not looking at the books themselves but was listening to their titles be read out by someone else.

*Incheridion Manual de Nuvarri hum tomo sento e vinte reis* (\$120)  
*Martin Baspilcueta hum tomo cem reis* (\$100)  
*Manual de Confessores corona digo hum tomo sincoenta reis* (\$050)<sup>66</sup>

While the first record leaves no doubt that it is an *Enchiridion sive manuale confessoriorum et poenitentium*—a self-translated version of Azpilcueta's *Manual* from the vernacular to Latin<sup>67</sup>—the other two descriptions do not permit precise identification. Even if the first two shared the same *in 4°* format in one volume and had a similar price, an attempt to determine the work would be only a conjecture. The same happens with the latter, smaller, *in 8°*, which could be either Azpilcueta's *Manual* or the one authored by the Franciscan Enrique de Villalobos, which had been quite popular during the 17th century, with many editions.<sup>68</sup> Indeed, Villalobos' renowned *Summa de la theologia moral y canonica* is also in the collection.<sup>69</sup>

Despite the Society of Jesus having been the main agent of education during the colonial era, with many schools and colleges all over Portuguese America, and all of them with a library—as instructed by Loyola himself<sup>70</sup>—only two library catalogues are known to have survived: the one mentioned, in the College of Rio de Janeiro, and the catalogue from the college library at Vigia, a Jesuit settlement in the north of Brazil.<sup>71</sup> Although much smaller, its 1,010 volumes display a significant collection of grammars, dictionaries, and treatises on moral theology, canon law, and civil law. Nevertheless, the literature dealing with confession is practically absent. Not only is Azpilcueta missing, but no other proper manual for confession is present. However, some pragmatic pastoral books can be found, which are more generic and intended to instruct parish priests in their duties, including hearing confession. One of these books is the *Institutio*

66 “Auto de inventário e avaliação dos livros achados no Colégio dos Jesuítas do Rio de Janeiro e sequestrados em 1775”, 246, 248, 253.

67 Bragagnolo, “Les Voyages du Droit du Portugal à Rome. Le ‘Manual de Confessores’ de Martín de Azpilcueta (1492–1586) et ses Traductions”.

68 Palau y Dulcet identified 11 editions from 1625 to 1667, one (1633) printed in Lisbon. Palau y Dulcet, *Manual del Librero Hispanoamericano*, vol. 27, p. 126.

69 “Suma de Villa Lobos um jogo dous tomos quatrocentos e oitenta reis (\$480).” “Auto de inventário e avaliação dos livros achados no Colégio dos Jesuítas do Rio de Janeiro e sequestrados em 1775”, 233.

70 Grover, “The Book and the Conquest: Jesuit Libraries in Colonial Brazil”, 267.

71 Catálogo da Livraria da casa da Vigia (*Inventarium Maragnonense*), transcribed by Leite, *História Da Companhia de Jesus No Brasil*, Tomo IV. Norte: Obra e Assuntos Gerais. Séculos XVII–XVIII, 399–410.

*parochi seu Speculum parochorum* authored by Sebastião de Abreu,<sup>72</sup> which, as pointed out by Pedro Rueda Ramírez, had collected the most essential cases of conscience to help auricular confession.<sup>73</sup> Another significant presence in the collection that to some extent deals with confessional matters is the *Itinerario para parochos de Indios* by the Bishop of Quito Alonso de la Peña Montenegro<sup>74</sup> which, as claimed by Boxer, “at once became and remained a standard *vademecum* on the subject”.<sup>75</sup> Both titles appeared in the Rio de Janeiro library as well.<sup>76</sup>

Thomas N. Tentler calls attention to this kind of literature that was intended for parish priests to help disseminate information on sacramental penance. Although it was not only written for confessors, it devotes a significant part to problems of conscience and confession. Usually written in the vernacular and with more accessible content, these books “undoubtedly touched the lives of far more laymen”.<sup>77</sup> Considering that the library at the Vigia serviced a missionary village, it is likely that these generic books sufficed. In fact, the more succinct the book, the more it could reach ordinary people, especially in a largely illiterate society. This is why pragmatic normative literature played an important role in diffusing normative literacy throughout colonial society.<sup>78</sup>

72 “Abreu Institutio Parochi 2 vol. identicos”, Leite, *História Da Companhia de Jesus No Brasil*, Tomo IV. Norte: Obra e Assuntos Gerais. Séculos XVII–XVIII, 399.

73 Rueda Ramírez, “Libros y Lecturas Portuguesas del Obispo Poblano Manuel Fernández de Santa Cruz”, 12. The book was also widespread, appearing in the collection of the Bishop Manuel Fernández de Santa Cruz in Puebla, discussed by Pedro Rueda Ramírez, and in the library of Polycarpo de Souza, Bishop of Peking, as shown by Golvers, “Circulation and Reception of Portuguese Books in the 17th/18th Century Jesuit Mission of China, Mainly in Three Bishop’s Collections (Diogo Valente, Polycarpo de Sousa and Alexandre Gouveia)”, 253.

74 “Monte Negro Parocho de Indios, vol. 1”. Leite, *História Da Companhia de Jesus No Brasil*, Tomo IV. Norte: Obra e Assuntos Gerais. Séculos XVII–XVIII, 405.

75 Boxer, *The Church Militant and Iberian Expansion 1440–1770*, 19. See also, Barros and Fonseca, “Passagens Do Livro ‘Itinerário Para Párocos de Índios’, de Peña Montenegro (1668), Em Um Confessionário Jesuítico Setecentista Da Amazônia”.

76 “Abreu de Parocho hum tomo sesenta reis (\$060)” and “Montes Negros Instrue de Parocho dous tomos a trezentos reis cada tomo seissentos reis (\$600)”. “Auto de inventário e avaliação dos livros achados no Colégio dos Jesuítas do Rio de Janeiro e sequestrados em 1775”, 236, 244.

77 Tentler, *Sin and Confession on the Eve of the Reformation*, 43.

78 Danwerth, “The Circulation of Pragmatic Normative Literature in Spanish America (16th–17th Centuries)”. On legal literacy, see Korpiola, *Legal Literacy in Premodern European Societies*.

Yet, there is another factor that may help explain the absence of Azpilcueta in this library. Jesuit missionaries only settled in Vigia at the beginning of the 18th century when, despite their enduring authority, Azpilcueta's books were no longer circulating as in previous centuries—as will be explored in the next section.

According to Serafim Leite, the collection of the College of Bahia included over 15,000 volumes.<sup>79</sup> Unfortunately, despite the mention of the existence of two catalogues in sources compiled in 1694 and 1759, neither is known. However, a small number of the surviving copies was inherited by the Public Library of Bahia, whose inventory of 5,000 volumes drawn up in 1818 provides some information.<sup>80</sup> The *Manual*, that we could reasonably expect to be in the collection, may have perished in those 50 years between the expulsion of the Jesuits and the foundation of the Public Library. Instead, beyond the same two titles mentioned, *Itinerario para Parochos* and *Institutio parochi*, an *Istruzione dei Confessori i dei penitenti* by Daniello Concina and a *Conduite des confesseurs* can be found.<sup>81</sup> The latter is probably the manual prepared by the Bishop of Bayeux Roger-François Daon, inspired by Carlo Borromeo's *Instructiones*,<sup>82</sup> which had great success in France and Italy from the 17th to the 18th centuries. In fact, the French manual had a significant reception in the Portuguese world, being translated into Portuguese and published in Lisbon in 1776, with at least three more editions up to 1794. According to Jorge Araújo, it was a very popular manual in Portuguese America, circulating extensively in the 18th century.<sup>83</sup>

The picture is somewhat similar to the final Jesuit library whose content could be consulted, the library of Fazenda Santa Cruz—a former Jesuit estate on the outskirts of Rio de Janeiro, where they maintained a farm and a school.<sup>84</sup> Once more, the duo *Itinerario para Parochos* and *Institutio parochi* were included in the collection, while Azpilcueta's *Manual* is absent. In its place, *Practica del confessorario* by the Capuchin Jaime de Corella appears in the library, a manual that circulated in the Iberian worlds during the 17th century.<sup>85</sup>

79 Grover, "The Book and the Conquest: Jesuit Libraries in Colonial Brazil", 271.

80 BNBR, "Catálogo dos livros que se acham na livraria pública da cidade da Bahia em maio de 1818".

81 *Conduite des confesseurs dans le tribunal de la pénitence, selon les instructions de S. Charles Borromée & la doctrine de S. François de Sales*.

82 See Boer, "Ad Audiendi Non Vivendi Commoditatem". Note Sull'introduzione Del Confessionale Soprattutto in Italia".

83 Araújo, "Perfil do Leitor Colonial", 471. See also, Villalta, "Reformismo Ilustrado, Censura e Práticas de Leitura: Usos do Livro na América Portuguesa", 298.

84 The collection was reconstructed based on two postmortem inventories in 1759 and 1768 by Ribeiro and Santos, "A Livraria da Fazenda de Santa Cruz".

85 According to O'Banion, *Practica del confessorario*, "first published in 1686, was reissued at



Despite the little attention that other religious orders received from historians of colonial Brazil—probably due to the prolific documentation that the Jesuits left in comparison—at the end of the 16th century, Benedictines (1581), Carmelites (1583), Franciscans (1585), and Oratorians (1659) also settled in Portuguese America. Likewise, their schools and libraries were also centres of intellectual production and education during the colonial era.

This was the case for the Convent of San Francisco in São Paulo, where courses on theology and philosophy were taught during the 18th century. The Order of Friars Minor had been established there in 1647, cultivating a library since then. Its collection of 3,162 volumes would later serve as the Public Library of São Paulo and, subsequently, for the first law course in Brazil.<sup>86</sup> Thus, in the catalogue prepared in 1826 for the Public Library, the provenance of each book is acknowledged, allowing the identification of the Franciscan collection. The following record can be found there:

*Manual de Confessores e penitentes, por Azpilcueta, 4<sup>o</sup>, vol. 1*<sup>87</sup>

As written, the record seems to refer to an edition in Portuguese, but this is not the case. This is an example of how tricky it can be to identify editions in book lists.<sup>88</sup> As Rubens Borba de Moares noted, “what makes the analysis of the collection difficult is the fact that the naive librarian had translated all the titles of foreign books into Portuguese.”<sup>89</sup> Nonetheless, it is possible to assert that the book is an *Enchiridion*, as the copy survived and is in the actual collection of the University of São Paulo. An inventory meticulously arranged in 1887 registered the book correctly.<sup>90</sup>

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least twenty-eight times over the next eighty years.” O'Banion, *The Sacrament of Penance and Religious Life in Golden Age Spain*, 27.

86 Deaecto, “A Cidade e os Livros: Ou Como Formar Uma Biblioteca? Notas Históricas Sobre a Primeira Biblioteca Pública de São Paulo”.

87 Sources transcribed by Ellis, “Documentos sobre a Primeira Biblioteca Oficial de São Paulo”, 415.

88 Walsby, “Book Lists and Their Meaning”.

89 Moraes, *Livros e Bibliotecas No Brasil Colonial*, 18–19.

90 “Azpilcueta, *Enchiridion sive Manuale Confessariorum et Poenitentium Roma, 1573.*” [US7C 811671; Palau 21308]. Palau y Dulcet, *Manual del Librero Hispanoamericano*, vol. 1, 610. In the source: *Catálogo da Bibliotheca da Faculdade de Direito de São Paulo Em 1887*, 32. I thank the chief librarian of the Faculty of Law Library (University of São Paulo), Maria Lucia Beffa, for helping me identify this copy. She has been investigating the collection inherited by the Faculty of Law; see, for example, Beffa and Barbuy, “A Biblioteca da Academia de Direito de São Paulo: Acervo e Práticas Profissionais no Século XIX”.

The field of moral theology is well represented in the Franciscan library, particularly regarding confessional matters and cases of conscience. Along with *Doctor Navarro's*, at least a dozen manuals for confession can be identified in the list by their titles, such as *Directorii confessoriorum*,<sup>91</sup> *Aphorismi confessoriorum*,<sup>92</sup> *Tribunal confessoriorum*,<sup>93</sup> and so on. Likewise, both the already mentioned *Practica del confessorio* by Corella and *Institutio parochi* by Sebastião de Abreu appeared in the Franciscan library.

Moving on, the Benedictines arrived in Rio de Janeiro in 1589 from Bahia and soon established a monastery there with its own library. As Jean França has shown, many records testify the existence of a decent collection of books by the first half of the 17th century.<sup>94</sup> In 1766, Friar Gaspar da Madre de Deus prepared the Catalogue of the St Benedict's Monastery Library, which is the earliest inventory known of a colonial conventual library in Portuguese America. The collection is quite large, with over 3,000 titles, among them an impressive collection of manuals for confessors.

Indeed, Azpilcueta's *Enchiridion* was there; but other important titles that appeared in the second half of the 16th century also accompanied it, such as *Manual de confessores ad mentem Scoti* by the Franciscan Juan de Ascargorta, *Breve instruction de como se ha de administrar el sacramento de la penitencia* by the Dominican Bartolomé de Medina, and *Summa de casos de consciencia* by his fellow Dominican Juan de Pedraza.<sup>95</sup> And this is only to mention *Doctor Navarro's* contemporaries, as the list gets longer if we look at 17th century

91 "Antonius a Spiritu Sancto. Directorii confessoriorum in quo selectiores, et practicabiliores casus omnium sacramentorum, et censurarum brevissime et delucide explicantur ... Lugduni, (Sumptibus Joannis Antonii Huguetae et Guilielmi Barbier), 1668, in fol. encad – 1. vol." As the inventory prepared in 1887 listed. *Catálogo da Bibliotheca da Faculdade de Direito de São Paulo em 1887*, 33.

92 "Emmanuel Sá. Aphorismi confessoriorum ex doctorum sentiis collecti. Indicatis doct. locis annotationibusque per Andream Victorellum Bass. Editio prioribus correctior. Antuerpiae (Apud Guilielmum a Tongris) 1622, in 16°, encad – 1 vol." [USTC 1508482]. *Catálogo da Bibliotheca da Faculdade de Direito de São Paulo em 1887*, 34.

93 "Martinus Wingandt. Tribunal confessoriorum et ordinandorum declinato probabilismo, complectens estylo brevi, clara ac firma sententia, omnes usitatores materias theologico-morales juxta probabiliora ac inconcussa dogmata angelici, ac quinti ecclesiae Doctoris D. Thomae Aquinatis. Quinta editio. Veneta a Patre Francisco Vidal. venetis (Apud Nicolaum Pezzana) 1724, in 4°, encad – 1 vol." *Catálogo da Bibliotheca da Faculdade de Direito de São Paulo em 1887*, 35.

94 França, *A Livraria de Frei Gaspar da Madre de Deus*, 34–36.

95 The same authors who, according to Turrini, would invade the Italian Peninsula: Turrini, *La Coscienza e le Leggi. Morale e Diritto nei Testi per la Confessione della Prima Età Moderna*, 123.

manuals, when the aforementioned manuals by Villalobos and Corella were published, both also included in the Benedictine collection.<sup>96</sup> In short, the catalogue of the Benedictine library bears witness to the profuse bibliographic production that took place from the 16th to the 18th century on confessional matters.

Arriving in the northeast of Brazil in 1659, the Oratorians soon established a convent with a school in the centre of Recife. Naturally, a proper library supported the studies there, providing written material for catechism and education.<sup>97</sup> The catalogue prepared at the request of the Pombaline censorship in 1770 attests to this, showing a collection of 1,350 titles. That the *Manual* figured among the titles should not come as a surprise. However, the first appearance of Azpilcueta's *Opera Omnia* in the sources is somewhat striking.

The meticulously prepared catalogue<sup>98</sup> allows the precise identification of editions, as the following entries, in the Theology section of books *in-octavo*, show:

*Martini Azpilcueta Enchiridion sive Manuale Confessoriorum et Penitentium 1 tomo. Coloniae Agrippinae, 1579*<sup>99</sup>  
*Ejusdem, Relectio sive iterata praelectio non modo tenebrosi, sed et tenebricosi, cap accepta de restitutione, 1 tomo, 1547, não tem lugar da impressão*<sup>100</sup>

While in the Jurisprudence section of books *in-folio* we find:

*Martini Azpilcueta Doct. Navarri opera. 4 tomos. Lugduni, os 3 primeiros em 1689, e outro da segunda impressão em 1691*<sup>101</sup>

Due to the late arrival of the Oratorians compared to other orders, the collection of their library only began in the late-17th century. Thus, the presence of

96 França, *A Livraria de Frei Gaspar da Madre de Deus*, 193, 201.

97 Given the size of the congregation there, it is plausible to assume that a library existed; yet catalogues of the collection were unknown thus far. A recent visit to the Arquivo Nacional da Torre do Tombo allowed me to find one catalogue, which, due to the date that it was made (1770) and the precise description of the books, will certainly shed more light on the book history in colonial Brazil.

98 ANTT, RMC, "Catálogos entregues pelas bibliotecas particulares em cumprimento do edital da Mesa de 10 de Julho de 1769", doc. 2415.

99 Agrippinae, 1579. [USTC 650412].

100 Coimbra, João de Barreira et João Álvares, 1547. [USTC 346872].

101 Probably it is the edition published in Lyon, 1589. [USTC 142640].

Azpilcueta in the catalogue might suggest that the author was still in use by then, rather than simply being a title that remained from a three-centuries-old library, such as the College of Rio de Janeiro's.

Summarising the analysis done so far of these conventual libraries,<sup>102</sup> which covered both the major religious orders and the vast domains of Portuguese America, at least four copies of the *Enchiridion* version of Azpilcueta's *Manual* were found: one at the Jesuit College of Rio de Janeiro, one at the Rio de Janeiro Benedictine Monastery, one at the Convent of San Francisco in São Paulo, and another at the Congregation of the Oratory in Recife. Even though there are not enough sources to be confident, it is quite surprising that no copies of the *Compendium* or *Sumário* were mentioned in the documents, since the abridged version circulated widely in Spanish America.

## 6 The Presence of Confessional Literature: Private Libraries and the Book Trade

Beyond the walls of convents, books were a scarce commodity. In the 16th and 17th centuries private libraries were rare and, when they did exist, they were small.<sup>103</sup> Taking the village of São Paulo as an example, of the 450 post-mortem inventories from 1578 to 1700, examined by Alcântara Machado, only

<sup>102</sup> There is still one last conventual library whose content can be examined, that of the Benedictine Monastery in São Paulo, established in 1592. However, unlike the other evidence gathered thus far, there are no historical sources that attest to the contents of this library. Instead, the information is based on a recent study of the collection that is still on the library's shelves, which, apropos, has never moved. Thus, this collection is made up of the copies that have survived throughout its four centuries of existence. These circumstances prevent us from making conclusive statements about its contents, since some copies might have perished over time. For that reason, from the absence of the *Manual* by Azpilcueta today, we cannot infer its absence during colonial times. Regarding the administration of confession, the most significant work in this Benedictine library is a second edition of *Homo Apostolicus Instructus sua Vocatione: ad audiendas Confessiones. Sive Praxis, et Instructio confessoriorum* by Alphonsus Liguori, a text destined to have great success in the 19th century due to its capacity to reconcile rigorism and probabilism. On the library, see Araújo, *Dos Livros e da Leitura no Claustro: Elementos de História Monástica, de História Cultural e de Bibliografia Histórica para Estudo da Biblioteca-Livraria Do Mosteiro de São Bento de São Paulo (Sécs. XVI–XVIII)*. On Liguori *Homo Apostolicus*: Delumeau, "Morale et Pastorale de Saint Alphonse: Bienveillance et Juste Milieu"; Turrini, *La Coscienza e le Leggi. Morale e Diritto nei Testi per la Confessione della Prima Età Moderna*, 184.

<sup>103</sup> Villalta, "O que se fala e o que se lê: Língua, Instrução e Leitura".

15 listed some books, amounting to just 55 titles.<sup>104</sup> Even so, despite the small number of books, a manual for confession was present. After listing all livestock left behind by the farmer Martim Rodrigues, deceased in 1612, the clerk entered: “Um livro intitulado Instrução de Confessores avaliado em quatro reales”.<sup>105</sup>

Though it may be difficult to assert which book this actually was, there is no doubt that it is a manual for confession in one of the earliest records of private libraries in Portuguese America. In reality, confessional literature was not solely intended for those who had to hear confession. As many titles anticipated, including Azpilcueta’s *Manual*, it was also intended for penitents. Thus, it was not exceptional to find, among some ‘books of hours’ and other devotional titles, a manual of confession on the shelves of small private libraries.

Towards the 18th century, examples like this become more regular, and manuals for confession can be found in inventories all over Portuguese America. In Minas Gerais, for instance, the inventory of José da Silva Porto, dated 1744, described an “Exame de ordenandos, pregadores e confessores”.<sup>106</sup> Some decades later, in 1797, a “Practica de el confessorario” by Corella was listed in the inventory of the infantry colonel Paulo José Velho Barreto.<sup>107</sup> The situation in São Paulo around the same time was no different. In the inventory of João de Pontas, from 1747, there was an “Aforismo confessoriorum”,<sup>108</sup> which might be the one authored by the Portuguese theologian Manuel de Sá, a contemporary of Azpilcueta, also included in the Franciscan libraries of Rio de Janeiro and Espírito Santo.<sup>109</sup> In the same way, Maria Domingues de Pontes, who died in 1737, had “Casos raros de confissão”<sup>110</sup> listed in her inventory.<sup>111</sup>

In the region of Vila Rica, among a survey of 690 inventories from 1750 to 1800, Tháбата Alvarenga found books in 62 of the inventories.<sup>112</sup> As expected, titles about confessional matters were recurrent. For instance, two copies of *Exame de Confessores ou Breve Tratado de Teologia*<sup>113</sup> by António Tavares were

104 Machado, *Vida e Morte do Bandeirante*.

105 *Inventários e Testamentos. Papeis que Pertenceram ao 1º Cartório de Órfãos da Capital. Vol. II, 12.*

106 Araújo, *Perfil do Leitor Colonial*, 493.

107 Araújo, *Perfil do Leitor Colonial*, 492.

108 Araújo, *Perfil do Leitor Colonial*, 513.

109 In fact, the title was proscribed by the Real Mesa Censória later in 1777. Villalta, “Reformismo Ilustrado, Censura e Práticas de Leitura: Usos do Livro na América Portuguesa”, 221.

110 Araújo, *Perfil do Leitor Colonial*, 513.

111 Araújo, *Perfil do Leitor Colonial*, 513.

112 Alvarenga, *Homens e Livros em Vila Rica: 1750–1800*.

113 Alvarenga, *Homens e Livros em Vila Rica: 1750–1800*, 247, 261.

found in the private collections of a merchant and a priest. What is interesting about this book is that it hardly ever appeared in conventual libraries, differing from Corella's manual, *Prática do confessorário*, which, in addition to the libraries previously described, was found in three clergymen's private collections in Vila Rica.

Although uncommon in the collection of private libraries, Azpilcueta's works did not disappear in the 18th century. The inventory of the Bishop of Pernambuco D. Fr. Tomás da Encarnação Costa e Lima, dated 1784, included a "Navarro. Manoal de Confessores por \$ 640". Yet, since he could not rely exclusively on a book published at least a century earlier, his collection also included the more updated "Conducta de Confessores dois tomos por \$ 960".<sup>114</sup> His fairly large library confirmed that he was a man of letters; indeed, he graduated in canon law and received a doctoral degree in theology from the University of Coimbra. In any case, even among bishops, the *Manual* no longer seemed to be an essential title. The Bishop of Mariana, D. Fr. Domingos da Encarnação Pontével, according to his inventory of 1793, appeared to prefer an *Istruzioni dei confessori* by Daniello Concina and a *Tribunal Confessariorum* by Martin Wigandt, both newer books.<sup>115</sup>

For the 18th century, none of the titles mentioned so far—not even the popular Corella or Villalobos—could compete, however, with the *Promptuário de Teologia Moral* by the Dominican Francisco Larraga, published for the first time in 1706, and successively re-edited and republished up to the mid-19th century, amounting to about 130 editions and translations.<sup>116</sup> It was in six private libraries in Vila Rica and was owned not only by clergymen, but also a sergeant and a Latin teacher. This was quite illustrative of the general situation of confessional literature in Portuguese America in the 18th century. For instance, each and every conventual library examined previously—either Jesuit, Franciscan, or Benedictine—had at least one copy of Larraga's *Promptuário de Teologia Moral*.<sup>117</sup>

114 AHU, CU 15, Cx. 151, Doc. 10960. Bispo de Pernambuco D. Tomás da Encarnação Costa e Lima.

115 AEAM, 1, 4ª gaveta, Livro [Cópia de inventário existente em cartório]; transcribed by Luiz Carlos Villalta, whom I thank for the suggestion.

116 Polvillo, *Análisis y Repertorio de Los Tratados y Manuales Para La Confesión En El Mundo Hispánico* (Ss. XV–XVIII), 22. Palau y Dulcet, *Manual del Librero Hispanoamericano*, vol. 7, p. 387.

117 Ellis, "Documentos sobre a Primeira Biblioteca Oficial de São Paulo", 413; França, *A Livraria de Frei Gaspar da Madre de Deus*, 279, 360; "Auto de inventário e avaliação dos livros achados no Colégio dos Jesuítas do Rio de Janeiro e sequestrados em 1775", 242, 246; Ribeiro and

The final set of sources to be analysed corroborate this scenario. During the Pombaline period, known for its enlightened reformism, the Portuguese government institutionalised secular censorship to monitor the diffusion of ‘correct’ ideas, controlling both political and religious content, and consequently suppressing or amending seditious and subversive works.<sup>118</sup> Beyond the standard previous restraint, the institution exercised control over the circulation of books—particularly ‘French’ ideas and Jesuit writings. Every piece of writing, be it a printed book or a manuscript, needed the censor’s approval to be shipped anywhere in the pluricontinental Portuguese Empire, either Macau, Goa, or Rio de Janeiro, regardless of whether it was for sale or private use. Hitherto there had been no such procedure. Even though this system of censorship underwent slight alterations in subsequent years, the control over the transport of books remained generally unchanged until its suppression in the second quarter of the 19th century.

These lists of books submitted to the Crown censors constitute the main source of information for understanding the book trade within the Portuguese maritime empire.<sup>119</sup> Essentially, each petition asked for permission to send books, enumerated in an attached list, to a specific place of the Portuguese dominion using a general formula. This means that it is possible to identify quite reliably which kind of literature and titles circulated within the Portuguese domains from 1768 to the end of the century.

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Santos, “A Livraria Da Fazenda de Santa Cruz”, 163; Leite, *História Da Companhia de Jesus No Brasil. Tomo IV. Norte: Obra e Assuntos Gerais. Séculos XVII–XVIII*, 404; BNBR, “Catálogo Dos Livros Que Se Acham Na Livraria Pública Da Cidade Da Bahia Em Maio de 1818. Bahia, 1818. 48f. Original. Manuscrito”.

- 118 Among the documents of the Pombaline censorship at the Portuguese National Archive, there is a catalogue of suppressed books whose authors were unknown, filled between 1768 and 1794 (ANTT, RMC, “Livro de obras censuradas de que se não conhece o autor”). In an article published in 1983, Maria Piedade Braga Santos attempted to identify the books by attributing the correct authorship. Santos, “*Actividade da Real Mesa Censória: uma sondagem*”. For the entry “*Manual de Confessores em Hespanhol 1 tomo em 8º*”, Braga Santos accredited Azpilcueta as the author, which I believe is incorrect. First, there is not enough information to affirm this, since there were many other books using the same title. Second, the record is followed by the reason for the book’s suppression—“segue o probabilismo”—which was not exactly the case for Azpilcueta. Even though he might have written it during the same period as Bartolomé de Medina, in the last quarter of the 16th century when probabilism emerged, *Doctor Navarro* had still used the language of certainty rather than probability. Turrini, *La Coscienza e le Leggi. Morale e Diritto nei Testi per la Confessione della Prima Età Moderna*, 153–155.
- 119 Ribeiro, “A Pluricontinental Book Market: The Role of Booksellers in the Circulation of Knowledge within the Portuguese Empire (c. 1790–1820)”.

An overview of this source suggests that Azpilcueta's works no longer circulated by the late-18th century. Since the vast quantity of petitions and attached lists do not allow an exhaustive examination and a quantitative study about the confessional literature, this present investigation selected a sample of 80 lists that contained religious books destined for Rio de Janeiro, Bahia, and São Paulo at the very end of the 18th century.<sup>120</sup> This brief examination aims at understanding the titles on confessional literature that circulated the most in this period, rather than providing exact numbers in circulation.

To some extent, the evidence found confirms what the previous sources have shown for the 18th century. While *Doctor Navarro* did not show up at all, the aforementioned *Conducta de Confesores* by Daon was found in 18 requests. Interestingly, however, the third title that appeared the most, present on 10 lists, was not found in the sources until now: the little *Manual para a Confissão* by the secular priest António Luiz de Carvalho, with editions in both 8° and 12°. Seven titles were sent just once, such as the already cited *Homo Apostolicus*, by Alphonsus Liguori, and *Prática do Sacramento da Penitência*.<sup>121</sup>

As expected, Larraga was the title of confessional literature most requested by the late-18th century, appearing in 69 lists.<sup>122</sup> Moreover, many copies were often sent in a single entry, as when the merchant João Miranda Correa asked permission to send ten sets of *Moral Theology* to Rio de Janeiro, four volumes in each set.<sup>123</sup>

To illustrate the reputation of Larraga in the Portuguese world during the 18th century, we can resort to an anonymous pamphlet published in 1746 that discussed the polemic on sigilism.<sup>124</sup> The text was organised as a dialogue between two students, one from Évora and the other from Coimbra. While asking the colleague about an issue related to confessional secrecy, the first

120 Of the 80 orders, 62 were made by booksellers or book merchants, 17 by ecclesiastics, 15 by merchants (*negociante*, referring to those who did not specifically deal with the book market), and 10 by a variety of officials carrying books.

121 *Pratica do Sacramento da Penitencia, Ou Methodo para o administrar utilmente. Impresso em Francez por ordem do Senhor Bispo Conde de Verdun para uso dos Confesores da sua Diocese e traduzido por Hum Ecclesiastico para utilidade commum dos Portuguezes.*

122 Villalta reached the same conclusion. *Villalta, Reformismo Ilustrado, Censura e Práticas de Leitura: Usos do Livro na América Portuguesa*, 186. See also the chapter by Pedro Guibovich Pérez in this volume (Chapter 7).

123 "Dez jogos de Theologia Moral de Francisco Larraga traduzido p Português em 4 volumes cada jogo". ANTT, RMC, 1801.

124 *Carta de Hum Curioso da Universidade de Évora Escrita a Outro Curioso da Universidade de Coimbra, que pela sua Resposta Mostra as Consequências Terríveis, que Nascem de Alguns Confesores não Guardarem o Sigilo da Confissão Sacramental.*



interlocutor stated: “my library is enough, since I have Larraga, Corella, and Torrecillas”.<sup>125</sup> This passage might reveal, then, the new common references in confessional literature by the 18th century, but it does not represent Azpilcueta’s loss of authority by any means. Indeed, in the answer provided by the student from Coimbra in the same pamphlet, many authors were referred to, among them Azpilcueta.<sup>126</sup> Therefore, although the *Manual* did not circulate in the 18th century as much as in the 16th century, the eminence of its author remained. After all, although Larraga had great success on both sides of the Atlantic and also came from Navarra, there would still be only one *Doctor Navarro*.

## 7 Conclusion

The *Manual* by Azpilcueta was present from the very beginning of the Portuguese colonial experience in the Americas; its use by the Jesuits as a source of normative information to guide their evangelisation missions is documented by the epistolary sources. Additionally, the fact that the title was appointed as a textbook for the teaching of cases of conscience indicates its relevance to education in the colony, whose main actor was, in fact, the Society of Jesus.

Following this, the examination of empirical evidence on colonial conventual libraries has revealed the material existence of four copies, probably all *Enchiridion*, the version in Latin. As stated, albeit crucial to understanding written culture in a particular context, book lists alone frequently do not allow the precise identification of editions. Yet, assisted by a catalogue prepared later, it was possible to identify the copy then owned by the Convent of San Francisco in São Paulo at least, in addition to the one owned by the Congregation of the Oratory in Recife.

In any case, if it is true that the editions circulating were in Latin, the circulation of Azpilcueta in Portuguese America would have been limited to more learned lectors. In effect, the scrutiny of postmortem inventories corroborates this. The only *Manual* found was in the library of a learned bishop, while all

125 “Saberás, que a minha livraria he bastante, porque tenho Larraga, Corelha, e Torrecilhas [...]”. *Carta de Hum Curioso da Universidade de Évora Escrita a Outro Curioso da Universidade de Coimbra, que pela sua Resposta Mostra as Consequências Terríveis, que Nascem de Alguns Confessores não Guardarem o Sigilo da Confissão Sacramental*, 1.

126 *Carta de Hum Curioso da Universidade de Évora Escrita a Outro Curioso da Universidade de Coimbra, que pela sua Resposta Mostra as Consequências Terríveis, que Nascem de Alguns Confessores não Guardarem o Sigilo da Confissão Sacramental*, 19.

the other private libraries, either large or small, included other titles on confessional literature, mostly in the vernacular, both Portuguese and Spanish. By the same token, the absence of Azpilcueta's *Manual* in the library of Vigia in Pará and in the library of Fazenda Santa Cruz in the countryside of Rio de Janeiro—where there was no teaching of theology but there was catechical study—also support the assumption that the book might have been preferred by a more learned audience. The direct and abridged confessional, often prepared for the indigenous population and organised as a dialogue, might have served.

Towards the 18th century, the appearance of Azpilcueta's works decreased markedly, while many other titles replaced it. Truth be told, the number of manuals and guidebooks on confessional matters published after Azpilcueta was so extensive that it would have been strange if the *Manual* had remained a bestseller beyond this point. Of course, the extent to which moral theology advanced during the 17th and 18th centuries also affected its datedness. All of this indicates that the more pragmatic a book is, the shorter its lifespan could be, since it may become outdated more quickly.

All in all, this investigation has not only examined the circulation of Azpilcueta's work, but it has also shown that the supply of normative confessional literature in general was fairly rich in Portuguese America. The presence of a manual for confessors in a private collection of a mere four books in 1612, for instance, attests to the widespread importance of this literary genre for colonial life. Over time, a succession of authoritative manuals were transported in chests and trunks across the ocean to be placed on the shelves of colonial libraries, and among them was certainly the *Manual* by Azpilcueta.

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**PART 3**

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





# Reading Azpilcueta in the Valley of Mexico

*Byron Ellsworth Hamann*

## Abstract

The Sutro Library in San Francisco owns two editions of Martin de Azpilcueta's *Manual de confesores y penitentes* filled with the traces of past readers. One was published in 1556, and one was published in 1557. Both books were purchased in Mexico City in the late 1880s, and both represent spoils from monastic libraries suppressed and dispersed earlier in the 19th century. The reader-traces these volumes contain include manicules and dots and underlining and alphabetic glosses and even a pressed flower petal. But who added these various additions—and when, and where, and why? What patterns, if any, can we see in these different markings? This essay navigates such questions as an open-ended mystery, involving not only San Francisco but also Alcalá de Henares, Chiutla, Huete, Madrid, Mexico City, Salamanca, Seville, Simancas, Texcoco, Tlatelolco, and Valladolid.

## Keywords

Martin de Azpilcueta – History of the Book – Marginalia – Transatlantic Studies – Early Modern Period

•••

... In that Empire, the Art of Cartography attained such Perfection that the map of a single Province occupied the entirety of a City, and the map of the Empire, the entirety of a Province. In time, those Unconscionable Maps no longer satisfied, and the Cartographers Guilds struck a Map of the Empire whose size was that of the Empire, and which coincided point for point with it. The following Generations, who were not so fond of the Study of Cartography as their Forebears had been, saw that that vast Map was Useless, and not without some Pitilessness was it, that they delivered it up to the Inclemencies of Sun and Winters. In the Deserts of the West, still today, there are Tattered Ruins of that Map, inhabited by Animals

and Beggars; in all the Land there is no other Relic of the Disciplines of Geography.

SUÁREZ MIRANDA, *Viajes de varones prudentes*, Libro IV, Cap. XLV, Lérida, 1658<sup>1</sup>



## 1 Preface / Petal / Parable

Between pages 302 and 303 of a 1557 printing of Martín de Azpilcueta's *Manual de confesores y penitentes* there is pressed the petal of a flower, its colour now faded (Fig. 11.1). It is a large petal, about 4 centimetres wide and 7.7 centimetres long. The subject of the pages that envelop it is usury. I can find no thematic connection for which a once-fresh flower petal might have served as a significant bookmark.<sup>2</sup>

In theory, it should be possible to identify what plant this flower came from (although my efforts so far have been inconclusive, despite e-electronic assistance from Scott R. Hutson<sup>3</sup> and Chris Morehart).<sup>4</sup> But even if the source plant were identified: what would that tell us, really? Depending on when the source plant bloomed in the Valley of Mexico (where this volume spent many centuries of its life), we could then know which season the fresh petal was placed in the book. But the year the petal was pressed in the *Manual* would remain unknown, as would the place the petal was collected from, and also the person who collected it. And above all: the reason the petal was saved. Even with a thorough botanical analysis, there would still be much we would not know.

1 Borges, "On Exactitude in Science", 325.

2 This *Manual for Confessors and Penitents*, as the other chapters in this volume explain in detail, was a best-seller in the early modern Catholic world, printed in 269 editions (in Spanish, Latin, Portuguese, and Italian) between 1549 and 1640. See especially Bragagnolo's introduction to this volume.

3 For Hutson's scholarship more broadly, see Hutson, "Technoshamanism"; Hutson, "Artefactos prehispánicos de la Sierra Mixe"; Hutson, "Alcohol and Archaeologists".

4 Morehart suggested Argemone or Oenothera as possible matches (vernacular English names being prickly poppy and evening primrose, respectively). For Morehart's scholarship more broadly, see Morehart, *Food, Fire, and Fragrance*; Morehart, "What if the Aztec Empire Never Existed?"; and Morehart, "Archaeologies of the Past and in the Present".

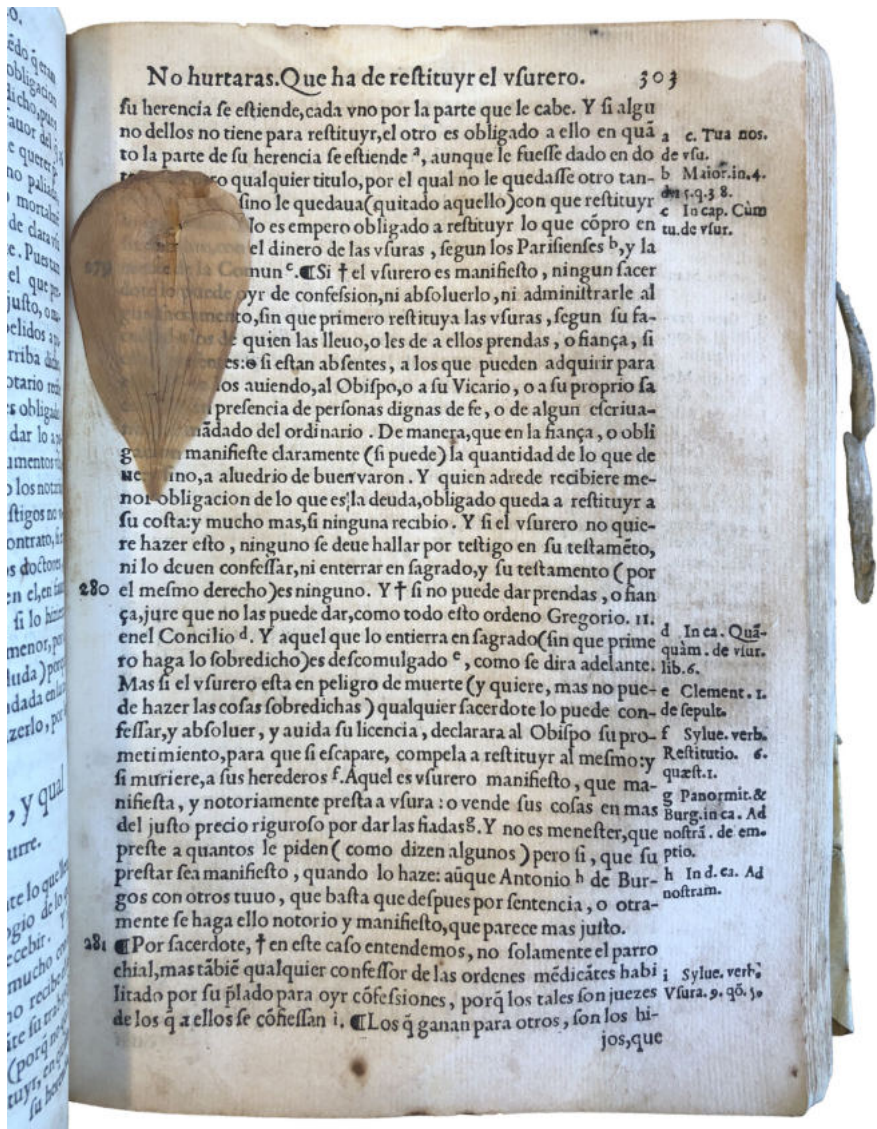


FIGURE 11.1 Pressed petal, 1557 printing of the *Manual*  
 SUTRO LIBRARY

Those of us interested in previous centuries are witnessing a new mathematical sublime. But if for Immanuel Kant in 1790—a man hopelessly provincial, living all of his life in the peripheral Baltic port city of Königsberg, now Kaliningrad—the mathematical sublime evoked infinite plenitude (“large beyond any comparison even with the power of mathematical estimation”), students of the past in this current age of pandemic have become obsessed with infinite loss.<sup>5</sup> Jorge Luis Borges’ forgery-parable of “Suárez Miranda’s” 1658 account of the Map of the Empire, quoted above, has lost its black humour; that crumbling map from the past (a past no longer viewed as a foreign country) has become a model for what *should* exist but, o lamentation, does not: a complete documentation of another era, made in that other era. Irredeemably old-skool as I am, I find Michel-Rolph Trouillot’s reasonings about trace-limitations more compelling.<sup>6</sup> But his are of course ideas from the 20th century, long, long ago.

And so it is perverse, but appropriate, that the chapter you are now reading is all about the unknown—and perhaps the unknowable. Researched and written as it was in an era of plague, it relies on long-distance expertise requested and delivered via email and the nefariously antigreen Cloud.<sup>7</sup> It is an essay about uncertainties, and limitations.

## 2 1556, 1557

The *Manual* with the flower petal is one of two annotated editions of Azpilcueta’s *Manual de confesores y penitentes* now in the collections of the Sutro Library in San Francisco (the library also has a 1565 printing of the *Manual*, but that copy does not include marginalia beyond the front pastedown and title page).<sup>8</sup> These volumes arrived in northern California in 1889, when engi-

5 Kant, *Critique of Judgment*, 112; and see also his concrete examples (from nature), 113–114.

6 Trouillot, *Silencing the Past*, 50–51.

7 Hamann, *The Invention of the Colonial Americas*, 4.

8 Sutro Library Vault—Colegio de Santa Cruz de Tlatelolco Collection BJ1278.C6 A96 1556 (note that although shelved with the Tlatelolco collection, this volume, as discussed below, does not have the Tlatelolco branding mark, and seems to instead come from monasteries across the lake in Texcoco); Sutro Library Vault—Colegio de Santa Cruz de Tlatelolco Collection BX1757 A96 1562 (note that this shelf mark is technically incorrect, as the volume in question was printed in 1557, not 1562); and Sutro Library Vault—Colegio de Santa Cruz de Tlatelolco Collection BJ1278.C6 A96 1566 (again, there is some complexity with the shelf mark: the volume’s title page has the date MDLXVI, but the colophon gives the date M.D.LXV.). Thanks to Sutro Library librarian Jose Guerrero for clarifying this complicated shelf mark and collections-histories information.

neer, land developer, and Comstock Lode millionaire Adolph Sutro bought the entire contents of Mexico City's oldest established bookstore, the Librería Abadiano.<sup>9</sup> Thousands of books in that store's stock came from monastic libraries in the Valley of Mexico after their property was nationalised and sold in the late 1850s. From a red "mor" shelf mark painted on the spine of the 1557 printing of the *Manual*, we know that that copy came to the Librería Abadiano via the monastery of San Francisco (a few blocks away on the western edge of Mexico City).<sup>10</sup> In turn, a *marca de fuego* (branding mark) on the page edges of the volume reveals that it came to the monastery of San Francisco via the monastery of Santiago Tlatelolco, another Franciscan establishment in the northern part of the island-capital (Tlatelolco's library was transferred to San Francisco's library in 1834).

Unfortunately, exactly when the 1557 volume entered Tlatelolco's library (originally part of a college for Nahua youth founded in the early 1530s and active until around 1600) is unclear.<sup>11</sup> The distinctive overlapping-letters TLATELOLCO brand was used to mark the library's books at least through the mid-18th century, as a branded copy of the 1746 *Estatutos generales de Barcelona* makes clear.<sup>12</sup> A 1663 inventory of the Tlatelolco library's contents (kindly consulted for me in Mexico City by César Manrique Figueroa)<sup>13</sup> includes in its 'books-in-

9 For a history of the Sutro Collection's founding, see Mathes, *The Americas' First Academic Library*, 43–46.

10 Mathes, *The Americas' First Academic Library*, 43. The Librería Abadiano was located at Calle de las Escalerillas 18 (a street since renamed as República de Guatemala, due north of the cathedral): <https://issuu.com/munaemexico/docs/licenciaeclesiastica-comprimido/s/10515371>.

11 Mathes, *The Americas' First Academic Library*, 11; Rivas Valdés, "Evangelización y educación franciscana"; Hernández and Máynez (eds.), *El Colegio de Tlatelolco*.

12 See design BF-12043 in the Catálogo Colectivo de Marcas de Fuego: [http://www.marcasdefuego.buap.mx:8180/xmlLibris/projects/firebrand/item.jsp?repository=marcas\\_de\\_fuego&map=1&key=4bce1746.xml&num=50](http://www.marcasdefuego.buap.mx:8180/xmlLibris/projects/firebrand/item.jsp?repository=marcas_de_fuego&map=1&key=4bce1746.xml&num=50). This amazing collaborative online project, launched in 2010 by the Biblioteca Histórica "José María Lafragua" (Benemérita Universidad Autónoma de Puebla) and the Biblioteca Franciscana (Universidad de las Américas Puebla—Provincia Franciscana del Santo Evangelio de México) centers on the firebrand ownership marks burned into the page edges of early modern books. The project gathers examples of different brand designs, connects those brands to particular owners and institutions (religious libraries in New Spain above all), and thus enables reconstructions of the social lives of now-dispersed bibliographic collections.

13 For Manrique Figueroa's scholarship more broadly, see Manrique Figueroa, "The Early Seventeenth-Century Antwerp Printing Press and Its Connections with the Iberian World"; Manrique Figueroa, "Sixteenth-Century Spanish Editions Printed in Antwerp"; and Manrique Figueroa, *El libro flamenco para lectores novohispanos*.



Spanish' section the entries for a "Manual de confessores un t[om]o" as well as "Martin de Aspilcueta un t[om]o". Was one of these the copy now in San Francisco?<sup>14</sup>

A similarly complicated collections history surrounds the 1556 printing of the *Manual* now in San Francisco. It is also branded with a *marca de fuego*, but this one is for the Franciscan monastery of San Antonio in Texcoco, a town northeast of Mexico City on the edge of the now all-but-vanished Lake Texcoco. Additionally, however, a handwritten inscription on the book's flyleaf labels it as belonging to the monastery of "San Andre[s]". From another volume similarly branded with both the San Antonio fire mark and a handwritten inscription on the title page, we can identify that second monastery as San Andrés de Chiautla, Chiautla being a town just north of Texcoco.<sup>15</sup> For whatever reason (and no doubt in part because these were neighbouring Franciscan establishments), there was a movement of books between Texcoco and Chiautla. When these movements took place, and in which direction, is unclear. An inventory of San Antonio from 1663 (part of the same Franciscan inventory project as the aforementioned example from Texcoco) mentions a "Summa de Navarro". This may have been the Azpilcueta *Summa* published in 1605, although as discussed by both Pedro Rueda Ramírez and Pedro M. Guibovich Pérez in their contributions to this volume, the word *suma* in Spanish sources could also refer to confession manuals as a genre—meaning that this inventory entry may indeed refer to the *Manual* now in San Francisco.<sup>16</sup> Alternatively, the 1663 inventory of San Andrés de Chiautla lists a "Manual de Confesores y Penitentes".<sup>17</sup> Was this the volume now in San Francisco? And had it come, in 1663, to Chiautla from Texcoco—or was it heading for Texcoco in the future?

14 Biblioteca Nacional de Antropología e Historia (BNAH) Fondo Franciscano 37, new foliation, folio 26<sup>r</sup>. Both volumes are listed in a concluding section of "Romanistas", that is, books in Spanish. The library inventory overall runs from folios 17<sup>r</sup>–26<sup>v</sup>. See also references to a "Suma de Navarro vn t[om]o" (20<sup>r</sup>) and "Comentarios del D. Aspilcueta un t[om]o" (25<sup>r</sup>). The classic study of this 17th-century inventory project is Gómez Canedo, "Viejas bibliotecas coloniales de México".

15 [http://www.marcasdefuego.buap.mx:8180/xmLibris/projects/firebrand/item.jsp?repository=marcas\\_de\\_fuego&map=1&key=marcas\\_de\\_fuego\\_franciscanas\\_20130625144854\\_e888.xml&num=95](http://www.marcasdefuego.buap.mx:8180/xmLibris/projects/firebrand/item.jsp?repository=marcas_de_fuego&map=1&key=marcas_de_fuego_franciscanas_20130625144854_e888.xml&num=95).

16 BNAH Fondo Franciscano 37, 152<sup>v</sup>; overall inventory runs from folios 151<sup>v</sup>–153<sup>r</sup>; Azpilcueta, *Summa*; <https://www.ustc.ac.uk/editions/4032964>.

17 Cited by González Franco, "Noticias documentales acerca del templo de San Andrés Chiautla", 18; original inventory in BNAH Fondo Franciscano 37, folios 155<sup>v</sup>–156<sup>r</sup>.

### 3 Alcalá and Texcoco ... via Madrid?

Traces of the complicated biography of the Suro's 1556 edition of the *Manual* do not end with possible inventory references in 1663. We can probably trace its history back to 16th-century Spain. In part, this is not surprising, since the 1556 (and 1557) editions of the *Manual* were both printed there, at Andrea de Portonariis' Salamanca publishing house. But the 1556 copy now in San Francisco has an additional physical trace of its 16th-century life: the signature of a former owner. At the bottom of the first page of the "Prologo introductorio" we find an intricate quadrangular *rúbrica* followed by the signature of one "p[edr]º de Salazar" (Fig. 11.2).

Rather extraordinarily, the same Pedro de Salazar also signed his name at the bottom of the equivalent "Prologo introductorio" page of a 1557 edition of the *Manual* now held by the library of the Universidad Complutense in Madrid. Fortunately, that copy has been scanned and posted online by Google Books, which allowed me to consult it from afar (Fig. 11.3).<sup>18</sup> A handwritten note at the top of the book's title page reveals that this volume once formed part of the collections of the College of Saint Catherine Martyr in the university town of Alcalá de Henares ("Es del Colegio de los Verdes de Alcalá"). Founded in the 1580s, the college's library was sold in 1843 after Queen Isabel II ordered the university transferred to Madrid in 1836 (where it became the Universidad Complutense).<sup>19</sup> Yet another stop in this book's biography is suggested by a penultimate flyleaf: on 8 February 1610 it was apparently in Huete, a town 110 kilometres east-southeast of Madrid. (From Salamanca to Huete to Alcalá to Madrid: is this how we should reconstruct this volume's travels from 1557 to 1843?)

In sum: two editions of the *Manual*, published one year apart (1556 and 1557), once part of the same man's library—but by the 19th century housed on opposite shores of the Atlantic Ocean. What story do these two books reveal?

Since Salazar's signature seems to be in a 16th-century hand, we can imagine him acquiring both books sometime in the second half of that century, in the decades following their original publication in Salamanca. Once they entered his hands, he signed them both when he added them to his collection. Perhaps he did this to all of his books, a practice that in theory could allow us to reconstruct his now-lost library. But on his death, we can imagine his goods going up for auction (a common practice in early modernity), an auction in which these

18 <https://books.google.com/books?id=G17hC5ab6tQC&printsec=frontcover#v=onepage&q&f=false>.

19 Casado Arboniés, *Cuatro siglos de historia de una institución autónoma y su edificio*; <https://alcalaturismoymas.com/colegio-menor-de-santa-catalina-martir-o-de-los-verdes/>.

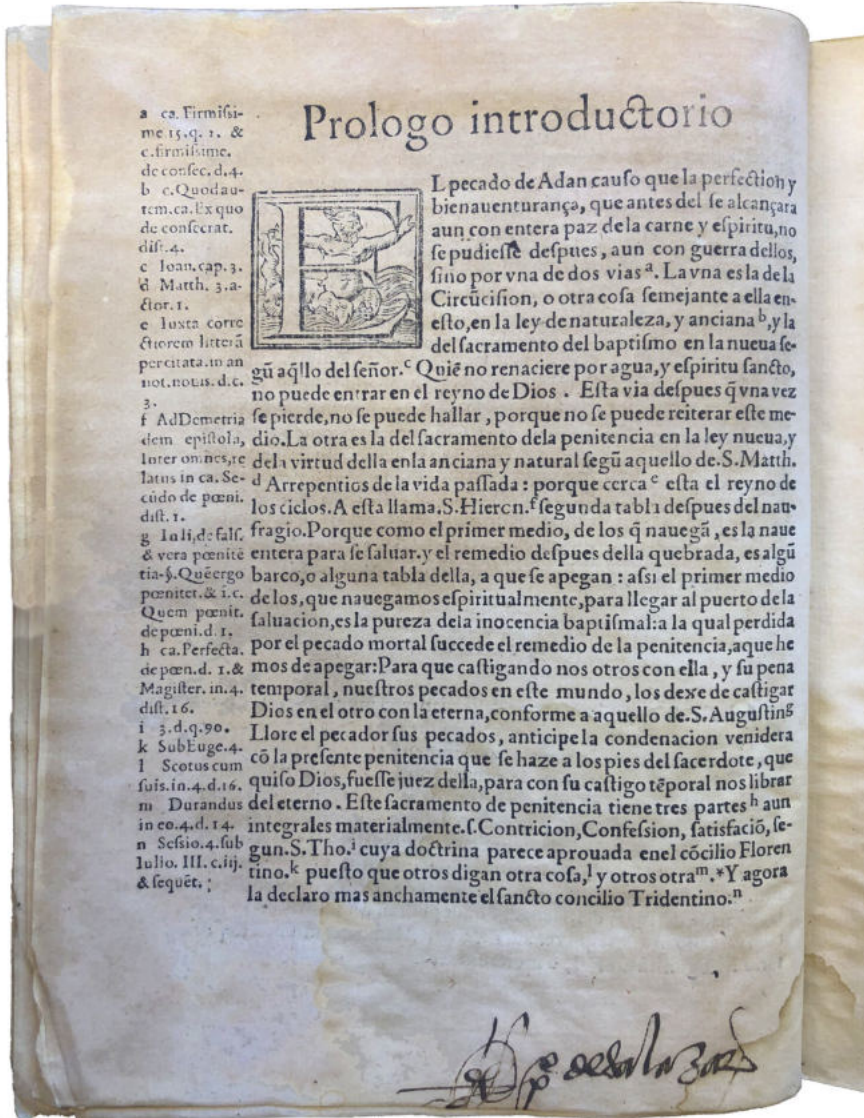


FIGURE 11.2 Pedro de Salazar's signature in a 1556 printing of the *Manual SUTRO LIBRARY*

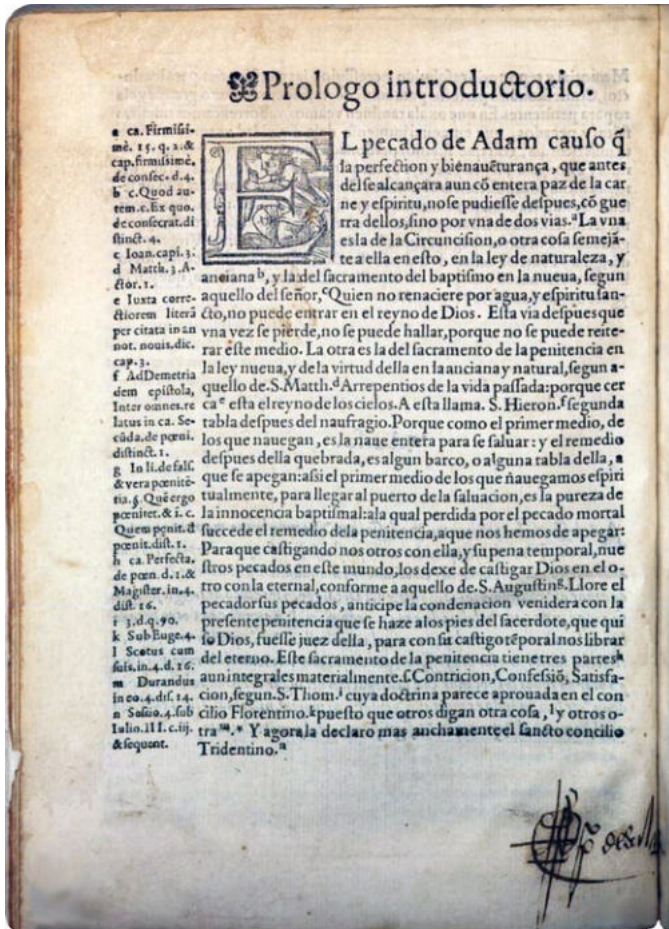


FIGURE 11.3 Pedro de Salazar's signature in a 1557 printing of the *Manual*

BIBLIOTECA COMPLUTENSE

two copies of the *Manual* were acquired by a buyer or buyers.<sup>20</sup> One volume then went on (at some point) to join a college library in Alcalá; the other to join monastic libraries in Texcoco and Chiautla.

But who was Salazar? I started to seek an answer to this question by, of course, searching online for “Pedro de Salazar” in combination with “inventario de bienes”, “biblioteca”, and “Azpilcueta” as keywords. Two candidates emerged, both with connections to the early modern Republic of Letters.

<sup>20</sup> On post-mortem auctions, see (for example), Hinton, “By Sale, by Gift.”

The first was Pedro Salazar de Mendoza (b. 1549–1550, d. 1629): scholar, author, and (most famously) patron of El Greco. The inventory of his library was published by Miriam Cera in 1996, who even included a photo of Salazar's signature. But although he did own a copy of the "Manual de Navarro", his signature was not a match for the "p[edr]o de salazar" we are interested in.<sup>21</sup>

The second Pedro de Salazar candidate was a Madrid-based writer of histories and novels (b. around 1510, d. 1576). His son, Eugenio de Salazar, spent many years in the Americas (first in Santo Domingo, then Guatemala, and finally Mexico), and he too was an author.<sup>22</sup> Among other things, Eugenio wrote a famously scathing essay on the discomforts of transatlantic sailing: "El mar descrito por los mareados" ("The sea described by the seasick").<sup>23</sup> Does the story of this father-son literary duo explain how a 1556 copy of the *Manual* arrived in Mexico, while a 1557 copy stayed behind in Spain?

Maybe, maybe not. Eugenio was already living in Guatemala when his father died in 1576: indeed, it was partly because he was not living in Spain that Eugenio requested a post-mortem inventory of his father's possessions be written up. That inventory, now in Madrid's historic notary archive, includes a few book titles, but the *Manual* is not among them.<sup>24</sup> Of course, Eugenio may have borrowed a copy of the *Manual* from his dad's library before he headed into the Atlantic in 1567 (when he was named governor of the Canary Islands), and Pedro could have sold off some of his own library before his death.<sup>25</sup>

There is, however, another possible lead: a second document related to Pedro and Eugenio in Madrid's notary archive. A *poder* was prepared by Pedro in Seville on 19 August 1567 granting his son powers of attorney to deal with some real estate in Madrid. Did this document include a copy of Pedro's signature we could compare with the *Manual* signatures?<sup>26</sup> I wrote to the notary archive and a few days later the archive's director, Beatriz García Gómez, replied: she

21 Cera, "Pedro Salazar de Mendoza"; the *Manual* is item 977 on page 72; for Salazar de Mendoza's signature, see page 61.

22 Maldonado Macías, "Testamento y codicilo de Eugenio de Salazar"; Martínez Martín, *Eugenio de Salazar y la poesía novohispana*, 9–47.

23 See Hamann, "Fieldnotes from Solaris", 126, 135n16.

24 Núñez Rivera, "Introducción", 26n39; and personal communication, Valentín Núñez Rivera, 23 May 2022. The original document is in Archivo Histórico de Protocolos de Madrid (AHPM) Juan Bautista de Castillo tomo 961, folios 76<sup>r</sup>–80<sup>v</sup>.

25 Unfortunately, as Pedro Rueda Ramírez points out in his contribution to this volume, 1567 is a decade and a half before registries of transatlantic book shipments survive in large numbers: "very few records prior to 1583 remain extant."

26 Núñez Rivera, "Introducción", 16n16; the original document is in AHPM Pedro de Torres tomo 518, folios 307<sup>r</sup>–311<sup>v</sup>.

had checked the volume of records where the document was located, but alas it was merely a copy of the original *poder*, and so had no original signature.<sup>27</sup>

The next step in this search would be to turn to Seville's notary archive to try to see if a copy of the *poder* with Pedro de Salazar's signature is in one of the volumes there. Unfortunately, the copy of the *poder* in Madrid does not specify with which Sevillian notary Salazar had the document prepared; it only names the document's witnesses ("fecha la carta en Sevilla estando en el oficio de mi el escribano público yuso escrito, que doy fe que conozco al dicho otorgante y en mi registro firmó su nombre, en diez e nueve días del mes de agosto año del Señor de mil e quinientos e sesenta e siete años siendo presente por testigos Simón Guerrero e Melchor Díaz de Herrera ..."). Some of the notary collections in Seville do have indices, so those would be where to begin a long, but not impossible, search.

In any case, apart from their signatures, the annotations in these once-paired copies of the *Manual* are completely different. The 1557 copy now in Madrid has scattered underlining and sidelining, and at two points a marginal "ojo".<sup>28</sup> But the style of this underlining and sidelining is quite distinct from that used in the 1556 copy now in San Francisco, which also includes many other forms of annotation on far more pages. In other words, it does not seem that Pedro de Salazar did much note-taking on the pages of either of his two copies of the *Manual*. And so now we cross the Atlantic again—and since we are talking about two books currently in San Francisco, we must continue on to the eastern shores of the Pacific—to look in more detail at how, exactly, these two volumes have been marked. Their annotations are the inked evidence of reading practices from centuries ago. And yet, once again, exactly what they tell us is obscure.

#### 4 Annotations, after 1556

I have never actually seen, in person, either of the copies of the *Manual* discussed here—a cardinal sin for both historians of art and historians of the book. I have had to study their pages remotely, thanks to hundreds of photo-

27 For Beatriz García Gómez's work more generally, see Canorea Huete and García Gómez, "Propuesta de organización para archivos de juzgados de Paz"; Canorea Huete and García Gómez, "Los juicios de residencia".

28 Annotations (again, mostly sidelining and underlining) can be found on pages 167, 185, 191, 198, 213, 223 (includes "ojo"), 231, 232, 277, 278, 281, 319, 320 (includes "ojo"), 327, 332, 337, 338, 339, 340, 473, 475, 478, 514, 569, 570, 571, and 619.

graphs kindly taken and sent to me by Sutro Library librarian Jose Guerrero. This means that everything written here concerns pages that have been mediated by the light on my computer screen (a MacBook Pro from 2012, no less!) and, before that, by the programmes and lens mechanisms of digital photography. The photos are great—high resolution, well-lit—and so in theory my comments, say, about ink colour will not be completely false. But the reader should be aware that these are all second-hand and preliminary observations.

Not including Pedro de Salazar's signature, the main text of the Sutro's 1556 printing of the *Manual* has annotations on 128 of its pages, distributed throughout the book: the first marks appear on page 6, and the last on page 788. There is a notable decrease in annotation density in the second half of the volume: pages 1–99 have 26 marked pages, pages 100–199 have 24, pages 200–299 have 28, pages 300–399 have 27, pages 400–499 have 9, pages 500–599 have 10, pages 600–699 have 4, and pages 700–797 (797 being the last page) have but one.

Formally, annotations range from *manicules* (“little hands”),<sup>29</sup> to circles (perhaps meant to indicate an eye?), to odd multi-lobed forms (flowers?), to underlining, to marginal brackets, to the word “nota” and, in one case, ten words in Spanish, highly abbreviated (page 198). Figure 11.4, for example, shows a *manicule* and elegant marginal bracket on page 102, and a *manicule* and circle on page 103 (the *manicule* in the upper corner is actually a bleed-through from page 104). Figure 11.5 shows a *manicule* on page 338, and a combination of a messy marginal bracket, “nota”, and circle on page 339. The edges of this volume have been trimmed at some point after annotations were added, so in a number of cases it is clear that some marginalia have been literally cut off of the page.

What do these 100+ marks tell us about reading Azpilcueta in the early modern period? I'm not really sure. Alas. A first challenge is that most of these marks are simply marks: we do not have the extensive alphabetic annotations of a reader responding to the text that have been so productive in the classic scholarship on marginalia and the history of reading (such as Lisa Jardine and Anthony Grafton's foundational 1990 essay on “How Gabriel Harvey Read His Livy”).<sup>30</sup> Furthermore, I was unable to find any thematic patterns in this marginalia, either across the volume as a whole or as connected to specific annotation types. Using particular kinds of marginal marks to flag particular topics was not an unknown practice in the early modern period: the title page of a 1569 printing of Cicero's *De Oratore*, now in the Folger Shakespeare Library,

29 See “Toward a History of the Manicule”, chapter 2 of Sherman, *Used Books*, 25–52.

30 Jardine and Grafton, “Studied for Action”; see also Hamann, *The Translations of Nebrija*, 108–120 (chapter 4, “Margins of Vocabularies”).

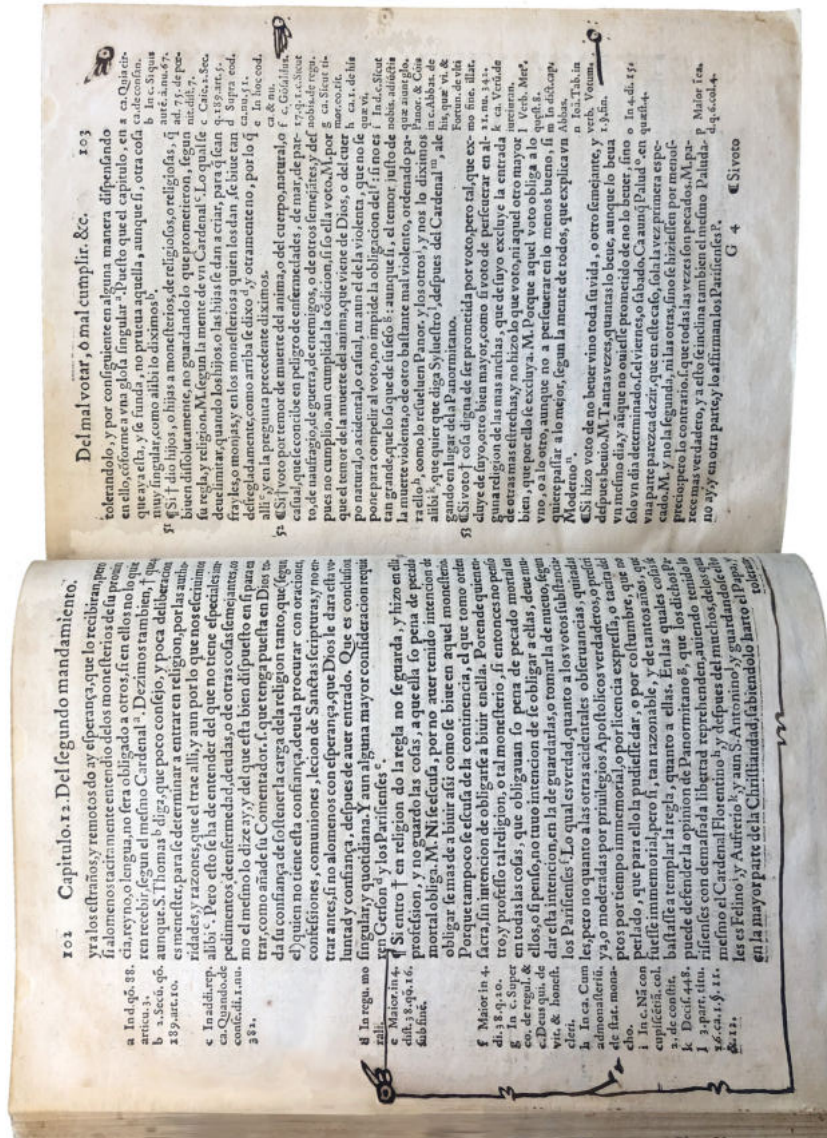


FIGURE 11.4 Annotations on pages 102 and 103 of the Suro's 1556 printing of the Manual





has been marked with a dozen symbols for tagging different topics and rhetorical devices (such as love, amplification, metaphor, and simile).<sup>31</sup> But such a system does not seem to be at work here.

Further obscuring my attempts to recover reading practices from marginalia is that it is unclear how many readers were involved in making the annotations, and over what span of time. At first glance, the different *manicules* (for example) seem to be drawn, literally, by a number of different hands. Some are neatly written, some sloppy, some have three fingers, some have only two. Most of them, however, are curiously geometrised: a circle marks the palm of the hand, to which a number of ovals are attached to indicate fingers.<sup>32</sup> In only one case is the *manicule* drawn (as was much more common in early modern note-taking overall) with an outline, on page 144 (Fig. 11.6, left column). This little hand (marking a passage about liability when one's advice causes another person to commit moral sin) appears to me to clearly be by a distinct reader. But the other geometrised *manicules*, although seemingly so different when viewed separately, can actually be arranged in a series in which one form morphs into another—which suggests that most of them were actually created by a single reader (Fig. 11.6, middle column), using quills that were cut in different ways and inks that had different shades of black, and with different viscosities (some slow-drying, some prone to bleeding into the paper). Four pages have a very strange long-fingered *manicule*, but even these can be arranged in a continuous sequence that connects them back to geometrised hand forms (Fig. 11.6, lower four examples in the right column). Were the four long-fingered examples the marks of a later reader inspired by the geometrised *manicules* already present in the book? Or were *all* of the geometrised *manicules* created by the same reader at different moments over a lifetime of reading and consulting the text?

In two cases, we have evidence that a marginal notation made at one point was later expanded upon at a later point—but whether the expansion was by a different reader, or the same reader at a different time, is unclear. Look again at page 102 in Figure 11.4. There, a nicely sketched *manicule* has been expanded by horizontal and vertical bracket lines. If you look on the facing page, page 103, you can see the phantom mark of that same *manicule* in blotted ink. There is no blotting, however, of the horizontal and vertical lines. These traces suggest that at one point a reader added the *manicule* while reading page 102 and then turned the page, or closed the book, when his (probably his, not her) annotation was still wet, thus blotting the ink on the facing page. At a later

31 Sherman, *Used Books*, 27–28.

32 See also Emberley, *Ed Emberley's Drawing Book of Animals*.



FIGURE 11.6 *Manicule types in the Suto's 1556 printing of the Manual*  
 Left row: from page 144; Middle row, top to bottom: from pages 104, 108, 274, 299, 310, 602, 788; Right row, top to bottom: from pages 103, 677, 487, 269, 321, 344, 347, 337, 334, 383

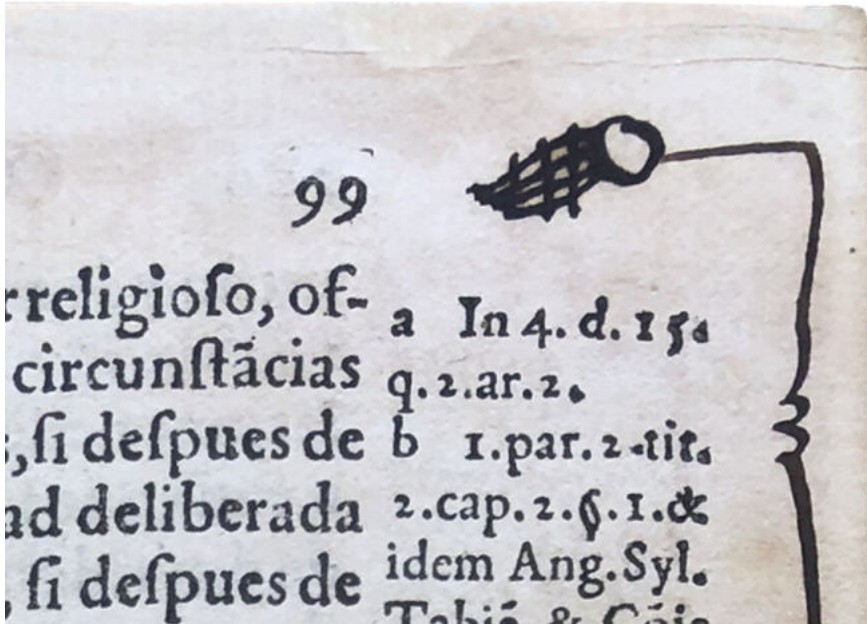


FIGURE 11.7 Two phases of annotation, indicated by different shades of ink, on page 99 of the Suro's 1556 printing of the *Manual*

point, horizontal and vertical lines were added to expand the *manicule's* visual force—but, when those lines were added, the reader waited for the ink to dry before closing the book or turning the page. Another blotted *manicule* is found on pages 104 and 105, arguably made by the same reader who drew the one on 102. Was he a fast reader, or did the particular recipe of ink he was using on that day (or those days) happen to be particularly slow-drying?

Or consider another *manicule* and bracket pair a few pages earlier, in the upper right corner of page 99 (Fig. 11.7). There, a *manicule* has been drawn—and then crossed out?—in a rich black ink. Projecting out of this *manicule* to the right is the start of an elegant marginal bracket, which quickly makes a 90 degree turn to continue down the right margin of the page. If we look carefully at where the bracket meets the *manicule*, we can see that the bracket is in a slightly lighter shade of ink. That is, the bracket and the *manicule* were added at two different moments in time. If they were both drawn at the same time, when their inks were still wet, their inks would have bled together, and we would not see this distinct colour contrast in shades of black. I assume the *manicule* was drawn first—but why does it seem to be crossed out, especially if at a later stage of reading this content (about someone who has entered the religious life, but then wants to leave) it was deemed worthy of (re)annotating?

For a harder-to-decipher example of annotations possibly added to previous annotations—but perhaps not—I’m going to cheat a little. The Sutro’s 1556 copy of the *Manual* is followed, in the same binding, by a 1556 copy of Azpilcueta’s *Comentario resolutorio de usuras* (also printed in Salamanca by Portonariis). Marginalia matching styles found in the *Manual* are also found on ten of the first 53 pages of this second treatise (the main text of which has 168 pages). On page 26 (Fig. 11.8) we have a strange jumble of markings: there is a two-fingered geometricised *manicule*, from which a horizontal line has been drawn into the text on the right. Below the hand, possibly in a slightly lighter ink, is the vertical squiggle of a marginal sideline, a messy type also found in the *Manual* (Fig. 11.5). But below that messy line, following a block of margin-set text, a much more elegant vertical sideline begins, also matching examples in the *Manual* (Fig. 11.4). From the photo, that ink may be slightly redder than the ink for the messy sideline above it—or it may not. What is going on here? Do we have three different readers marking the same passage (about virtue, vice, and different kinds of loans) or the same reader marking the same passage at different moments in time—or are all of these marks created by the same reader at the same moment, drawing on a wide personal repertoire of marks?

One final observation, which suggests a curious meta-awareness in some of the annotations of the act of annotation itself: many of the circles and hands and side brackets, and at least one “nota”, surround, or are surrounded by, a dot or series of dots—tiny pools of ink pressed onto the page with the tip of a hand-trimmed bird feather (Fig. 11.4 and Fig. 11.5). As far as I can tell, these dots were created at the same time as the shapes they accompany: the ink colours (and blotting or bleeding patterns) of dots and *manicules* and circles all match.

Perhaps these dots (rather non-functional, as they are accompanied with far more eye-catching inscriptions) function as a visual pun. In Spanish—in early modernity as well as today—the verb for “to take notes” is *apuntar*. Literally, it means “to make dots”, *puntos*, with the tip of a pen. Sebastián de Covarrubias’ 1611 Spanish dictionary, the *Tesoro de la lengua castellana, o española*, provides this illuminating definition: “**APUNTAR**, indicate with a dot, this comes from those who read with pen in hand, who when they find something interesting, put a dot in the margin ...”<sup>33</sup>

33 “**APUNTAR**, señalar con punto, està tomado de los q[ue] leen con la pluma en la mano, q[ue] quando halla[n] alguna cosa notable, ponen en la margen vn pu[n]to, o de las nominas, o tablas, do[n]de apunta[n] en las comunidades a los q[ue] faltan y hazen ausencias. Apuntar alguna razon o co[n]cepto, es señalarle artificiosamente sin declararse. Apuntar es sacar las puntas de los picos, y las demas herramientas agudas”. Covarrubias Orozco, *Tesoro de la lengua castellana, o española*, 81r.

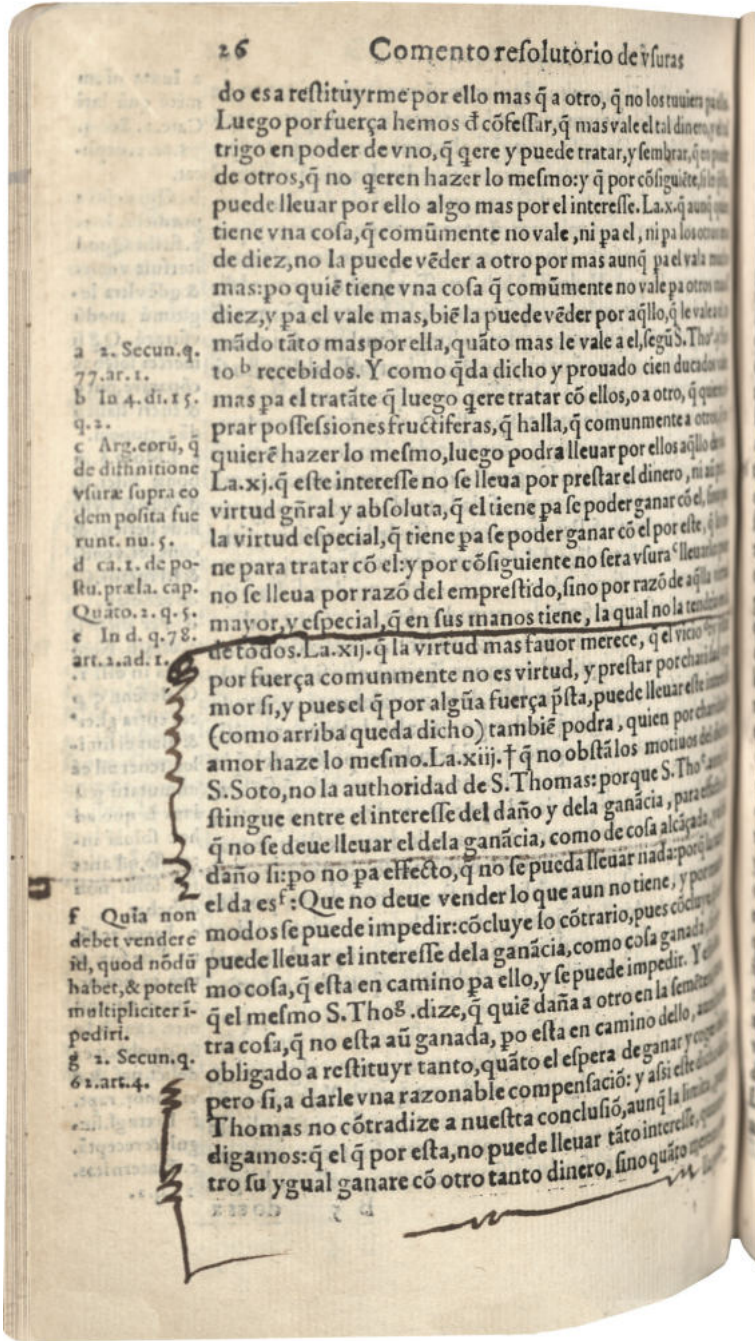


FIGURE 11.8 Multiple annotation styles on page 26 of the Suro's 1556 Comentario resolutorio de usuras

## 5 Annotations, after 1557

The main text of the Sutro's 1557 printing of the *Manual* has annotations on 182 of its pages, but only in the first half of the book: the first marks appear on page 2 and the last on page 367. There is a notable decrease in annotation density as we flip forward, and especially after page 236: pages 1–99 have 74 marked pages (often with multiple marks per page), pages 100–199 have 70, pages 200–299 have 25 (all from pages 200 to 236), and pages 300–367 have 11. Pages 368–797 (797 being the last page) have no annotations.

Formally, the annotations range from neatly-drawn *manicules*, to underlining (one style goes all the way across the page, but another style only underlines half of the page), to marginal sideline squiggles, to “nota” and “notate” and “nota hoc”, to “ojo”, to occasional keywords (“de sup[er]sticione”, “dispensatio”, “heresis”), to very brief glosses in Latin, to a tendency to draw a rectangle around references to Franciscan theologian Duns Scotus (“Scoto”). Pages 14 and 15, for example, include full- and half-page underlining, sidelining, a *manicule*, a keyword (“contrition”, part of that word sadly cut off by a later bookbinder), and a “notate” and “nota totus” (Fig. 11.9). Pages 52 and 53 include *manicules*, full page underlining, sidelining, a “nota hoc”, an example of the name Scoto surrounded by a rectangle, and a short marginal comment in Latin (Fig. 11.10).

Unfortunately, as with the 1556 copy at the Sutro, I was unable to detect a pattern in either the topics annotated overall or the use of particular marks for particular subject matter. In part, this is not a surprise: the (presumably Franciscan) reader(s) marking these pages were probably not going through the *Manual* as part of a focused academic-style research project. Instead, users were more likely reading the book in order to become better ministers and confessors overall, perhaps even thinking ahead to the kinds of issues they might face in a specific social environment. As they were reading, we can imagine them marking topics they thought they might want to consult in the future as part of their overall ministry.<sup>34</sup>

I was also unable to figure out if the marks in this copy are, in general, the result of a single reader or multiple readers, or if they were all added in a short period or over the course of centuries. The fact that the annotations end less than halfway through the volume might be evidence that the marks were all

34 In his contribution to this volume, Pedro M. Guibovich Pérez suggests that Azpilcueta's *Manual* was one of the books priests read in the Andes as part of their general training; the book was also part of the required reading lists for priestly education in Italy. See Prodi, *Settimo non rubare*, 225. In other words, the *Manual's* social life extended far beyond the specific context of its role as a go-to guide for confessional matters.





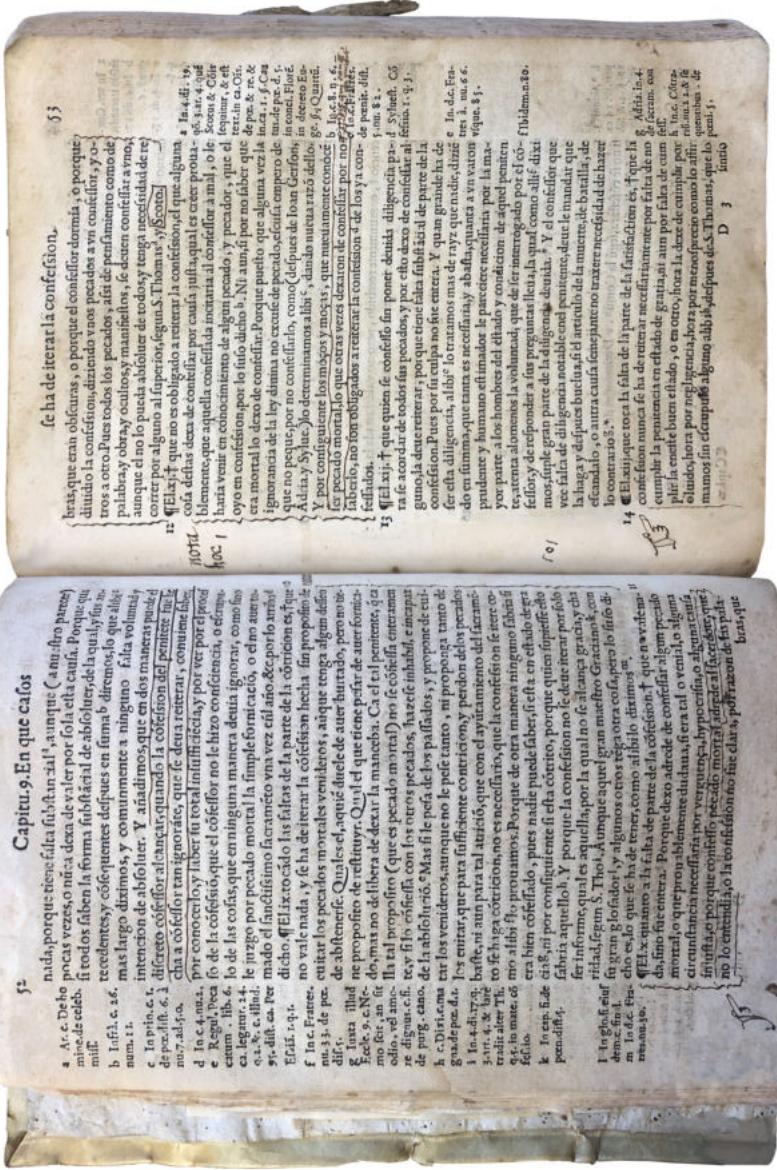


FIGURE II.10 Annotations on pages 52 and 53 of the Sutor's 1557 printing of the Manual

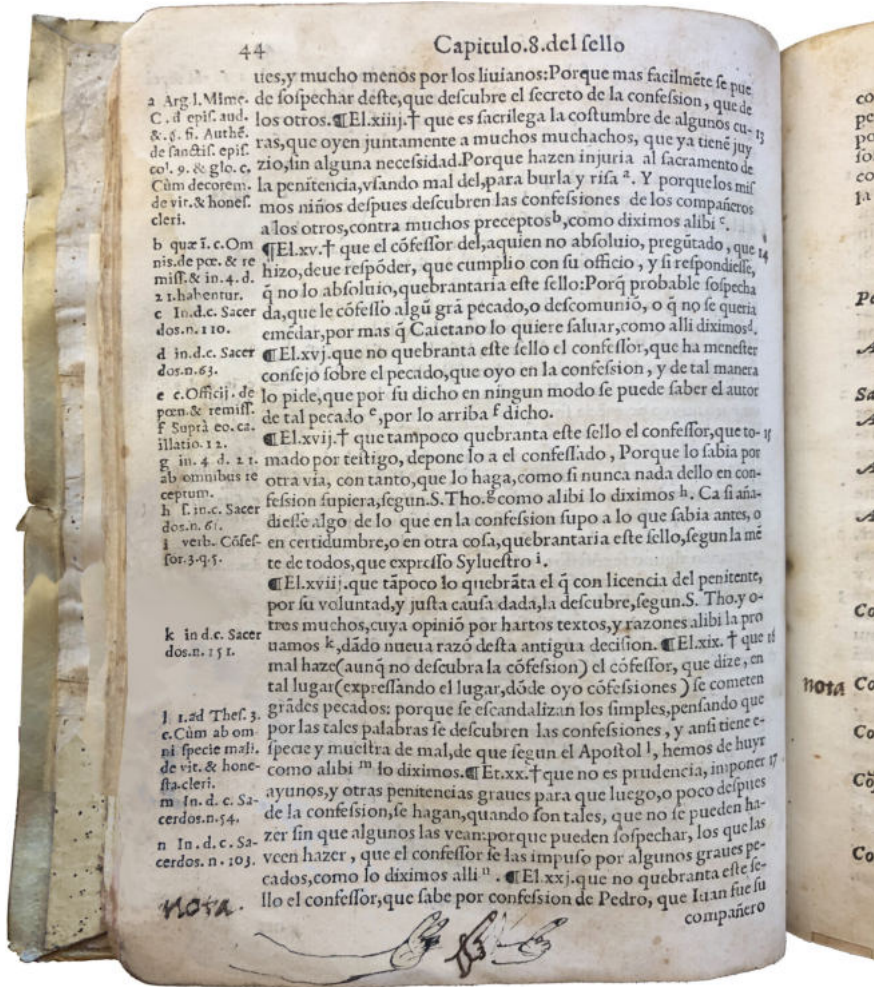


FIGURE 11.11 A model manicule and two attempts at emulation at the bottom of page 44 of the Suro's 1557 printing of the *Manual*

made by a single reader who never finished the book or got tired of marking—but the same bibliographic fatigue could also have plagued multiple generations of the copy's readers, who were again and again unable to get more than halfway through the volume.

On only one page can we see fairly clearly the presence of multiple hands (Fig. 11.11). At the bottom of page 44, a *manicule* has been drawn with confidence in an ink that, in my photo anyway, has a reddish tinge. To either side, however, in a pen with a sharper point and ink with a bluish cast, another reader-writer has tried to draw his own *manicules*, with far less success. The awkward *manicule* on the left has two pointing fingers—why? Is this a pal-

impessted mistake, or was it an attempt to draw the Christian sign of blessing? On the same page, in the left margin, someone has written the word “nota”. Like many other examples of this word in the book, the lines of the letters have subtle squiggles, as if drawn by someone with a shaking hand (Fig. 11.9 and Fig. 11.10). Does this mean the man who drew the *manicule* was different from the man who wrote “nota”—or are we dealing with the same writer who was more confident at drawing than in writing out words?

Also of interest is a composite annotation example from page 176, but here it is unclear whether we are dealing with two different annotators, or simply the same reader who returned to add emphasis to his earlier comment (Fig. 11.12). The first full paragraph on the page has been surrounded by a rectangular outline in a very fine-pointed pen. The outline is broken at the top: it stops and starts around the word “(nota)”, surrounded by parentheses and written with a wider-nibbed pen, in a much darker mix of ink. It seems to be clear that “(nota)” was written first and that the outline was added with a different pen and ink combination at a later point: if the outline had come first, it would not be broken to accommodate the “(nota)”. The encircled paragraph deals with the sin implications when you have sex with your husband’s or wife’s relative, and then request sex (“pidio el debito”) with your actual husband or wife.

## 6 1556 and 1557, Again

As mentioned above, both copies of the *Manual* owned by the Sutro Library were published by the same printer in Salamanca (Portonariis), one year apart. Perhaps as a result, the two copies have more or less the same page layouts, so that (for example) the text on page 99 of the 1556 printing is more or less the same as the text on page 99 of the 1557 printing. This homology makes a comparative study of annotations quite easy. But if comparison is one thing, interpretation, as always, is quite another.

I found about two dozen examples where more or less the same text had been marked by readers of both the 1556 and 1557 printings. But as you will now expect to hear, I could find no thematic connection for these overlaps. Which of course is not surprising: this is hardly a rigorous sample set, with only two examples for which we have no idea how many readers were providing annotations, and over what span of time. Given my own longstanding interest in iconoclasm and sacred violence,<sup>35</sup> I was intrigued that one of the passages flagged in both copies had to do with a person’s culpability when he or she

35 Hamann, “Chronological Pollution”; Hamann, *Bad Christians, New Spains*, 164–196 (chapter 5, “Ruinatio”).



knows they are buying “hot” merchandise robbed from a church or plundered in “unjust” warfare (Fig. 11.13):

From which it follows that ignorance does not exempt from being crass, and uncouth, and dubious the missal or a chalice bought from a soldier, or silver or a silver charger from a page, or a piece of camlet or silk from a half-clothed urchin, or from anyone else that which one can assume has been purloined, or stolen, or taken in unjust war, or that of which one has doubts if it is such, or not, without undertaking due diligence to find out the truth.<sup>36</sup>

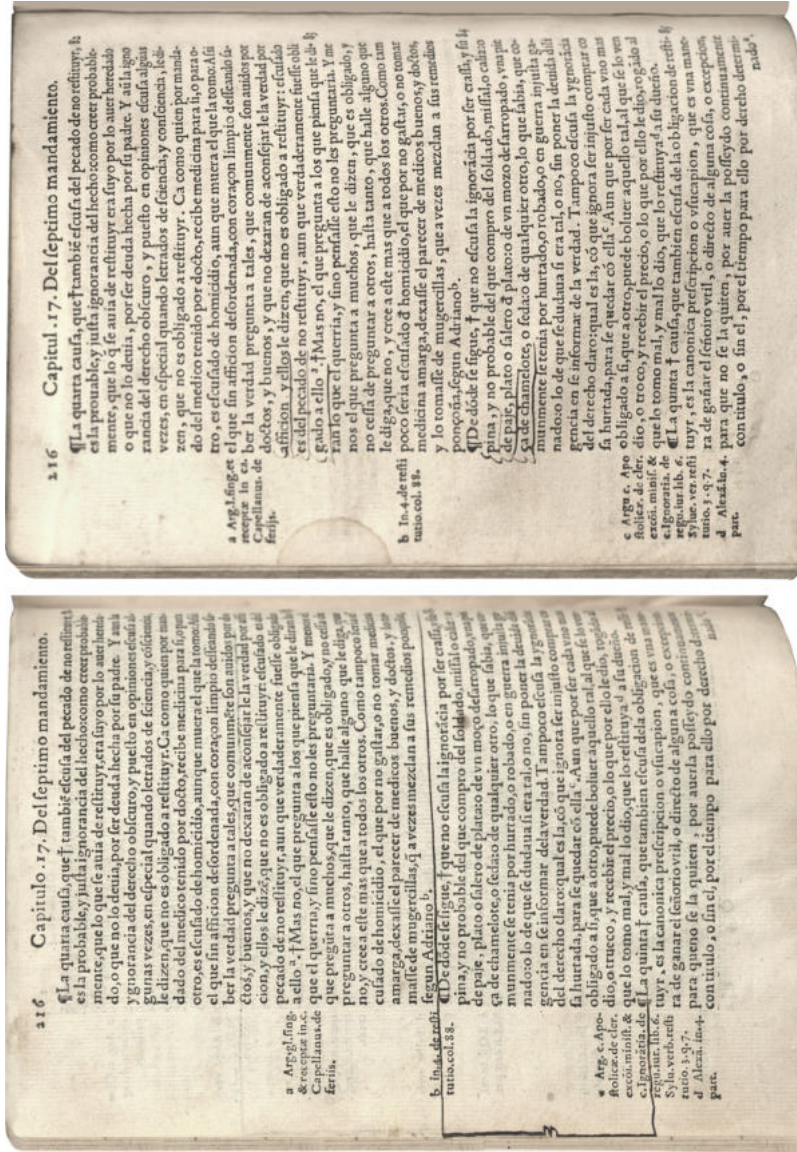
## 7 Postscript: Seville 2022

In August 2022, I was at last able to undertake in-person research for this project, at Seville’s Archivo Histórico Provincial (AHPs).<sup>37</sup> This archive houses the collections of Seville’s various notary offices, whose collective paperwork spans the 15th to the 20th century. Seville had 24 official *Oficios* during these centuries, and in the archive’s web page one can find a series of PDF inventories providing an overview of each office’s surviving documents (with information on shelf mark numbers, numbers of folios, date ranges, and especially notary names—in theory the easiest way to navigate these documents but, as mentioned above, the copied *poder* in Madrid’s notary archive does not include the name of the scribe who prepared that document for Pedro de Salazar in mid-August 1567). A quick survey of these inventories revealed a sobering but unsurprising limitation: five of the notary offices were lacking documents from mid-August 1567.<sup>38</sup> If Salazar had gone to one of those notaries for his paperwork, then I was probably not going to locate a copy of his signature in Seville.

36 “De do[n]de se sigue, + que no escusa la ignora[n]cia por ser crassa, y supina, y no probable del que compro del soldado, missal o caliz: o del paje, plato o salero de plata: o de vn moço desarropado, vna pieça de chamelote, o seda: o de qualquier otro, lo que sabia, que comunmente se tenia por hurtado, o robado, o en guerra injusta ganado: o lo de que se dudaua si era tal, o no, sin poner la deuida diligencia en se informar dela verdad.” Azpilcueta, *Manual de confesores y penitentes*, 216. See also Dybek, “Hot Ice”.

37 For general orientations, see Morell Peguero, *Contribución etnográfica del Archivo de Protocolos*; Hoffman, “The Archivo de Protocolos de Sevilla”.

38 [https://www.juntadeandalucia.es/cultura/archivos/web\\_es/contenido?id=24833b48--274a-11e3-a3a2--000ae4865a5f&idActivo=&idContArch=ca2c9154-fd8c-11dd-9776--00e000a6f9bf&idArchivo=d9f0fiac-58a4--11dd-b44b-31450f5b9dd5](https://www.juntadeandalucia.es/cultura/archivos/web_es/contenido?id=24833b48--274a-11e3-a3a2--000ae4865a5f&idActivo=&idContArch=ca2c9154-fd8c-11dd-9776--00e000a6f9bf&idArchivo=d9f0fiac-58a4--11dd-b44b-31450f5b9dd5).



216 **Capitulo .17. Del septimo mandamiento.**

¶ La quarta causa, que f. tambien escufa del pecado de no restituir, la es la probable y justa ignorancia del hecho como creyó probable- mente, que lo que se auia de restituir era fuyo por lo auer heredado, o que no lo deuia, por ser deuda hecha por su padre. Y a esta ignorancia del derecho obfcuró, y puesto en opinionés escufa algunas vezes, en especial quando letrados de ciencia, y conciencia, le dicen, que no es obligado a restituir. Ca como quien por mandado del medico tenido por docto, recibe medicina para si, u para otro, es escufado de homicidio, aunque muera el que la toma. Así es la verdad pregunta a tales, que comunmente son auidos por doctos, y buenos, y que no dexaran de aconsejar la verdad por escucion, y ellos le dicen, que no es obligado a restituir: escufado es del pecado de no restituir, aun que verdaderamente fuesse obligado a ello. Mas no, el que pregunta a los que piensan que le obligan los que preguntan a muchos, que le dicen, que es obligado, y no escufa de preguntar a otros, hasta tanto, que halle alguno que le diga que no, y crece a este mas que a todos los otros. Como tan poco seria escufado homicidio, el que por no gastar, y no tomar medicina amarga, dexasse el parecer de medicos buenos, y doctos, y lo tomasse de mugercillas, y que a vezes mezclan a sus remedios, segun Adriano.

¶ De donde se sigue, que no escufa la ignorancia por ser causa, y si la pena, y no probable del que compro del soldado, ni si lo calzo de pale, plato o salero de plato: de vn mozo de arropado, que sea de chamelote, o fedazo de qualquier otro, lo que sabia, y comunmente se tenia por hurtado, o robado, o en guerra injuria, quando lo de que se dudaua si era tal, o no, sin poner la diligencia en informarlo de la verdad. Tampoco escufa la ignorancia del derecho claro: qual es la, cõ que ignora fer injuria comprar escufa hurtado, para se quedar cõ ella. Aun que por ser cada vn de ellos obligado a si, que a otro puede boluer aquello tal, al que se le dio, o troco, y recibir el precio, o lo que por ello le dio, rogado que lo como mal, y mal lo dio, que lo restituia a su dueño.

¶ La quinta causa, que tambien escufa de la obligacion de restituir, es la canonica prescripcion, o vtioccupation, que es vna manera de ganar el señorio vñ, o derecho de alguna cosa, o excepción para que no se la quiten, por auer la poseydo continuamente con titulo, o sin el, por el tiempo para ello por derecho determinado.

216 **Capitulo .17. Del septimo mandamiento.**

¶ La quarta causa, que f. tambien escufa del pecado de no restituirla es la probable y justa ignorancia del hecho como creyó probable- mente, que lo que se auia de restituir era fuyo por lo auer heredado, o que no lo deuia, por ser deuda hecha por su padre. Y a esta ignorancia del derecho obfcuró, y puesto en opinionés escufa algunas vezes, en especial quando letrados de ciencia, y conciencia, le dicen, que no es obligado a restituir. Ca como quien por mandado del medico tenido por docto, recibe medicina para si, u para otro, es escufado de homicidio, aunque muera el que la toma. Así es la verdad pregunta a tales, que comunmente son auidos por doctos, y buenos, y que no dexaran de aconsejar la verdad por escucion, y ellos le dicen, que no es obligado a restituir: escufado es del pecado de no restituir, aun que verdaderamente fuesse obligado a ello. Mas no, el que pregunta a los que piensan que le obligan los que preguntan a muchos, que le dicen, que es obligado, y no escufa de preguntar a otros, hasta tanto, que halle alguno que le diga que no, y crece a este mas que a todos los otros. Como tampoco seria escufado de homicidio, el que por no gastar, y no tomar medicina amarga, dexasse el parecer de medicos buenos, y doctos, y lo tomasse de mugercillas, y a vezes mezclan a sus remedios, segun Adriano.

¶ De donde se sigue, que no escufa la ignorancia por ser causa, y si la pena, y no probable del que compro del soldado, ni si lo calzo de pale, plato o salero de plato: de vn mozo de arropado, que sea de chamelote, o fedazo de qualquier otro, lo que sabia, y comunmente se tenia por hurtado, o robado, o en guerra injuria, quando lo de que se dudaua si era tal, o no, sin poner la diligencia en informarlo de la verdad. Tampoco escufa la ignorancia del derecho claro: qual es la, cõ que ignora fer injuria comprar escufa hurtado, para se quedar cõ ella. Aun que por ser cada vn de ellos obligado a si, que a otro puede boluer aquello tal, al que se le dio, o troco, y recibir el precio, o lo que por ello le dio, rogado que lo como mal, y mal lo dio, que lo restituia a su dueño.

¶ La quinta causa, que tambien escufa de la obligacion de restituir, es la canonica prescripcion, o vtioccupation, que es vna manera de ganar el señorio vñ, o derecho de alguna cosa, o excepción para que no se la quiten, por auerla poseydo continuamente con titulo, o sin el, por el tiempo para ello por derecho determinado.

FIGURE 11.13 Parallel annotations on page 216 in the Sueto's 1556 (left) and 1557 (right) printings of the *Manual*

After this initial survey of archival holdings, my next step was to turn to a second collection of PDFs in the AHPS website: the guides to existing *índices*.<sup>39</sup> It was quite common in early modernity for notaries to prepare their own year-by-year, alphabetic-by-first-name indices of the clients named in the massive volumes of paperwork generated by their offices. Eleven of the notary offices had indices for their volumes from mid-1567. Two of these were scanned and available online as PDFs; seven had been digitally photographed but their contents were only available on the computers in the AHPS reading room; and two of the existing indices for mid-1567 were still only available on paper. I worked through these various sources, and found a handful of ‘Pedro de Salazar’ references. Physical consultation of the volumes in question, however, revealed that none of these guys was from Madrid (although their own histories were fascinating, such as the Triana brick merchant, *caudalero de ladrillos*, in AHPS *Protocolos notariales* 1559).

Index-leads exhausted, I then began my final stage of research: going through the unindexed volumes of documents page by page, searching document signatures for Pedro de Salazar (and also keeping my eyes open for Simón Gutierrez and Melchor Díaz de Herrera, who were named as witnesses in the document copy housed in Madrid). This, I have to say, was the most difficult phase of my document hunt: very time consuming, with no guarantee of success, and also overshadowed by what-ifs. What if Salazar’s *poder* had been stored in one of the lost volumes of 1567? Or, even worse, what if the indices that I had consulted contained errors, and had neglected to indicate the presence of a Salazar document? Or what if, in my physical page to page survey, I had accidentally flipped two pages at once, thus unintentionally bypassing the document I was looking for?

Fortunately, several hours into the working day of the first Monday of September, I began to page through *Oficio* 8’s volume 5381. Although supposedly filled with documents from 31 May 1567 to 17 September 1567, the first sub-folder was actually filled with documents from January to May 1568—yet another archival irregularity (misfiling) that could be lurking in the background of my search. I then turned to the second quire of documents and felt a shock: most of them were signed not only by notary Francisco Díaz, but also by Simón Guerrero and Melchor Díaz de Herrera, the witnesses who were named in the Madrid copy of Salazar’s *poder*. I continued to turn pages in a state of tension—and then, in the quire labelled 27, on folio 806 recto, a document

39 [https://www.juntadeandalucia.es/cultura/archivos/web\\_es/contenido?id=3dded1de-274b-11e3-a3a2-000ae4865a5f&idActivo=&idContArch=ca2c9154-fd8c-11dd-9776-00e000a6f9bf&idArchivo=d9f0fiac-58a4-11dd-b44b-31450f5b9dd5](https://www.juntadeandalucia.es/cultura/archivos/web_es/contenido?id=3dded1de-274b-11e3-a3a2-000ae4865a5f&idActivo=&idContArch=ca2c9154-fd8c-11dd-9776-00e000a6f9bf&idArchivo=d9f0fiac-58a4-11dd-b44b-31450f5b9dd5).

began with these lines: “Sepan quanto esta c[arta] vieren como yo pedro de salazar v[ecin]o de la villa de madrid estante al p[r]esente en esta cibdad de sevilla ...” The document spanned three pages: in the middle of folio 807 recto was the signature I had been looking for: “p<sup>o</sup> de salazar” (Fig. 11.14).<sup>40</sup>

But it was not, unfortunately, a match for the signatures in the copies of the *Manual* now in San Francisco and Madrid. There was no ligature connecting the “p” of Pedro to its superscripted “o”. The “s” of Salazar was squat and compressed; the “l” was written as a loop, not an open curve; the tail of the “z” plunged deep into the space below. The signature ended with an irregular *rúbrica*, instead of beginning (as did the *Manual* examples) with a neatly geometric quatrefoil. So it seems that the owner of my target copies of the *Manual* was not the famous historian after all.

If future researchers come across more books bearing the owner-signature you can see in Figures 11.2 and 11.3, we might be able to learn more about this currently elusive bibliophile.

But was he really a bibliophile? Or just a serial-purchaser of Azpilcueta?

## 8 Post-Postscript: Trent / Rome / Simancas / Salamanca 2023

As we were reviewing the proofs of this volume, yet another Pedro de Salazar emerged as candidate for signing parallel pages in the 1556 and 1557 copies of the *Manual* now in San Francisco and Madrid. Like the titular document of Edgar Allan Poe’s 1844 “The Purloined Letter” (not incidentally, a pioneering work in the history of the detective story!), this Pedro de Salazar had been in plain sight all along: in Manuela Bragagnolo’s chapter 2, and Natalia Maillard Álvarez’s chapter 4. From Bragagnolo, we learn that this Salamanca *vecino* was entrusted by Azpilcueta to sell his *Manual* in the mid-1550s. From Maillard Álvarez, we learn how Salazar also bought 463 books for Azpilcueta in 1558. Following these leads, my first stop was with the documentary traces of this Salamancan merchant in the Archivo de la Real Chancillería de Valladolid, documents scanned and online at the Portal de Archivos Españoles (PARES). Unfortunately, that *ejecutoria* is a mere summary (the main procedural paperwork, as for most of Valladolid’s *pleitos criminales*, was mass-trashed in the 19th century) and so had no Salazar signature. I then emailed the Archivo General de Simancas, to see if I would have better luck with the documents referenced by Maillard Álvarez (AGS Cámara de Castilla leg. 375 número 52).

40 AHPS Protocolos notariales 5381, folios 806<sup>r</sup>–807<sup>r</sup>.



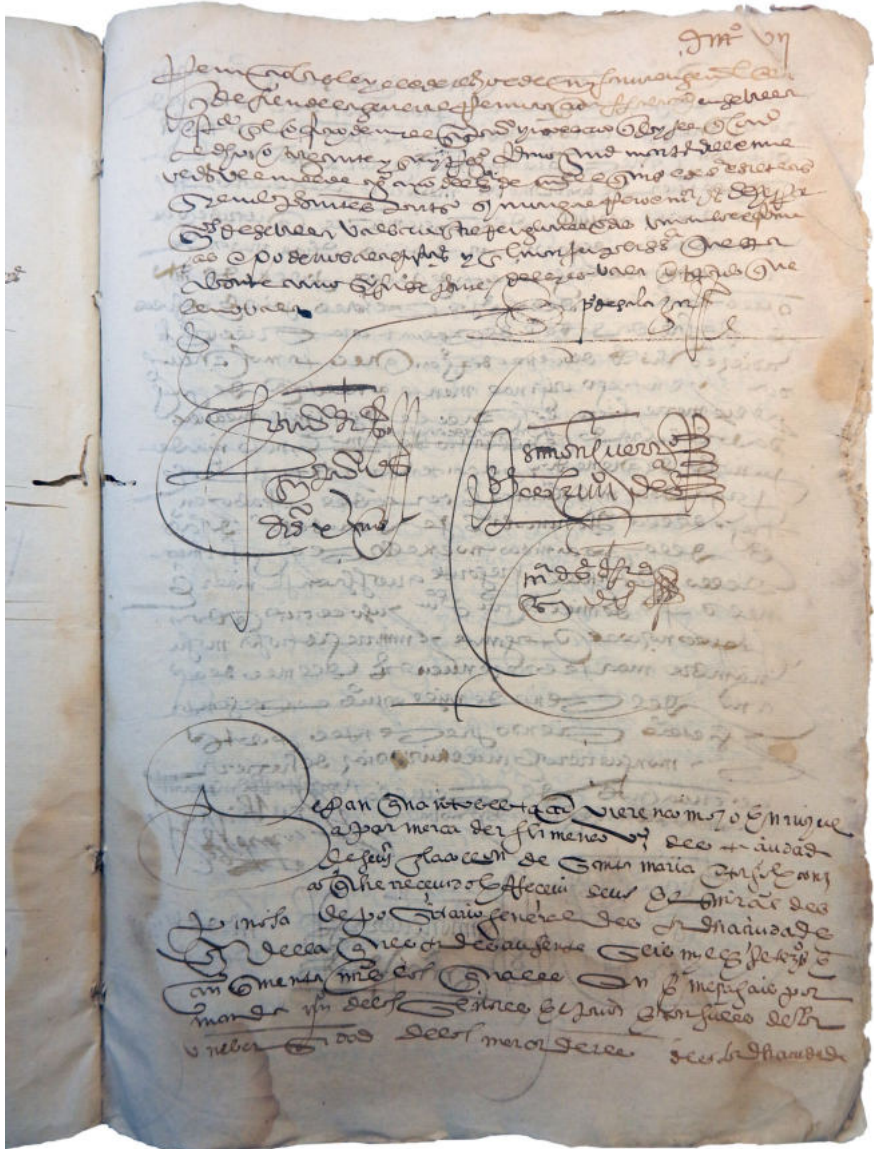


FIGURE 11.14 Ten lines down from the top of the page: Madrid-based historian Pedro de Salazar's signature in AHPs Protocolos notariales 5381, folio 807<sup>v</sup>

Archivist Carlos Infantes Buil wrote back, and unfortunately the only signature in the document was that of the notary. Finally, I emailed the Archivo Histórico Provincial de Salamanca, asking if they had any *protocolos notariales* from the 1550s. Director Cristina Vicente López and archivist Miguel Ángel Martínez Lozano emailed back. They had gone ahead and reviewed the seven volumes of notary documents from 1550. One of them (AHPSa Protocolos Notariales PN 3650) contained a *poder* signed by bookseller Pedro de Salazar. His signature matched the ones in San Francisco and Madrid. Success! Having now connected book signatures to bookseller, more questions emerge. Did Salazar sign 1556 and 1557 copies of the *Manual* because they formed part of his personal library? Or—as suggested to me by Manuela Bragagnolo—did he sign those books because he was an authorized *seller* of Azpilcueta's publications, and so used his signature to assure buyers that they were acquiring fully legal copies?

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# Doctor Navarro in the Americas: The Circulation and Use of Martín de Azpilcueta's Work in Early-Modern Mexico

*David Rex Galindo*

## Abstract

This chapter analyses the use and circulation of some theological and canonical ideas from Martín de Azpilcueta's (1492–1586) opus in New Spain during the first century after the fall of the Nahua capital Mexico-Tenochtitlan in 1521. I aim to assess Azpilcueta's relevance in creating knowledge in 16th-century Mexico. To do so, I have tracked his main work—*Manual de confesores y penitentes*, and its Latin translation *Enchiridion sive Manuale confessoriorum*—in Franciscan library inventories and confessional texts produced in Mexico. My emphasis is placed on the 1585 *Directorio para confesores* and works by late 16th-century Franciscan friars like Fray Juan de la Concepción and Fray Juan Bautista de Viseo. By scrutinising Azpilcueta in these texts, I want to show that Dr. Navarrus, as he was also known, was effectively present in local libraries in colonial Mexico, as well as hypothesise the use of his works by those who prepared their confessional handbooks. Because these confessional texts addressed behavioural conducts within Indigenous and Hispanic peoples, Azpilcueta, even if indirectly, contributed to the constitution of normative orders within the colonial regime. I thus conclude that Dr. Navarrus' theological and canonical knowledge left a normative imprint in 16th- and early 17th-century New Spain.

## Keywords

Martín de Azpilcueta – Franciscans – Early Mexico – Legal History – Evangelisation – Moral Theology

## 1 Introduction

During the Third Mexican Provincial Council of 1585, New Spain's ecclesiastical authorities formulated the canonical framework to guide clerics in their evan-

gical duties among Indigenous peoples and the Hispanic population. Adapting local rules to the Council of Trent (1545–1563), the 1585 Mexican Council produced legislation, such as decrees and handbooks, to reform the Church and offer new tools for the evangelical ministry. For almost a century, Catholic missionaries from various religious orders had attempted to convert local Indigenous communities in the Americas into their version of Catholicism. By the end of the 16th century, the Catholic Church faced uneven evangelical results in New Spain, seasoned by Indigenous resistance, jurisdictional conflicts within and with civil authorities, and the perception of an untrained priesthood. Aligned with Catholic reformation's concerns, the 1585 Mexican Provincial Council addressed clerical preparation and emphasised the mandate to reform the lives of Indigenous peoples and Hispanics. Those who gathered at the Council ordered Catholic priests to rely on theological treatises and confession handbooks to achieve their goals, stressing the value of Martín de Azpilcueta's works. The *Directorio para confesores* was one of the Council's resulting texts to aid priests, and its author advocated relying on Dr. Navarrus, Azpilcueta's nickname.<sup>1</sup>

Likely authored by the Jesuit Juan de la Plaza, the 1585 Council's *Directorio* compiled informative material on moral, socioeconomic, and canonical cases to guide priests during the administration of the sacraments, particularly confession. Enforcing Trent, confession became mandatory at least once a year, specifically during Lent, and a crucial step in the path towards eternal salvation. In a Tridentine manner, the *Directorio* aimed to improve the clerical career and edify the Indigenous communities in their path to Catholicism and Hispanicisation. The *Directorio* suggested that confessors thoroughly study Azpilcueta's Spanish *Manual de confesores y penitentes* (*Manual for confessors and penitents*) and its Latin version, *Enchiridion sive Manuale confessoriorum et poenitentium* (*Handbook or Manual for confessors and penitents*), because these texts were the most comprehensive in topics relating to the sacraments, cases of conscience, and the application of ecclesiastical penalties (*censuras eclesiásticas*). While the *Directorio* remained in manuscript form, limiting its circulation, Azpilcueta's printed *Manual* and *Enchiridion* circulated in New Spain and the Hispanic World.<sup>2</sup>

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- 1 For studies of the Third Provincial Mexican Council, with primary sources and essays, see Martínez López-Cano (Coord.), *Concilios Provinciales mexicanos*, and Martínez López-Cano and Cervantes Bello (Coords), *Los Concilios provinciales en Nueva España*; and for a study of sources used to write the decrees of the Third Provincial Mexican Council, see Galindo Bustos, *Estudio del Aparato de Fuentes*. In English, see the classic work by Poole, "Opposition to the Third Mexican Council", 111–159, and, more recently, *The Directory for Confessors, 1585*, Trans. and ed. Poole; and Moutin, "Producing Pragmatic Literature", 282–295.
  - 2 I have used the transcription of the *Directorio* in "Directorio del Santo Concilio Provincial

We should not judge the *Directorio's* call to the attention of Azpilcueta's works as an overstatement. Iberian global expansion and the incorporation of Indigenous peoples brought challenges to the establishment of Iberian dominion over the Americas and Asia in the late 15th century and throughout the 16th century. Iberian monarchs turned to clerics, bureaucrats, Iberian subjects, and soldiers to mould the landscapes and their inhabitants into European mindsets. Even if the project did not wholly succeed, Iberians aimed to create new loyal Catholic subjects among the Indigenous populations and instil new ways of life appropriate to European tastes, including new norms. This creation of adequate normative regulations was in line with the processes of acculturation and domination, within which the Spanish Crown relied on jurists, canonists, and theologians who brought and adapted their normative knowledge to local circumstances. In processes of epistemological transformation and circulation of ideas, local actors turned to local savants as well as reputed European jurists, canonists, and theologians like Azpilcueta. Scholars have praised Dr. Navarrus as the most relevant canonist of his times, an influential scholar in various disciplines, such as canon law, contractual law, and moral theology. As Manuela Bragagnolo reminds us, Azpilcueta was an "iuris monarcha"—a living canonical and theological library—whose influence extended beyond European intellectual circles.<sup>3</sup> Thus, this chapter aims to approach the circulation and use of Azpilcueta's ideas in New Spain, particularly his contributions to New Spain's confessional and normative cultures.

Scholars have already suggested the relevance of Azpilcueta's work in the Ibero-American World. For instance, Osvaldo Pardo, in his study on the theological and canonical underpinnings behind the establishment of juridical norms and regulations in early Mexico, has pointed out that Azpilcueta, like other canonists and theologians, such as Fray Manuel Rodríguez and Juan de Medina, played critical roles in the transmission of normative knowledge between the religious orders and local communities in 16th-century New Spain. Pardo even points out that Azpilcueta's 1572 *Tratado de alabanza y murmuración*, which deals with the sins of the tongue, was translated into Nahuatl.<sup>4</sup> In Peru, theologian Alonso de la Peña Montenegro cited Dr. Navarrus 35 times

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Mexicano", with the *Directorio's* reference to Azpilcueta's *Manual* in Latin and Castilian on p. 57. The *Directorio* refers to "La suma de Navarro en latín o en romance", which by 1585 could only mean his *Manual* and *Enchiridion*. Throughout this essay, I have used Azpilcueta's 1568 *Manual de confesores*.

3 Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 187.

4 Pardo, *Honor and Personhood*, *passim*. Pardo unfortunately does not provide his source for the Nahuatl translation of Azpilcueta's *Tratado de alabanza y murmuración*, on p. 156, n. 130. See also Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 188.



in his 1668 blockbuster *Itinerario para párrocos de indios*, a treatise to help priests and missionaries in their daily evangelical interactions with Indigenous peoples.<sup>5</sup>

The chapters in this volume further attest to the circulation of Azpilcueta's works in colonial libraries in Spanish America, including in private libraries beyond ecclesiastical institutions.<sup>6</sup> As part of this volume, this chapter empirically unveils Azpilcueta's contribution to the epistemic transformations of the expanding Iberian empires. As a case study, I concentrate on the use and circulation of some theological and canonical ideas brewed by Azpilcueta in New Spain during the first century after the fall of the Nahua capital Mexico-Tenochtitlan in 1521.

This chapter assesses how relevant Dr. Navarrus was to the circulation and creation of knowledge in 16th-century Mexico. Thus, it attempts to answer the following questions: was Azpilcueta as renowned in viceregal Mexico as in Europe? Can we trace his works in local libraries and texts and confirm their use in constructing new normative regimes? More specifically, did the authors rely on him to create new religious norms for New Spain's Hispanic and Indigenous populations?

To investigate the circulation and use of Azpilcueta's works in early Mexico, I tracked his opus in Franciscan library inventories and confessional texts produced in Mexico. My emphasis is placed on the 1585 *Directorio para confesores* and works by late 16th-century Franciscan friars like Fray Juan de la Concepción and Fray Juan Bautista de Viseo. By scrutinising Azpilcueta in these texts, I want to show that he was effectively present in local libraries in colonial Mexico and that his works, particularly his *Manual de confesores y penitentes* and *Enchiridion sive Manuale confessoriorum*, were consulted by those who prepared their confessional handbooks.<sup>7</sup> These handbooks for confession and similar texts, aimed at supporting the evangelical ministry, constituted major sources to guide the lives of Catholics and, thus, had a normative character when the Catholic Church was implementing the Tridentine reforms.<sup>8</sup>

5 Baciero, "La obra y sus fuentes", 65.

6 See particularly the chapters in this volume by Pedro M. Guibovich Pérez, Pedro Rueda Ramírez, and Idalia García (Chapters 7, 8 and 9).

7 Hence, this chapter further supports arguments by García that libraries in New Spain kept copies of Azpilcueta's works. See her chapter in this volume (Chapter 9).

8 Manuela Bragagnolo illustrates how the various versions of the *Manual* incorporated the changes brought by the Council of Trent, see Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 199, 203–204, 218–219.

It is necessary to pinpoint the normative value of confessional texts and the Catholic sacrament of confession. Scholars have recently debated the role of catechetical and confessional texts in the constitution of normative orders in the early-modern Spanish empire. With European expansion and the incorporation of Indigenous peoples as royal Catholic subjects, catechetical and confessional texts—scholars argue—became pillars of imperial normative knowledge addressing a variety of customs, beliefs, norms, and worldviews from local and imperial actors. In this early modern milieu, with orality and the printed press playing their relevant roles in expanding ideas, missionaries used confession guides, catechisms, and sermons to show Indigenous peoples obedience to the representatives of the Catholic Church and royal authorities. These evangelising texts further instructed Native peoples on the secular and ecclesiastical normative ethos. Franciscans stood out in this printed and oral culture that boosted the establishment of normativities. Catholic priests turned to confession to regulate the *forum internum* or the *forum conscientiae*—that is to say, address the sinful thoughts and behaviours of Catholics within their Catholic societies—and hence establish social and moral rules through an intimate, moral tribunal of conscience set between confessor and the confessing subject in which the Catholic god becomes the ultimate judge. Moral theology and the casuistry of cases of conscience—the resources that regulated the *forum internum*—offered a normative regulatory apparatus in the late medieval and early modern periods. As the authors in Thomas Duve and Otto Danwerth's *Knowledge of the Pragmatici* illustrate, Catholics relied on canon law and moral theology to produce confessional and catechetical knowledge. Thus, both fields became a relevant backdrop of normative power in the Spanish empire from the 16th century.<sup>9</sup>

## 2 Normative Knowledge and the Mexican Provincial Councils

With this in mind, why and how would Azpilcueta contribute to the normative climate of viceregal New Spain? Perhaps the Mexican Provincial Councils' decrees and documents could give us a hint. Ecclesiastical authorities in New Spain had gathered in 1555, 1565, and 1585 to regulate the laws that governed New Spain's Catholic Church and eventually introduce the Tridentine reforms into the Mexican Church. Early on, clerics understood the need to train the

9 See the essays in *Knowledge of the Pragmatici*, ed. Duve and Danwerth, particularly Duve, "Pragmatic Normative Literature", 1–39. See also, Traslosheros, *Historia judicial eclesiástica de la Nueva España*, 30–33; and Pardo, *Honor and Personhood*, 7.

priesthood who ministered to the recent converts and the Hispanic population. Confession, the moral tribunal of conscience, was pivotal, and cases of conscience gave students of the priesthood examples to rely on during confession. Hence, the 1555 First Mexican Provincial Council, which set the first local legislation, ordered candidates of the priesthood to keep books on cases of conscience, such as Sylvester Mazzolini da Prierio's *Summa summarum que Sylvestrina dicitur*, commonly known as *Summa Sylvestrina*, Thomas Cajetan's [*Su*]mmula *Caietana reuer[endi]ssimi domini*, or simply *Summa Caietana*, Angelo Carletti di Chivasso's *Summa angelica de casibus conscientiae*, Guido de Monte Rochen's *Manipulus Curatorum*, and Antoninus of Florence's *Confessionale—Defecerunt*.<sup>10</sup> These were classic works of moral casuistry that circulated extensively in 16th-century Europe. The 1565 Second Mexican Provincial Council, celebrated under the Dominican archbishop Fray Alonso de Montúfar, added Dr. Navarrus' "Summa" or *Manual* to that list.<sup>11</sup> *Summae* or compilations of moral cases were necessary for the training of late medieval priests, and the printing press transformed a manuscript culture into one of massive production of editions. For instance, at least 60 editions of Monte Rocherri's 1300s *Manipulus Curatorum* were published by 1500, showing the popularity of this genre among literate people.<sup>12</sup>

Spanish authorities in the field were aware of the relevance of religious literature and supported its publication. Fray Juan de Zumárraga, the first archbishop of Mexico, authored, edited, and sponsored early catechetical works, published in the late 1530s and 1540s, with the arrival of the first printing press

10 These were popular theological treatises that went through multiple editions throughout the late medieval period and the early 16th century, see Tentler, "The Summa for Confessors", 103–137. Tentler cites some editions of the *summae* in his chapter, including the *Summa Angelica de casibus conscientiae*, the *Summa Sylvestrina*, the *Summa Caietana*, and the *Confessionale—Defecerunt*. I have included complete references in the bibliography section.

11 The decrees of both First and Second Provincial Councils were published in 1769 in Lorenzana y Buitron, *Concilios provinciales primero, y segundo*. For the reference to the First Provincial Mexican Council of 1555, see Lorenzana y Buitron, *Concilios provinciales primero, y Segundo*, 110. For the reference to the Second Provincial Mexican Council of 1565, see Lorenzana y Buitron, *Concilios provinciales primero, y Segundo*, 198–199. This latter reference is in Pardo, *The Origins of Mexican Catholicism*, 197, n. 6. In this essay, documents referring to Dr. Navarrus' "Summa" or "Suma" refer to his *Manual de confesores y penitentes*. On the use of "Summa" or "Suma" in book inventory citations to refer to the various editions of Azpilcueta's *Manual* see Pedro Rueda Ramírez's contribution in this volume (Chapter 8).

12 Plumed Allueva, "El Manipulus Curatorium, 'Summa'", 101–107.

in 1539.<sup>13</sup> The circulation of Azpilcueta's work also benefitted from the printing press revolution, which launched his *Manual* into the bestseller list. Citing Emilio Dunoyer, Manuela Bragagnolo, in her recent essay on Dr. Navarrus, pointed out that between 1549 and 1625, there were at least 173 editions of his *Manual* and the *Compendia* in Portuguese, Latin, Italian, and Spanish. Afterwards, printers seem to have lost interest in further editions, perhaps because of the widespread availability of his work, which made the book less profitable, or because of changing consumer tastes.<sup>14</sup> In any case, Pedro Rueda Ramírez's chapter in this volume shows that inventories from ships bound to the Americas listed 182 book titles by Azpilcueta, with a drastic decrease in shipments after 1611 and, according to his study, the complete absence of Azpilcueta's books shipped after 1650. Of the total amount, inventories from ships bound to New Spain listed 106 book titles by Azpilcueta (almost 60%), partly because of Mexican religious authorities' acquisition power and their connections to the transatlantic book trade.<sup>15</sup>

Most printed and manuscript books produced and circulated in 16th-century Mexico were religious texts. Since the arrival of the first Franciscans to New Spain in the early 1520s, through the end of the colonial period, Spanish expansion in the Americas and Asia rested on military and religious grounds—Catholic missionaries' campaigns of indoctrination would catalyse the book market of religious and spiritual works. However, few printed confession handbooks were available throughout the 16th century, making syncretical works more necessary to teach Indigenous peoples about Catholicism and a loyal Hispanic way of life.<sup>16</sup> Bragagnolo shows that Azpilcueta distilled the material necessary to guide non-Christians and Catholics alike. He was aware of the nature of evangelisation in foreign lands and the challenges priests and confessors faced in the distant territories under Iberian rule.<sup>17</sup>

Clerical authorities in New Spain needed tools to prepare their fellow priests to minister to a population of recently conquered non-Christian subjects. Since their arrival in New Spain in the early 1520s, clerical authorities prepared their ecclesiastical brethren for missionary tasks. The Council of Trent (1545–1563)

13 See the classic work by Zulaica Garate, *Los franciscanos y la imprenta en México*, 20–59.

14 Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 187.

15 For the total number of titles by Azpilcueta sent to the Americas, see Pedro Rueda Ramírez's chapter in this volume (Chapter 8).

16 García Icazbalceta, *Bibliografía mexicana del siglo XVI*; and Garone Gravier, *Libros e imprenta en México en el siglo XVI*.

17 As Bragagnolo points out, Dr. Navarrus was connected to the Jesuits in Brazil, including his nephew Juan de Azpilcueta, see Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 196.

and its American provincial counterparts enforced the training and discipline of ecclesiastics.<sup>18</sup> The 1585 Third Mexican Provincial Council's *Directorio* embraced concerns over how the clergy should administer penance among Christians and recently-converted populations in New Spain. In line with Church councils, it offered basic moral principles and ideas for the training of clerics. The *Directorio*, in plain language, distilled previous knowledge on confession and was meant to serve as the model to those in charge of the moral guidance of Catholics in New Spain. It aimed to guide clerics in their profession—including the administration of sacraments, cases of conscience, and ecclesiastical penalties—as well as how priests should live. Even if it was never published nor circulated widely, it offers a window to help us grasp the intellectual environment of those who participated in drafting the resulting conciliar documents.<sup>19</sup>

### 3 The Third Mexican Provincial Council's *Directorio* (1585)

The *Directorio* recommended the availability of specific works to those who might have needed them: confessors. Nevertheless, the text presumed that confessors had a comprehensive knowledge of the administration of confessions. Only when confronted with complex and dubious cases, should confessors study each situation thoroughly from the principal authorities and their compilations of cases of conscience. Surprisingly, none of the locally produced works on confession were mentioned in the *Directorio*. The *Directorio*'s list of works was clear: Dr. Navarrus' handbooks, in addition to the *Summae* of notorious theologians—such as Cajetan, Sylvester, and Bartolomeo Fumo—Fray Bartolomé de Medina's *Breue instruction*, Fray Pedro de Soto's *tractatus de institutione sacerdotum* [*Tractatus de institutione sacerdotum*], Fray Diego [Domingo] de Soto's *De iustitia et iure*, Fray Bartolomé de Ledesma's *De septem nouae legis sacramentis summarium*, among others that could bring clarity to confessors and penitents alike.<sup>20</sup> All these were theological treatises and *com-*

18 For the application of Trent in the viceroyalty of Peru and the circulation of ideas between Rome and South America, see López Lamerain, "Translating Canon Law into Local Reality", 47–58; and López Lamerain, "El Concilio de Trento y Sudamérica", 15–32.

19 For a good introduction to the *Directorio*, see Poole, "El Directorio para confesores del Tercer Concilio Provincial Mexicano", 109–124.

20 "Directorio del Santo Concilio Provincial Mexicano", 124. The "Directorio" suggests using both Azpilcueta's Latin and Spanish versions of his *Manual*, but the text only cites the Spanish one. The text misspelled Domingo as Diego, and it misspells de Soto's *tractatus*

*pendia* of cases of conscience that widely circulated among specialised readers in 16th- and 17th-century Europe.<sup>21</sup>

Among these authors, the *Directorio* expressly turned to Azpilcueta's work regarding specific issues, although, as mentioned above, its text was written with a more casual language than Dr. Navarrus' *Manual*. The text mentioned Dr. Navarrus seven times and, in five instances, offered clear citations to two situations faced by confessors. Firstly, it showed the relevance of Azpilcueta's *Manual* to restitution, the act of restoring or compensating for wrongdoings. The *Directorio* defined restitution as payment of what is owed, that is, the sinner reinstates wrongly taken possessions back into the other's property, an oversimplification of Azpilcueta's profuse explanations.<sup>22</sup> As Nils Jansen points out, transgressions had to be compensated or restituted (*restitutio*) through confession and the determination of actual compensatory measures, thus restoring justice in the private confession (*forum internum*) through the tribunal of conscience (*forum conscientiae*), a non-state legal system parallel to the achievement of justice through juridical procedures in external civil and ecclesiastical courts (*forum externum*). Jansen asserts that in sixteenth-century Spain, the doctrine of restitution rested on the belief that sinners should admit and restore wrongdoings, whether ill-gotten tangible and intangible things, to their righteous owners in order to achieve forgiveness during confession. He points out that "the redemption of sins required the sinner to return all property taken or received from another man and to make good all damage for which he was responsible". Restitution could be achieved by acknowledging economic liability and moral and legal responsibilities for material or moral damages caused to a person and subsequent compensation. Thus, any violation of justice had to be restored by employing compensation (*restitutio*) in the *forum internum*, as part of non-contractual and non-state legal obligations. In other words, one had to replace what he or she had illegally and immorally taken from another person. Restitution thus implied a sincere return of material things, such as stolen property, as well as moral, intangible ones, such as honour and reputation.<sup>23</sup> Azpilcueta, following Saint Augustine, pointed out

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*de institutione as de instrutione*. I have included complete references of these works in the bibliography section.

- 21 For the Iberian world, see Palomo, "Misioneros, libros y cultura escrita", 131–150; Palomo, "Written Empires", 1–8; and Danwerth, "The Circulation of Pragmatic Normative Literature", 89–130.
- 22 "Directorio del Santo Concilio Provincial Mexicano", 46: "Pagar lo que se debe, y llamarse restitución quia iterum statuit alterum in rei suae possessionem."
- 23 My understanding of restitution draws on Azpilcueta, *Manual de confesores*, Ch. 17, nums. 6–11, 111–112; and Jansen, "Restitution", 448–471, quote is on p. 448.

that “whoever has something belonging to another against the will of its owner, is obliged to make a restitution of it”.<sup>24</sup>

Acknowledging the complex instances in which penitents need to retribute, the *Directorio* suggested confessors carefully study each case, highlighting the value of Azpilcueta’s Latin and Spanish confessional guides above other works for approaching sacraments, cases of conscience, and ecclesiastical penalties (*censuras eclesiásticas*).<sup>25</sup> Building on such manuals and focusing on restitution, yet with a more straightforward, plain language, devoided of Latinisms and canonical jargon, the *Directorio* recommended what confessors should mandate as restitution in homicide, simony, usury, adultery, annulled marriages, honour, apostasy, failure to retribute, and rape.<sup>26</sup> Citing Dr. Navarrus’ *Manual*, chapter 17, number 22, confessors had to take the sinner’s responsibility to retribute upon themselves if, due to their carelessness on the matter, confessors failed to request restitution or thought restitution unnecessary.<sup>27</sup>

Moreover, the *Directorio* further borrowed from Azpilcueta’s *Manual*, chapter 27, on ecclesiastical penalties and excommunications. Both Azpilcueta’s handbook and the *Directorio* defined excommunication as the highest ecclesiastical penalty to correct and transform Catholic sinners by depriving them of the sacraments and attendance to the divine office or liturgy of the hours. Hence, excommunications were corrective, not punitive, mechanisms. In a more colloquial way and devoid of its dense critical apparatus, the *Directorio* synthesised Dr. Navarrus’ *Manual* to expose at length topics, such as the types

24 Azpilcueta, *Manual de confesores*, Ch. 17, num. 7, 111: “qualquier que tiene cosa agena contra la voluntad de su dueño, es obligado a restituirla: aunque de vna manera, si la ouo y tuuo con buena fe, y de otra si con mala: porque si con buena fe, pensando que la tomaua, y tenia justamente, no es obligado a restituirla, si la perdio, o se le perrecio sin mal engaño, y sin se hizo mas rico con ella.”

25 “Directorio del Santo Concilio Provincial Mexicano”, 57.

26 “Directorio del Santo Concilio Provincial Mexicano”, 61–6

27 “Directorio del Santo Concilio Provincial Mexicano”, 64: “Si el confesor no manda restituir al que está obligado y por eso no restituye, o por decirle el confesor que no está obligado, en tal caso, ser obligado el confesor a restituir? R. Quando por ignorancia crasa el confesor dice que no está obligado, o por ser descuidado o inadvertido notablemente, no se lo manda y por eso no restituye, quedar obligado a restituir;” Azpilcueta, *Manual de confesores*, Ch. 17, num. 22, 114–115: “Añadimos tambien que el confesor, que por ignorancia crasa, o afectada absuelve sin restituir, o mádarle que restituya al que es obligado, (estando el penitête aparejado a ello) queda obligado a restituir, porque causo que el dañificado no ouiesse lo suyo.” Confessors were obliged to retribute in lieu of the sinner when they failed to do a proper confession because of their negligence in addressing complex, difficult questions and situations (“ignorancia crasa”). In such situations, confessors sinned, and such violation of their duties as confessors obliged them to retribute (I thank Christiane Birr for her explanation in this matter).

of excommunications; who had excommunication powers and who could be excommunicated; an ample variety of excommunication cases; and the absolution options for such cases.<sup>28</sup> The *Directorio* further expanded Azpilcueta's excommunication cases reserved to the Pope from Pope Paul III's (1534–1549) list of 14 cases to Pope Gregory XIII's (1572–1585) excommunication list of 21 cases.<sup>29</sup>

Overall, we can conclude that the use of texts like Dr. Navarrus' *Manual* was taken for granted in the *Directorio*. We can further confirm that Azpilcueta explicitly inspired the sections on excommunications caused by attacks on clerics. The *Directorio* engaged with the *Manual's* chapter 27, numbers 87 through 89, for instances on bishops' absolutions for major injuries to clerics if perpetrators were women, maimed persons, incurable patients, children (under 14 years of age), the poor, offspring, and slaves who could not travel to Rome, etc.<sup>30</sup> When asked if a bishop could absolve those excommunicated for attacking a cleric, the *Directorio* answered that in cases of an injured ecclesiastic—secular or religious—bishops could absolve those excommunicated when minor injuries had been afflicted on the cleric, even if the criminal had sinned mortally. But suppose the attack had caused major life-threatening injuries, and the perpetrator was incapable of travelling to Rome? In this case, a bishop could absolve him or her of the excommunication after reparation had been offered to the attacked cleric and the sinner had vowed to travel to Rome.<sup>31</sup> Remoteness in New Spain posed an unresolved problem to the Church's spiritual management among local communities, since distant authorities could not attend all their callings.<sup>32</sup> The *Directorio* briefly addressed

28 "Directorio del Santo Concilio Provincial Mexicano", 72; Azpilcueta, *Manual de confesores*, chapter 27, number 1, 375–376. The Penas de la Iglesia, or Church's punishments or sentences, were the Church's punitive tools. A recent study of *censuras eclesiásticas* can be found in Chuecas Saldías, "Censuras / Censures (DCH)". Chuecas Saldías studies the canonical roots of the ecclesiastical *censuras* and the historical background in Europe and mainly the Americas.

29 "Directorio del Santo Concilio Provincial Mexicano", 75–78, cites 21 excommunication cases reserved for the Pope (Bull of the Supper), while Azpilcueta, *Manual de confesores*, Ch. 27, nums. 56–74, 397–405, lists 14 cases.

30 "Directorio del Santo Concilio Provincial Mexicano", 80. Here it cites Azpilcueta, *Manual de confesores*, Ch. 27, nums. 87, 88 and 89, 409.

31 "Directorio del Santo Concilio Provincial Mexicano", 79, 80. Here it cites Azpilcueta, *Manual de confesores*, Ch. 27, nums. 87, 88, 89, 91 and 92, 409–411.

32 On the issue of distance and the difficulties clerics faced when nurturing the spiritual needs of Catholics, the polemics over the administration of confirmations, the bishop's prerogative, proved to be an inescapable instance of conflict between diocesan and government authorities, on the one hand, and missionaries, on the other, throughout the colonial period in the Americas. For instance, see the case of Fray Junípero Serra in



the excommunication of clerics. Excommunication was a real threat to those religious men and diocesan priests who left their convents or parishes to attend courses on law and medicine for over two months. The *Directorio* again relied on Azpilcueta and Cajetan to excommunicate priests who reached relevant political positions, unless the political rank had always been attached to the clerical status or part of his patrimony.<sup>33</sup> Finally, it suggested that priests turn to Azpilcueta's chapter 27, as well as Sylvester's and Cajetan's *Summae*, for other more specific excommunication instances outside of the general ones listed.<sup>34</sup>

#### 4 Azpilcueta in Franciscan Libraries in New Spain

The 1585 Mexican Provincial Council's suggestions to rely on Dr. Navarrus' work in the production of confession handbooks seem to have left an imprint. This was no coincidence. By the late 16th and early 17th centuries, Azpilcueta's work had reached its circulation apex in the Hispanic World. For New Spain, there is archival evidence that some Franciscan libraries were stocked with his works, particularly his *Manual* or handbook on confession. A look at various library inventories of Franciscan convents in the first half of the 17th century shows that friars had taken reasonable notice of all recommendations and filled their shelves with Sylvester's and Cajetan's *Summae*, the 'Angelica' *Summa*, and Azpilcueta's Latin and Spanish opus. Even in the late 18th and early 19th centuries, Franciscan colleges for the propagation of the faith (*colegios de propaganda fide*) still kept Dr. Navarrus' works on their library shelves. These inventories list titles, not editions; thus, itemising publication years and places is almost impossible.<sup>35</sup>

For instance, the 1602, 1603, and 1606 inventories of the Franciscan convent of Milpa's library (today, Milpa Alta in the most southern part of Mexico City) offer a good insight into the library's content and its evolution two decades after the 1585 Council's suggestions to rely on confession guides and compilations of cases of conscience to address sinners. For 1602, this convent of Our Lady of the

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California and the controversy over jurisdiction to administer the sacrament of confirmation, exceptionally attributed to the missionaries instead of bishops in frontier territories: see Beebe and Senkewicz, *Junípero Serra*, 371; and Hackel, *Junípero Serra*, 223–224.

33 "Directorio del Santo Concilio Provincial Mexicano", 83–84. It literally cites Azpilcueta, *Manual de confesores*, Ch. 27, num. 117, 420.

34 "Directorio del Santo Concilio Provincial Mexicano", 87.

35 For the 18th-century Franciscan *colegios de propaganda fide*, see García's chapter in this volume (Chapter 9).

Assumption's library inventory, with 71 titles—various titles were multivolume works—focused on the friars' evangelical ministry in central New Spain, particularly sermons, compilations of cases of conscience, confession guides, compilations of conciliar decrees (including the Tridentine decrees), and treatises on moral theology. As for confession, it included two sets of Sylvester's *Summa Sylvestrina*, two copies of Azpilcueta's *Manual* and his *Tratado de las rentas de los beneficios ecclesiasticos*, Fumo's *Summa aurea armilla nuncupate*, Chivasso's *Summa angelica de casibus conscientiae*, Cajetan's *Summa*, Ledesma's *De septem nouae legis sacramentis summarium*, and Juan de Pedraza's *Summa de casos de consciencia*, among other works. The list of titles in the library increased to 94 in 1603 (it itemised the same works by Azpilcueta) and 110 in 1606, when the inventory listed three copies of the *Manual de confesores y penitentes* and one of his *Compendio* or abridged version of the *Manual*, in addition to Fray Manuel Rodríguez's *Summa de casos de consciencia*.<sup>36</sup> Around 1637, a library inventory from the Franciscan Convent of Tepeji del Río, to the north of Mexico City in the current Mexican state of Hidalgo, contained two copies of Dr. Navarrus' *Manual*, as well as Fray Bautista de Viseo's *Advertencias para confesores*, the 'Angelica' *Summa*, and Clavasio's *Summa angelica*. Inventories from the Franciscan Convent of Tula written between 1602 and the 1630s further reveal the presence of Azpilcueta's works.<sup>37</sup> Nevertheless, the fact that a book exists on a shelf does not imply its usage. A deeper look into New Spain's confessional texts might shed some light on the use of Dr. Navarrus' works.

36 BNAH, Fondo Franciscano, vol. 150, Convent of La Milpa, 12 May 1602, fol. 124<sup>r-v</sup>: this inventory lists his "Manual de confesores y penitentes," and his "Summa de Nauarro," probably another edition of the same work. The inventory was signed by Frays [Illegible first name] de Gauna, Julián de Rasasola, and Francisco de Haro. 16 October 1603, fols. 127<sup>r</sup>–128<sup>r</sup>, lists a total of 94 titles; 2 July 1606, fols. 133<sup>r</sup>–134<sup>r</sup>, lists 110 titles: this inventory lists a "Compendio de nauarro Un tomo," a "manual de Confesores Un tomo," another "manual de Confesores de nauarro," and his "Suma de nauarro Un tomo." I have used Manuel Rodríguez's 1596 *Summa de casos de consciencia* in this study. I have included complete references of the works in the bibliography section.

37 BNAH, Fondo Franciscano, vol. 40, Convent of Tepeji del Río, ca. 1637, fols. 44<sup>r</sup>–45<sup>v</sup>: "un manual del doctor aspilcueta," "Suma de Nauarro." I have also shown the presence of Azpilcueta's works in the Franciscan Convent of Tula in the first third of the 17th century in Rex Galindo, "Shaping Colonial Behaviours", 306.

## 5 Azpilcueta Informs Religious Texts: The Case of Fray Juan de la Concepción's 1597 Manuscript

At a microscopic level, we can observe Azpilcueta's relevance in New Spain by assessing confessional works by Franciscan writers. One instance of the leverage of Dr. Navarrus in confession matters is Fray Juan de la Concepción's 1597 manuscript titled "Handbook in which many things are noted which are necessary for the priests' quotidian ministry".<sup>38</sup> Held in the Archivo Franciscano in the Biblioteca Nacional of Mexico, this manuscript consists of 62 handwritten folios that address issues relevant to the evangelical ministry as well as papal bulls and briefs with privileges to the Franciscan Order in New Spain. I have not been able to find biographical information on the author. All we know is that he was a Franciscan friar in New Spain, probably a member of the Province of the Holy Gospel of Mexico, who had access to works by theologians Fray Manuel Rodríguez and Azpilcueta and was acquainted with French Franciscan Fray Juan Focher's work, one of the most significant canonists in New Spain. This handbook is a compilation of Catholic material from the New Testament, Catholic rituals, papal bulls and briefs, and quotes and discussions from theologians and canonists, such as the abovementioned Fray Focher. As its title suggests, the text has a sharp religious and evangelical purpose and probably served as a supportive tool during the ministry.

Probably due to his experiences in Mexico, Concepción echoes Franciscan concerns with the local situation in New Spain by the end of the 16th century. He seems to have shared the pessimism of other Franciscans of his time, particularly the most notorious Fray Jerónimo de Mendieta. He listed papal privileges granted to the mendicant orders and the Franciscans from the early moments of their work in New Spain, and he was concerned with the demographic crises of his time. Concepción highlighted the realities of conversion through the doubtful acceptance of Catholic orthodoxy among Native peoples. To illuminate Indigenous reluctance to accept the missionaries' Catholicism, he started his manuscript with well-known references to Mark's passage on the incredulity of Christ's disciples over his resurrection and his call to them to spread the gospel worldwide. Concepción compared the difficulties Franciscan missionaries faced in spreading their Catholic beliefs among the Indigenous peoples of New Spain with the early expansion of Christianity. What could missionaries expect if even Christ's disciples waived their beliefs? Yet,

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38 Fray Juan de la Concepción, "Manuale in quo multa quae quotidie necessaria sunt Sacerdotum ministerio breviter ...," BNM, Archivo Franciscano, MS. 308.

for Concepción, determination was not enough. Missionaries like himself lived amid demographic collapse, as disease had rampaged Mexican populations decades after conquest, making death ubiquitous and a matter of concern to local Indigenous and Hispanic authorities. Missionaries like Concepción faced the legacies of traumatic experiences by those targeted to receive the Christian messages. Borrowing again from Mark and the Valencian Dominican Fray Luis Beltrán, Concepción argued that true faith would end the suffering from disease, or what could be otherwise interpreted: disease might have originated from wickedness. Thus, confession, penance, and truthful conversion would limit sickness.<sup>39</sup>

The rest of the manuscript is an amalgamation of topics, such as marriage (fol. 11<sup>r</sup>–14<sup>v</sup>), the administration of extreme unction, indulgences, papal privileges to the mendicant orders, excommunication cases, absolution of some instances reserved to the pope—including the absolution of religious men who secretly allowed women in their convents (fol. 44<sup>r</sup>) or abortions (fol. 45<sup>r-v</sup>)—and description of sacraments: baptism, confession, confirmation, extreme unction, eucharist, and matrimony. Although Concepción mostly cited Fray Rodríguez, he also turned to Dr. Navarrus as an authority on theft, absolution of excommunication cases, oaths (fol. 53<sup>v</sup>), and dispensations (fol. 62<sup>v</sup>). The vastness of the territory and the scarce presence of clerics in New Spain posited problems of how to deal with excommunication cases. More so because excommunication was the most onerous measure to any Catholic and had religious and social consequences. Those excommunicated could not attend religious rituals and events in their communities and thus became religious and social pariahs.<sup>40</sup> Hence, clerical authorities took the imposition of this penalty on Catholics seriously, more so in territories with a small presence of those able to absolve excommunications.

When a Catholic had been excommunicated *ab homine*—imposed by a cleric following the sentencing of the named person—the same cleric had to issue the licence for the absolution. Concepción adapted this issue to the realities of New Spain, where remoteness proved a formidable barrier to the access of ecclesiastical judges, bishops, and even confessors. The Franciscan relied on Azpilcueta to claim that in distant communities lacking judges and the presence of those aggrieved by the sinner, local confessors could absolve those excommunicated whenever the same distant judge would do likewise. Azpilcueta's text went beyond this, listing that cases reserved for the Pope could be

39 Concepción, "Manuale in quo multa", fols. 1<sup>r</sup>–3<sup>r</sup>. The passage is in Mark 16, 14–18.

40 MacLeod, "La espada de la Iglesia", 199–213.

dealt with locally if the bishop acquiesced to the absolution.<sup>41</sup> In a last section on oaths, Concepción further revealed his intellectual debt to Rodríguez and Azpilcueta.<sup>42</sup>

## 6 Fray Juan Bautista de Viseo and Azpilcueta

Authors whose confessional guides were printed and widely circulated in New Spain also relied on authors like Rodríguez and Azpilcueta. One outstanding example is Franciscan missionary Fray Bautista de Viseo and his *Advertencias para los confesores de los naturales*, published in Mexico City in 1600. Like Fray Concepción, Fray Bautista de Viseo liberally quoted passages from other authors, citing his sources, though not necessarily using quotations in his citations. Written as a handbook to support confessors of Indigenous peoples in New Spain, the *Advertencias para los confesores de los naturales* addressed topics about local customs. The text relied on the knowledge provided both by local experts and others, such as Azpilcueta. It is thus not surprising that Bautista de Viseo addressed issues of concern to the missionaries in New Spain as well as local habits among Indigenous peoples. The first volume is particularly rich in issues that missionaries recurrently faced, such as kinship and incest, matrimony, games and cards, fornication, and the sale and drinking of *pulque* (a Mexican alcoholic fermented beverage), among other topics related to the con-

41 Concepción, “Manuale in quo multa”, fol. 47<sup>v</sup>: “Salvo en caso qe los tales descomulgados nominatim estuviesen en ptes tan lexos de los juezes y de las ptes agraviadas, qe no pueden por entonces recisvir a ellos, y en tal caso entendiendo qe los juezes lo aprovaran, les pueden absolver los confesores aprovados, co.o se confirma por la doctrina de Navarro in manuali c. 27 num. 88 et 89, siguiendo a Felino y Sylvestre, el qual dize qe qualquier descomulgado cuya absol.on esta reservada a la Sede Apolica puede ser absuelto por el obispo, qu.o no puede el penitente recurrir a su sanctidad.” For the whole reference see, on those who could be absolved by bishops, Azpilcueta, *Manual de confesores*, chapter 27, nums. 87–89, 409–410.

42 Concepción, “Manuale in quo multa”, fols. 53<sup>v</sup>–54<sup>r</sup>. Particularly Azpilcueta, *Manual de confesores*, chapter 12, num. 4, 51, quoting in a slightly different version: “El que cree que el jurar de suyo es malo y que en ninguna cosa es lícito, pecca mortalmente, y es heregia, porque de suyo es acto y obra de virtud de latria y religion, que es la mas alta de todas las morales. Y el que jura por el diablo, por Mahoma, o por algún falso D. M. y blasphemo, por atribuir a la criatura lo que es de D. S. la infalible verdad. Navarro. C. 12. Num. 4.” He also mentions Rodríguez, but he misplaces his topic on chapter 75, *conclusión* 1, while it appears in chapters 191 and 192 on oaths, see Rodríguez, *Summa de casos de consciencia*, tomo 1, 467–475. Concepción mentions Rodríguez’s suggestions in a section titled “Avisos para los Confesores” at the end of chapter 192, see Rodríguez, *Summa de casos de consciencia*, tomo 1, 474–475.

trol of local behaviours.<sup>43</sup> To tackle such issues, Bautista de Viseo relied on other compilers of cases of conscience, such as Fray Rodríguez, Juan de Medina, Fray Miguel de Medina, and Azpilcueta.

We have some biographical sketches from Fray Bautista de Viseo: he was born in New Spain in 1555 and professed as a Franciscan in Mexico City's Franciscan headquarters San Francisco el Grande in 1571. The date of his death is unknown, (sometime between 1607 and 1613). Before reaching the position of lector or professor of theology, he studied philosophy, theology, rhetoric, Latin, and Nahuatl, among other subjects. He had some expertise in Nahuatl, which he frequently used in his writings. Fray Bautista de Viseo had leading roles in various convents in his province of the Holy Gospel of Mexico, including the convent of Santiago Tlatelolco between 1598 and 1603, and was a definator of his province. Thus, the publication of his *Advertencias para los confesores de los naturales* in Castilian, Latin, and Nahuatl coincided with his guardianship at Tlatelolco, which housed the school for the male children of Indigenous elites, and hence allowed him to work side by side with Nahua intellectuals.<sup>44</sup>

Bautista de Viseo, and perhaps Azpilcueta, expected some experience among confessors. Early on, Bautista de Viseo exposed what confessors should ask penitents during confession. Citing from the brief chapter 5 in Azpilcueta's *Manual*, Bautista de Viseo reminded confessors of their obligation "(under penalty of mortal sin) to ask what he sees, believes, and considers necessary for the confession to be complete and fruitful". Confession required certain levels of know-how if confessors were to know what penitents concealed "due to ignorance, inadvertence or forgetfulness because this belongs to his duty".<sup>45</sup>

43 For this chapter, I have used Verónica Murillo Gallegos' new edition of Fray Juan Bautista de Viseo's first volume in Murillo Gallegos, *Fray Juan Bautista de Viseo*. I first cite the folio number of the 1600 version, which is available online, and then Murillo Gallegos' pagination. Murillo Gallegos also uses the original folio numbers in her transcription and translation of the original text. She translated the Latin paragraphs into Spanish. The original first volume was published in 1600, see Bautista de Viseo, *Advertencias para los confesores de los naturales*. Vol. 1 (Tlatelolco: Melchior Ocharte, 1600). The second volume was published the same year.

44 For this biographical sketch, see Murillo Gallegos, "Fray Juan Bautista de Viseo's Missionary Work in Three Languages", 58–59. On the education of Franciscans in 16th-century New Spain, see Chuchiak, IV, "Sapientia et Doctrina", 127–155.

45 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fol. 9, 22: "la confesión sea entera y fructuosa: cuál es lo que le parece que el penitente calla por ignorancia, inadvertencia o olvido porque esto pertenece a su cargo"; and Azpilcueta, *Manual de confesores*, Ch. 5, num. 2, 18.

This task was arduous in territories where priests lacked cultural and linguistic proficiency, as in viceregal New Spain. Moreover, writing after a long-lived evangelical ministry among New Spain's Indigenous communities, Bautista de Viseo manifested the realities of conversion: it was challenging and never-ending.

Again, quoting Azpilcueta's brief chapter 5, Bautista de Viseo advocated confessors to scrutinise the Indigenous sinner's conscience, "just as the doctor [cures] the disease of the sick, and the judge the cause of the litigant". This clinical approach also meant that confessors limited themselves to only inquiring about what they believed would be the Native peoples' principal sins. Confessors should pay attention to class and ethnicity when interrogating their penitents and, as Azpilcueta suggested, confessors should ask "only what is commonly committed by those of their quality".<sup>46</sup> Quality or "calidad" for Azpilcueta and Bautista de Viseo might have differed as, for the former, quality implied honour and social status. In contrast, for the latter it also had ethnic and racial connotations. Azpilcueta showed that confessors' inquiries should distinguish between clerics and gentlemen, as their sins would differ in unspecified ways, which Bautista de Viseo might also have believed to be due to the multicultural, ethnically diverse New Spain.<sup>47</sup> Even so, both claimed that their work could help other confessors to appease their minds and successfully achieve their evangelical duties, even in what they perceived as difficult times. In New Spain, such a perception of adversity and the need to overcome it existed in the minds of Franciscans and other clerics. Thus, a knowledgeable Bautista de Viseo hoped to comfort his disconsolate readers—they rightfully anticipated that Indigenous peoples lacked interest in the new religion—by offering the medicine to cure modes of behaviour perceived as wicked. Concerns on confession were nonetheless global: confessors and Catholic authorities worried that Indigenous peoples would not confess properly, as happened in other parts of the Catholic World. Departing from the "spiritual conquest"

46 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fol. 14, 29: "Los escrúpulos en examinar las consciencias destos naturales adviertan que aunque es verdad que el confesor está obligado a escudriñar diligentemente la consciencia del pecador, así como el médico la enfermedad del enfermo, y el juez la causa del pleiteante (como dice sancto Thomas, y otros graves autores referidos por el doctísimo Navarro en su summa cap. 5) pero que no están obligados a preguntar e inquirir todo lo que puede haber cometido el penitente, sino sólo aquello en que comúnmente los de su calidad suelen delinquir, como dice el doctor Navarro en su Manual cap. 5."

47 Azpilcueta, *Manual de confessors*, chapter 5, "De lo que el confesor debe preguntar", nums. 1–4, 18–19.

paradigm, scholars have shown that Indigenous-Spanish cultural exchanges took complex paths, and the conversions of Europeans and Native peoples were multi-layered processes.<sup>48</sup>

Sex, marriage, and kinship were at the centre of the misunderstandings in the moral and cultural dialogue between Catholics and non-Catholics in New Spain. The contradicting approaches to marriage stood high in the cultural confrontation between Indigenous peoples and Catholic missionaries, and so there was a motif for missionaries to emphasise canonical norms on the matter and prevent what Catholic ecclesiastical law considered incestuous relations, which differed from such taboos applied among pre-Hispanic Indigenous communities.<sup>49</sup> Fray Bautista de Viseo relied on various authors to address complex questions on such matters. The Franciscan dedicated over 25 folios to list Nahuatl and Castilian kinship relations and describe the various impediments to Catholic marriages. He adapted canon law and moral theology to New Spain's context, where missionaries had raised concerns about marriage, kinship, and sex. His sources stemmed from prominent authors, such as Augustinian Fray Alonso de la Veracruz and Franciscan Fray Juan Focher, both authorities in canon law, highly experienced in New Spain, and well versed in marriage theories. Nevertheless, Fray Bautista de Viseo further cited Rodríguez and Azpilcueta to pinpoint incestuous taboos according to Catholic doctrine.<sup>50</sup>

The setting is straightforward: Bautista de Viseo first underscored the public and secret impediments to marriage in Nahuatl and Castilian in bilingual, two-column pages. He urged confessors to pay attention to bigamy and the ban on marriage within first- and second-degree kinship or consanguinity (siblings, cousins, aunts, and uncles), among in-laws, and those bonded by spiritual relations. Bautista de Viseo prompted confessors to be alert to those who had sexual relations with close kin relatives of the bride or groom. The Franciscan missionary went on to list the Nahuatl-Castilian vocabulary for kinship relations. After setting the context, he specifically addressed cases of incest and matrimony among the ethnically diverse communities in New Spain, highlighting that “[t]he Spaniard, Mestizo, Black, or Mulatto who knowingly and without dispensation married his relative by consanguinity, or affinity (contracted by marriage) within the fourth degree inclusive, sins mortally, is ipso facto excommunicated, and the marriage is null.”<sup>51</sup> Native peoples were held under similar

48 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fol. 2, fol. 10, 13, 23. For the incompleteness of conversion, see Rex Galindo, *To Sin No More*, 175–178.

49 Burkhart, *The Slippery Earth*, 154–155.

50 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fols. 81–106, 112–143.

51 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fol. 88, 119–120: “El español, Mestizo, Negro, o



matrimonial constraints, but with dispensations as new converts: “in all the provinces of the Indies and new conversions, they can marry within the third and fourth degree, by the privilege of Paulo III granted only to the Indians.” This privilege applied to cases of consanguinity as well as in-laws.<sup>52</sup>

As an illustrative case study, Bautista de Viseo analysed in detail the cases of the supposed matrimony of a man, a so-called Pedro, who had premarital sex with Francisca, sister or cousin of his bride and, likewise, a woman, María, who had premarital sex with Ioan, brother or cousin of her groom Andrés. Before concluding, the missionary considers four points. First, he declared both marriages null and the cause of mortal sin and excommunication. Citing Dr. Navarrus as a principal source, he pointed out that the said marriages could not be valid until after the Pope’s or his commissioner’s dispensation, or the bishop’s or his commissioner’s dispensation if it was impossible to reach Rome and there was scandal. Both grooms and brides had to take their vows again.<sup>53</sup> Bautista de Viseo dedicated most of his arguments to discussing whether the Comisario de Santa Cruzada could dispense the impediments to the said marriages.<sup>54</sup> Lastly, citing Dr. Navarrus’ Latin *Enchiridion* instead of the Spanish version, Bautista de Viseo suggested that for null marriages, the priest and witnesses should only celebrate a solemn matrimonial ceremony after the necessary dispensation of incestuous relations has been issued, if the impediments were public; otherwise, the renewal of the vows sufficed.<sup>55</sup>

## 7 Conclusions

When Fray Bautista de Viseo published his *Advertancias para confesores*, he had the priests who ministered among the Indigenous population of Nahuatl speakers in mind. He was part of the first generation of conquistador des-

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Mulato que a sabiendas y sin dispensación se casó con parienta suya por consanguinidad, o afinidad (contraída por matrimonio) dentro del 4. grado inclusive, peca mortalmente, queda descomulgado ipso facto, y el matrimonio es nulo, Clemen, vnica de Consang, & affín, Y c. Non debet eo tit, Conc. Trid. ses. 24 c. 4 & 5. Navarro in Man. c. 22 n. 41 y fray Manuel. P. p. sum. c. 223 n. 1.”

- 52 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fol. 88, 120: “en todas las provincias de las Indias y nuevas conversiones, se pueden casar dentro del tercero y cuarto grado, por privilegio de Paulo 3 concedido solamente a los Indios.”
- 53 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fol. 96, 147. Azpilcueta, *Manual de confesores*, Chapter 22, numbers 86 and 87.
- 54 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fols. 97–100, 148–154.
- 55 Murillo Gallegos, *Fray Juan Bautista de Viseo*, fol. 104, 159.

endants who had inside knowledge of a fast-changing multicultural world. Apart from the early Franciscan missionary optimism, Bautista de Viseo's writings show a down-to-earth approach to the evangelisation of Mexico, which exposed the complexities of turning a conquered population into loyal, Catholic vassals of a distant monarchy.

Daily attendance to a culturally diverse population in early New Spain posed challenges to Catholic priests and confessors, who faced many situations in their evangelical ministry. To influence local populations, Catholic clerics had to adapt to the American scenarios by importing, adapting, translating, and creating knowledge, an epistemological transformation that rested on previously known cases and their new field experiences. The Americas turned into a laboratory where, in a trial-and-error effort, formulas and experiments failed, changed, and succeeded but left no one indifferent. In this transformative environment, casuistry was pivotal to Bautista de Viseo and the other authors analysed here, and Azpilcueta became a significant source for cases of conscience, even if sometimes through the lenses of other scholars.

I hope to have shown that in the late 16th and early 17th centuries, friars like Fray Concepción and Fray Bautista de Viseo and those clerics who gathered in the Third Provincial Mexican Council relied on Azpilcueta's Spanish and Latin *Manual* to compose their own missionary texts. I have searched for Azpilcueta's presence in these texts to reveal that Franciscan missionaries circulated and used various editions of his works—whether in Spanish, Latin, or as summarised *Compendia*—in their evangelical ministry. I relied on a thread of argumentation to prove my case. First, I found that Dr. Navarrus was present in Franciscan conventual libraries in colonial Mexico<sup>56</sup> and that his works, mainly his *Manual* and *Enchiridion* or Latin translation, were consulted by those who prepared their confessional handbooks. Second, I proved the latter through citations, acknowledging that sometimes works might have been cited through other authors.

But what clearly emerges here is that Azpilcueta's ideas, whether through his works or via others, were pivotal in the formation of early New Spain's confessional literature. This leads me to my third argumentation. These handbooks for confession and other texts that aimed at supporting the evangelical ministry constituted principal sources to guide the lives of Catholics and, thus, had a normative character. I agree with Pardo, who points out that "religious didactic works played a prominent role in colonial Mexico; their long asso-

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56 This point is in line with Rueda Ramírez's and García's chapters in this volume (Chapters 8 and 9).

ciation with literacy and basic instruction made them something more than strictly doctrinal tools. Catechisms, *doctrinas*, and sermons taught Mexican Indians to obey the Pope, their priests, and the laws of the Church, but also the king, his representatives, and his laws.<sup>57</sup> Thus, through confessional literature, as well as through pastoral and moral works, Azpilcueta's ideas made their way into the missionary fields in New Spain. Through his writings, we can confirm that Azpilcueta, the "iuris monarcha"—the living canonical and theological library—was present during the creation of Hispanic dominion in 16th- and early 17th-century New Spain.

Eventually, the expansion and consolidation of Hispanic dominion throughout the Americas implied a more developed market of books, with local production of knowledge reaching the printing press, circulating across the Americas, and even reaching Europe and other distant markets, such as Asia. As a corollary, we may suggest that Azpilcueta's presence dissolved in a matrix of multiple authors of moral theology and canon law.<sup>58</sup> By the 18th century, Dr. Navarrus was one of a long litany of authors and works that contributed to the creation of confessional knowledge in New Spain and other parts of the Hispanic World. What seems more straightforward, as mentioned above, is that Azpilcueta, like Rodríguez and other authors of *summae* of cases of conscience, however, became pivotal during the 16th century as part of the Catholic Reformation and under the Council of Trent's auspices—more so in recently conquered settings with vast populations of recent converts, as was the case of early New Spain. Confession took centre stage and, thus, confession handbooks thrived because Catholic authorities enhanced the role of confession and questioned the validity of the penitents' confessions and the eagerness of penitents to fulfil the sacrament. Such fears in the 16th-century European Catholic world escalated in newly conquered territories, like New Spain, where local peoples questioned, if not rejected, Catholic and European values, institutions, and *modus operandi*.

57 Pardo, *Honor and Personhood*, 7.

58 The libraries of the colleges for the propagation of the faith (Colegios de propaganda fide) contained hundreds of books, of which one or two would be Azpilcueta's Spanish and Latin guides for confessors. See Idalia García's chapter in this volume. For instance, Fray Hermenegildo Vilaplana's 1767 *Centinela dogmatico-moral* has a dense bibliographical apparatus of which Azpilcueta remains a marginal source out of dozens of other works. By the mid-18th century, Franciscan missionaries at least might have still relied on Azpilcueta, among other authors, to support their arguments on issues particularly related to economic and monetary transactions. Vilaplana, *Centinela dogmatico-moral con oportunos avisos al confessor, y penitente, passim*.

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# Martín de Azpilcueta on Trade and Slavery in Jesuit Legal Manuscripts from Iberian Asia

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## Abstract

Legal texts circulated in both print and manuscript in Iberian Asia. However, while the printing history of the areas touched by Portuguese and Spanish expansion is understood to some extent, the circulation of manuscripts has received little attention. This chapter fills this lacuna by analysing the case of Gomes Vaz's *De mancipiis indicis, manumissionibus et libertis*. In particular, it looks at the circulation via Vaz's treatise of the norms regarding commerce and slavery put forward by Martín de Azpilcueta in his *Manual de Confessores y Penitentes*. In this way, this chapter contributes to our understanding of the 'chains of paper' that undergirded the various normative frameworks (both legal and law-adjacent) that characterised the patchwork legal landscape of Iberian Asia.

## Keywords

Manuscripts – Slavery – Iberian Asia – Gomes Vaz – Jesuit Missionaries

## 1 Introduction

It almost goes without saying that law does not exist in a vacuum. For legal historians, the context of a period's law conventionally embraces longstanding legal traditions (e.g., Roman law), political exigencies, the society in which the legal system was embedded, economic dynamics, and the personalities of the actors involved.<sup>1</sup> Yet, this list is far from exhaustive. As the late Alan Watson's influential work on 'legal transplants' shows, legal systems are not static. Texts

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1 Donahue, "Methodus ad facilem historiarum cognitionem: Autobiographical and Methodological Reflections", 1–21.

and concepts can and do travel across and between continents.<sup>2</sup> In turn, these are not impersonal processes, but are shaped by patterns of trade and social networks, as well as by the particular dynamics of contemporary media. When studying pre-modern legal systems, it is therefore important to pay attention to the early printed books and manuscripts via which legal ideas were transmitted across time and space.

Historians are increasingly paying attention to the role of printing with moveable type in the diffusion of law.<sup>3</sup> However, while long mined for the actual texts they transmit, the abiding role of manuscripts in creating and mediating early modern law has only recently begun to attract scholarly attention.<sup>4</sup> This is a pity since recent work in book history has made abundantly clear that the manuscript remained essential even in the age of print.<sup>5</sup> This was the case not only for epistolary correspondence and bureaucratic documents, but also for the composition and circulation of legal treatises ranging from the mundane to the sparkingly learned. For instance, manuscripts containing “pragmatic normative knowledge”—in particular the School of Salamanca’s variety of moral theology and catechistic literature imbued with many of the features of the *ius commune*—circulated throughout the patchwork of kingdoms, allied states, and trading ports that are collectively and conventionally called the Iberian World.<sup>6</sup> In this loose conglomerate of Catholic contexts in Europe, Asia, Africa, and the Americas, the ideas of neo-scholastics like Luis de Molina (1535–1600) and Martín de Azpilcueta (1492–1586) circulated in both print and manuscript, inspiring new works, some of which were printed and some of which remained in manuscript.

2 Watson, *Slave Law in the Americas*.

3 Beck Varela, “The Diffusion of Law Books in Early Modern Europe”, 195–239; Williams, “‘He Creditted More the Printed Booke’”, 39–70.

4 For instance, it is treated obliquely in: Millstone, *Manuscript Circulation and the Invention of Politics in Early Stuart England*. There is also a large literature on individual legal manuscripts: Feenstra, “Teaching the Civil Law at Louvain as Reported by Scottish Students in the 1430s (Mss. Aberdeen 195–197) with Addenda on Henricus De Piro (and Johannes Andreae)”, 245–280. Ker, “‘For All That I may Clamp’: Louvain Students and Lecture-Rooms in the Fifteenth-Century”, 31–33.

5 Beal, *In Praise of Scribes: Manuscripts and their Makers in Seventeenth-Century England*; Love, *Scribal Publication in Seventeenth-Century England*; Bouza, *Corre manuscrito*; Buescu, “A persistência da cultura manuscrita em Portugal nos séculos XVI e XVII.”

6 Marcocci, *A Consciência de um Império—Portugal e o seu mundo (sec. XV–XVI)*; Ehalt “Casuística Nos Trópicos: a Pragmática Teológico-Moral de Francisco Rodrigues Na Ásia Portuguesa (séculos XVI e XVII)”; Bragagnolo “Managing Legal Knowledge in Early Modern Times”, 187–242.

In the particular case of Iberian Asia, the reception of Molina has recently attracted attention.<sup>7</sup> Not so with Azpilcueta.<sup>8</sup> Considered the best jurist among theologians and the best theologian among jurists, Azpilcueta's fame rests in particular on his popular confessional guide, *Manual de Confessores y Penitentes* (henceforth *Manual*), and his lecture on the issue of trading with Muslims in Goa, entitled *Relectio Cap: Ita quorundam de Judaeis*. These were reprinted and expanded upon by both Azpilcueta and others on an impressive scale; a compendium of his *Manual* was even printed in Nagasaki.

This chapter focuses on Azpilcueta's works and the ideas they contain. Following a general discussion of the patterns of printing, manuscript circulation, and knowledge production in 16th- and 17th-century Iberian Asia, it considers the overall reception of Azpilcueta's ideas in one of the most important manuscript treatises to survive from Portuguese Asia, Gomes Vaz's *De mancipiis indicis, manumissionibus et libertis*. This underappreciated work covered the origins and legality of different forms of slavery encountered by Vaz (1541–1610), a Portuguese Jesuit of Jewish descent who played a leading role in the Asian mission serving as the rector of the Jesuit college in Malacca, the Chair of Theology at Goa, and the Father of the Christians (*pai dos cristãos*), as well as founding the Professed House in Goa.<sup>9</sup> This is followed by a more focused account of the reception of Azpilcueta's *Manual* in Vaz's treatise in Iberian Asia, a space that might be defined as a loose conglomeration of networks associated with Iberian monarchies, Iberian commercial interests, and Iberian-dominated missionary orders that overlapped with various European and non-European projects such that its boundaries (as with all meta-geographies) are often hard to define with absolute precision.

## 2 Legal Texts in Print and Manuscript in Iberian Asia

Legal knowledge in Iberian Asia rested upon disparate foundations. In terms of law of European origin, it relied on the expertise of individual officials, books brought from Europe (and, in some rare cases, the Americas), books printed in Asia, and numerous manuscripts (some brought from Europe and others produced locally). At the same time, it should not be forgotten that knowledge of non-European laws was also available not only in parts of Asia beyond Iberian

7 McManus, "Slavery & Race in Seventeenth-Century Portuguese Asia", 64–78.

8 Lavenia, "Martín de Azpilcueta (1492–1586): Un perfil", 15–148; Belda Plans, *Martín de Azpilcueta Jaureguizar, El Doctor Navarro*.

9 On Vaz, see McManus, "Servitutem Levem et Modici Temporis Esse Arbitrantes".

influence, but within Iberian enclaves too. Indeed, missionaries, diplomats, and merchants needed to understand the wider legal context in which they found themselves, such that law became an important part of the nascent discipline of oriental studies that has recently been dubbed “Catholic Orientalism”.<sup>10</sup>

In terms of libraries, patchy—albeit concrete—evidence exists of the presence of important legal and law-adjacent texts in Iberian Asia. For instance, the Jesuit college of St Paul in Goa had a huge collection of books, although many were lost during the fire of 1664.<sup>11</sup> Other Iberian institutions in India were also not lacking in books; the convent of the *procurador* of Malabar had quite an extensive library in the 18th century.<sup>12</sup> The same was true for the convents of San Caetano, São António de Tana, and Santa Cruz dos Milagres in Goa.<sup>13</sup> Missionaries in China (mainly although not exclusively Jesuits) also built up sizable libraries of European books, in addition to the Chinese books required for their missionary sinology. These included works of moral philosophy, Canon law, and other sorts of pragmatic normative knowledge.<sup>14</sup> In 1633, for instance, Bishop Diogo Valente’s library in Macau is recorded as having copies of Molina’s *De iustitia et iure*, Azpilcueta’s *Consilia et responsa* and two copies of his *Manual*, the treatise on testaments by Covarruvias, multiple works by Francisco Suárez, copies of Justinian’s *Institutiones*, *Digest*, and *Codex*, and Luis López’s *De contractibus*, as well as minor works by Azpilcueta and some of the period’s leading commentators on Aquinas.<sup>15</sup> The Jesuit College in the Philippines too held a wide array of titles.<sup>16</sup> Even the four Jesuit missionaries in Bungo, Japan in 1556

10 Xavier and Županov, *Catholic Orientalism: Portuguese Empire, Indian Knowledge (16th–18th Centuries)*.

11 Loureiro, “Livros e Bibliotecas Europeias no Oriente (Século XVI)”.

12 HAGoa, 2130 Inventário do convento da Procuratura do Malabar.

13 HAGoa, vol. 2750, 5—Inventário dos livros do extinto convento de S. Caetano; Buescu, “Livrarias conventuais no Oriente português. Os casos de S. António de Tana e Santa Cruz dos Milagres (Goa).”

14 Loureiro, *Na Companhia Dos Livros: Manuscritos E Impressos Nas Missões Jesuítas Da Ásia Oriental 1540–1620*. Golvers, “Bibliotheca in Cubiculo: The ‘Personal’ Library of Western Books of Jean-François Foucquet, SJ in Peking (Beitang, 1720) and the Intertextual Situation of a Jesuit Scholar in China”, 249–280; Golvers, *Libraries of Western Learning for China: Circulation of Western Books between Europe and China in the Jesuit Mission (ca. 1650–ca. 1750)*; Golvers, *Johann Schreck Terrentius, SJ: His European Network and the Origins of the Jesuit Library in Peking*.

15 Golvers, “The Library Catalogue of Diogo Valente’s Book Collection in Macao (1633). A Philological and Bibliographical Analysis”.

16 NAPH, SDS 1821, S 63<sup>v</sup>–90<sup>v</sup> “Libros que se encontraron en el mismo quarto numero uno que havitava el padre Vice-Provincial”; NAPH, SDS 1826, S1–29 “Addicion a el indice de la libreria particular del collegio que se tituló Máximo de San Ygnacio de Manila, por no haver sido en el comprehendidos los libros que aqui se expressan.”

had in their small library a number of important works, including a collection of decretals and eight copies of Azpilcueta's *Manual*. This was in addition to several bibles and works by the Church Fathers, Plato and Aristotle.<sup>17</sup> In almost all cases, the evidence of the contents of the aforementioned collections has come down to us via the inventories compiled during the suppression of the Society of Jesus in the latter half of the eighteenth century.

Of course, sometimes relevant printed books were not available in Asia, or did not exist at all (e.g., in the case of Asian-language translations of European texts, or texts in European languages that were in demand only in Asia). This led to a steady stream of manuscript versions being sent back to Europe for printing. For instance, in 1687 a collection of moral cases by a Dominican friar in Manila, Juan de Paz (1622–1699), was published in Seville under the title *Consultas y Resoluciones Varias, Theologicas, Juridicas, Regulares y Morales*. Republished in 1745 and 1845, this collection was the fruit of Paz's years as a missionary in Cagayán, adviser to the bishop of Cebu, and as rector and chancellor of the University of Santo Tomás and prior of the Convento de Santo Domingo in Manila, where he was frequently called upon to resolve tricky questions. This he did with reference to moral philosophy, theology, and Canon and Roman law. In this sense, his *Consultas* have much in common with his Latin collection of answers to problems sent by missionaries from Tonkin (modern Vietnam) that was printed in Manila and Seville in the 1680s, as well as circulating in manuscript.<sup>18</sup>

In addition, legal knowledge circulated thanks to the presence of local printing presses in Iberian Asia. These existed in various important cities and mission stations, including Goa, Rachol, Macau, Nagasaki, and Manila, with the most productive being those in Goa and Manila. That said, it is worth noting that a compendium of Azpilcueta's *Manual* was printed in Nagasaki in 1597, of which a single copy survives in the Miguel de Benavides Library at the University of Santo Tomás in Manila.<sup>19</sup> To take the example of the press housed in the Jesuit College of St Paul in Goa, all manner of books in European and non-European languages (and scripts) were produced for local consumption,

17 Gay, "La Primera Biblioteca de los Jesuitas en el Japón (1556). Su Contenido y su Influencia", 350–379.

18 Paz, *Opusculum in Quo Ducenta et Septuaginta Quatuor Quaesita a RR.PP. Missionarijs Regni Tunkini Proposita, Totidemque Responsiones Ad Ipsa Continentur*.

19 Orii, "The Dispersion of Jesuit Books Printed in Japan: Trends in Bibliographical Research and in Intellectual History", 189–207; Bragagnolo, "Managing Legal Knowledge in Early Modern Times", 187–242. On the *Compendium* of Azpilcueta's *Manual* printed in Nagasaki see Orii's and Coutinho's contributions in this volume (Chapters 14 and 15).

including various works of theology and Canon law, such as the acts of the Provincial Councils of Goa, a list of the privileges given to the church in Asia by the Pope, attacks on the rites of the Ethiopian Church, and the rules of the Society of Jesus.<sup>20</sup> While printing may have had a relatively late start in Spanish Manila, the city would soon boast three presses that produced a wide range of texts for consumption by missionaries, officials, and the city's multi-ethnic population. Notable imprints include a collection of resolutions to moral and legal questions by Pedro Murillo Velarde (1696–1753), Canon law treatises on particular issues, and an edition of the Justinianic corpus intended for students of Roman law.<sup>21</sup>

Of course, as in Europe, printed books about law and law-adjacent matters coexisted with manuscripts on the same topics. Unfortunately, this aspect of the circulation of legal knowledge in Iberian Asia is the least well-documented. However, a few preliminary conclusions can be drawn. For instance, texts circulated in manuscript when the available printed books were either unavailable or unsuitable for the local context. As a result, one particularly vibrant genre in manuscript was the collection of resolutions to moral and legal problems that could be used by missionaries when confronted by local non-Christian marriage customs or slave trading. These usually provided the step-by-step reasoning behind the solutions to such tricky problems with extensive reference to the relevant theology, civil and Canon law, and other texts. These were usually compiled in important centres for the production of pragmatic normative knowledge, like Jesuit or Dominican colleges.

Conversely, resolutions were also known to circulate in epistolary form between relatively isolated missionaries stationed in different parts of Asia. For instance, while in Malacca in 1599, Vaz received a series of theological queries from the Jesuit fathers on the island of Tidore in the Malucas. Among other things, they asked whether they should return slaves who had fled from Muslim owners and had requested baptism from the Portuguese. Vaz's response was preserved in a manuscript miscellany that was largely (although not exclusively) the work of Francisco Rodrigues, rector of the Jesuit College at Goa. This was seemingly transported to Portugal by Vaz himself along with his other manuscript works in the early 17th century, where it is now preserved in the National Archive of Torre do Tombo in Lisbon.<sup>22</sup>

20 Boxer, "A Tentative Check-list of Indo-Portuguese Imprints, 1556–1674", 1–23.

21 Jose, *Impreso: Philippine Imprints, 1593–1811*.

22 ANTT, ms. da livraria n. 805, fols. 231<sup>r</sup>–233<sup>v</sup>; Lobato, "Notas e correccões para uma edição crítica do Ms. da Livraria N. 805 (IAN/TT), a propósito da publicação de um tratado do Pe. Manuel de Carvalho SJ", 389–408.

Another example of the genre is a manuscript dated 1703 and produced in the Dominican college in Manila, now preserved in the National Library of Mexico, entitled simply *Consultas y pareceres*. In its over-200 folios, it treats all manner of interesting conundrums, including the punishments for *indios* who did not attend mass, the legality of royal land grants (*mercedes*) to the Church in Cebu, and whether you can absolve a woman who murdered her husband to marry another man. One section even revisits the conclusions drawn in Paz's earlier *Quaesita regni Tukini*.<sup>23</sup>

Another particularly revealing discussion involves a Portuguese merchant named Juan Gomez de Silva who sent an East African slave (*cafre*) named Matheo to Manila, where he was to be sold to purchase unspecified merchandise. Subsequently, Matheo claimed that he was married to a slave woman named Simona and that she was in Pulicat in Dutch Coromandel near to the Portuguese trading port of São Thomé, where his master lived. Upon further investigation, it emerged that there was conflicting evidence; on the one hand, an ecclesiastical notary had certified that Matheo behaved as if he were single, and that his wife had fled to Pulicat where she had married a "heretic" (presumably a Protestant) and subsequently moved to Batavia. On the other hand, Matheo produced three witnesses who claimed that Simona was still in Pulicat, just three leagues distance from São Thomé. In the end, the author's advice was that Matheo should not be sold, and instead be sent back to India. Here, the rationale was that in cases of doubt (i.e., where no single argument was more probable than the other), Canon law was clear that outcomes that privileged testaments, freedom, dowries, and marriages were always to receive precedence. Citing half a dozen references from the *Corpus Iuris Canonici*, the *Summa Silvestrina*, and Tomás Sanchez's treatise on marriage, the author argued that this was necessary because otherwise it could lead to unchastity (*incontinentia*) and the inability of one or the other of the couple to marry in the future. Masters were also universally forbidden from interfering in the slave's "natural right" (*derecho natural*) to marry. All this was reinforced by the advice given by Jerónimo Castillo de Bobadilla in his *Política para Corregidores* (Madrid, 1587, etc.) that oral evidence was to be preferred over written evidence. Finally, it was important to note that the ecclesiastical notary had not said much more than that it was impossible to contact Simona, whereas the three witnesses had all said they had actually seen Simona in Pulicat. This again tipped the balance in favour of Matheo's witnesses, as the *glossa ordinaria* made it clear that posit-

23 BNM, ms. 1044. The author thanks César Manrique who assisted in procuring reproductions of several folios of the manuscript.

ive evidence trumped negative evidence, a position also taken by Baldus and Felinus the Canonist.<sup>24</sup> This example is typical of the sort of sophisticated reasoning and weighing of authorities that we find in legal manuscripts in Iberian Asia.

### 3 Martín de Azpilcueta in Manuscript in Iberian Asia

In addition to the complete texts of Azpilcueta's works, Azpilcueta's ideas circulated widely in other forms in Iberian Asia. This was because they addressed issues of concern to the region in both general and specific terms. Indeed, his lecture originally delivered at Coimbra and published as *Relectio cap. ita quorundam de iudeis* (Coimbra, 1550, etc.) was a response to questions about selling war horses to Muslims in India. Framing his discussion as a commentary on a passage from a decree of the III Lateran Council collected in the *Liber Extra*, he argued that not all Muslims were the same; some were hostile, others were not. Therefore, blanket excommunication of all those who traded with them was unwarranted, in contrast to those who sold arms to indigenous Brazilians who were all potentially hostile. While, as Giuseppe Marcocci has argued, Azpilcueta's relatively flexible approach here dovetailed with the Crown's desire to wrestle control of commercial law away from the Pope (and indeed followed on from a prosecution by the Inquisition of an Italian financier who was accused of trading with Muslims in Asia), the *Relectio* nonetheless provided an invaluable starting point for questions of cross-cultural commerce in Iberian Asia, as well as related issues of war, piracy, and slavery.<sup>25</sup>

The downstream influence of the *Relectio* and Azpilcueta's other works is evidenced by legal manuscripts composed in Asia that quote it extensively. As the limited existing scholarship notes, Azpilcueta's name appears frequently in the aforementioned manuscript miscellany, now preserved in the Torre do Tombo archive.<sup>26</sup> However, another manuscript is even richer in references to Azpilcueta; this is Vaz's abovementioned important treatise

24 BNM, ms. 1044, pp. 305–307.

25 Marcocci, "Trading with the Muslim World: Religious Limits and Proscriptions in the Portuguese Empire (ca. 1480–1570)".

26 Lobato, "Notas e correções para uma edição crítica do Ms. da Livraria N. 805 (IAN/TT), a propósito da publicação de um tratado do Pe. Manuel de Carvalho SJ", 389–408; Ehalt, "Casuística Nos Trópicos: a Pragmática Teológico-Moral de Francisco Rodrigues Na Ásia Portuguesa (séculos XVI e XVII)", 399–418.



on slavery in Asia and East Africa, entitled *De mancipiis indicis, manumissionibus et libertis*, which exists in two complete manuscript copies and an abridgement, and gives a systematic overview of slavery in Portuguese Asia as a tool for Jesuit confessors and others in the region.<sup>27</sup> Although it was later reworked into a collection of moral problems by another Jesuit named Sebastião de Amaya (1599–1664), the focus here remains on Vaz's original text.<sup>28</sup>

An examination of the most extensive version of Vaz's treatise preserved in the National Library in Lisbon reveals that there are around 150 references to Azpilcueta, sometimes to a particular work and sometimes to his ideas in general terms. Whether these were the result of direct readings of Azpilcueta or culled from other sources, or even a mixture of both, is unclear. However, the frequency with which his name appears (alongside those of Molina, De Soto, Baldus, etc.) is striking. For instance, Vaz relied heavily on the foundational discussion of Muslim slavery in the section of the *Relectio* entitled *In glossam penultimam*. This provided a basic outline of slavery (*servitus legalis*) as the product of the law of nations (*ius gentium*) that made some people subservient to others (*dominium iurisdictionis*) as well as their property (*dominium proprietatis*).<sup>29</sup>

While the *Relectio* treated a very specific issue relating to a particular time and place, many of the references to it in Vaz's *De mancipiis Indicis* are used to explain general principles regarding slavery. This includes the idea that enslavement awaited children born to priests and women who knew that the children's father was a priest.<sup>30</sup> In addition, they were used to reinforce elements of slave law that could be traced back to antiquity, such as the idea that the natural state of humanity (according to *ius naturale*) was freedom and that slavery was therefore akin to death, or perhaps blindness. As a result, in the opening of a section that treated the obligation of masters to manumit slaves where possible, Vaz argues that manumission was a charitable act that relieved the slave's misery (*miserrimus*) and infamy (*infamis*), quoting Aristotle's maxim that slavery was the mirror of death (*mortis imago*).<sup>31</sup> Here, he also relied on

27 BNP, cod. 2577 (henceforth *De mancipiis indicis*); Leiden University, Special Collections (KL), BPL II B; BNCr, Gesuitico, ms. Ges. 1441a. Discussed in: McManus, "Partus Sequitur Ventrem in Theory and Practice: Slave Law and Reproduction in Early Modern Portuguese Asia", 542–561.

28 BNCr, Gesuitico, Ges. 1549.

29 Azpilcueta, *Relectio cap. ita quorundam de Iudaeis*, 35–38; *De mancipiis indicis*, fol. 11<sup>r</sup>.

30 *De mancipiis indicis*, fol. 50<sup>v</sup>; Azpilcueta, *Relectio cap. ita quorundam de Iudaeis*, 37.

31 *De mancipiis indicis*, fol. 376<sup>v</sup>.

a passage from Ulpian (D. 50, 17, 209) that is also quoted by Azpilcueta in the *Relectio*, again in the section entitled *In glossam penultimam*, which Vaz cites alongside the *Digest*.<sup>32</sup>

Unsurprisingly, however, the most directly useful parts of the *Relectio* relate to trade and warfare with non-Christians, in particular Muslims in the Indian Ocean. Indeed, occasionally the text is the main reference cited in relation to such issues. For instance, like Azpilcueta, Vaz strictly adhered to the decree of the III Lateran Council that those convicted of aiding Muslim pirates (e.g., supplying or working on their ships) would be subject to slavery, in addition to any other punishments they might receive, such as excommunication. This had not, as some argued, fallen into disuse.<sup>33</sup> At the same time, Vaz also used the *Relectio* in a more creative way when treating the origins of Asian slaves that Azpilcueta had not discussed. For instance, the *Relectio* proved useful in Vaz's argument that the slavery of Chinese people outside of China who had originally been sentenced to penal servitude was unjust. This was because many had been sold by unscrupulous mandarins in the provinces to whom they had been entrusted by the state. Such acts were illegal without the express permission of the emperor who had ultimate control over penal slaves. Here, Vaz asserted that in the case of penal slavery only the monarch or his representatives endowed with "royal authority" (*regia auctoritate*) could enslave and sell people. Citing Azpilcueta's gloss in the *Relectio* on slavery in general, he then underlined that the freedom of a penal slave too was ultimately an imperial prerogative in China.<sup>34</sup>

Several other less well-known texts by Azpilcueta also make an appearance in Vaz's treatise, including his *Commentarius de spoliis clericorum* that treated the famous Canon of Pope Symmachus on the right of popes to alienate church property, *Non liceat papae*. This is cited in a section on debtors and criminals sold into slavery to fulfil their debts or complete their punishments. Such a practice, Vaz argues, could be introduced by either civil laws or custom in Asia if it was proportional to the crime or debt (*servata aequalitate debiti et delicti cum servitute*). Its absence in post-antique Christendom was therefore explicable as the result of changing attitudes, rather than anything more pro-

32 Azpilcueta, *Relectio cap. ita quorundam de Iudaeis*, 36: "at servitus est nocumentum quoddam; immo maximum bonorum exteriorum, quae non sunt animae, vel corporis, arg. L. servitutem mortalitati fere comparamus. Ff. de regu. Iur. Cum ei annotates: ego ius naturae quoad illum statum, non solum dictabat servitutem ullam, sed etiam dictabat, omnes homines liberos esse debere. Quippe quibus nullum nocumentum, vel animae, vel corporis, vel aliquorum aliorum exteriorum bonorum contingere poterat".

33 *De mancipiis indicis*, fol. 51<sup>r</sup>.

34 *De mancipiis indicis*, fol. 85<sup>v</sup>; Azpilcueta, *Relectio cap. ita quorundam de Iudaeis*, 37.

found. Of course, Azpilcueta's extensive discussion of custom (*consuetudo*) as it related to church governance goes much further and explains in detail why such a reliance on custom (as long as it is not abhorrent to natural or divine law) was permitted as this had existed before written laws and so could not be said to be illegitimate.<sup>35</sup>

Another important work that makes occasional appearances is Azpilcueta's collection of Canon law opinions, entitled *Consiliorum sive responsorum*, arranged according to the order of the decretals for easy reference. This quickly became a popular reference work with numerous editions being printed in the late-16th and early-17th centuries. For instance, it is cited in a chapter of Vaz's treatise that contains a number of questions about runaway slaves. The first of these asks whether a runaway slave who has suffered serious abuses should be forced to return to his master. Vaz concludes that all justly possessed slaves are bound to return to their masters and to hand over any money they have earned during their time away, despite the questions raised about these matters by Azpilcueta in the *Consilia*.<sup>36</sup> Here, the relevant passage from Azpilcueta's *Consilia* concerns the restitution of books on the basis of a legal order (*interdictum*) from a praetor with the specific paragraph discussing the validity of such *interdicta* if there was no force, secrecy, or violated prohibition (*nec vi, nec clam, nec precario*) involved in the removal of the books. Gesturing to the previous chapter of his own treatise that addresses the inability of slaves to flee in all but the most exceptional circumstances, Vaz argues that maltreatment by a master does not constitute an exceptional case and so a slave can and should be legally recovered by a master.<sup>37</sup>

#### 4 The Case of Martín de Azpilcueta's *Manual de Confessores* in *De mancipiis indicis*

Of all of Azpilcueta's many writings, his *Manual* was the most influential in Iberian Asia. This is perhaps unsurprising as it offered a one-stop-shop practical guide for confessors, who were able to quickly look up the main features of the three essential stages of penitance (contrition, confession, and satisfaction). It also provided a guide to the duties of a confessor and the sins that they would likely encounter in the confessional, arranged in the first instance according to the Ten Commandments. In addition, as a text that

35 *De mancipiis indicis*, fol. 64<sup>r</sup>; Azpilcueta, *De spoliis clericorum*, 84<sup>r</sup>–85<sup>v</sup>.

36 *De mancipiis indicis*, foliation incorrect [para. 463].

37 Azpilcueta, *Consiliorum sive responsorum libri quinque*, 269.

treated multiple aspects of human life, the *Manual* was a rich source of pragmatic normative knowledge of a more general sort that could be applied in other contexts. As a result, not only did the *Manual* find its way into numerous libraries in Asia and get reprinted in Japan, but it was also an important point of reference for missionaries like Vaz, who cites it at least 130 times in his treatise. These citations both justify the foundational norms that undergirded slavery in Asia and appear in sections discussing a huge variety of specific issues, including the primary mechanisms of enslavement, the treatment of slaves, and manumission, as well as the particular dynamics of slavery in Japan.

Following the dictates of neo-scholastic natural law theory, Vaz argued that the natural state of liberty could only be interrupted in four instances: capture in a just war, punishment for a crime, sale in time of necessity, and birth to a slave mother. The first of these obviously required a definition for a 'just' war, which was the product not of any civil law in Christendom or elsewhere, but of the law of nations (*ius gentium*). As a result, not only could non-Christians become slaves of Christians, but Christians could also become slaves of non-Christians. As just war slavery was considered an alternative to death at the hands of the enemy (based on the hypothetical choice 'your freedom or your life'), both Christians and non-Christians also had the right to kill war-captives, although this was not necessarily encouraged.

Here, chapter XVII of the *Manual* proved particularly useful. On the face of it, this treated sins that contravened the VII Commandment: thou shalt not steal. However, in reality it was an extended meditation on questions of property and ownership that inevitably touched on slavery. In his justifications of the enslavement of both non-Christians by Christians and vice versa, for instance, Vaz cites the paragraphs from it on the necessity of the restitution of stolen property and the restitution of goods in gambling and on recompense in cases of damage to reputation and honour.<sup>38</sup> While the former section offered a basic reiteration of the principle of obligation, the latter specifically addressed the issue of the parallelism of the cases of Christian and non-Christian slave owning.<sup>39</sup> By using this passage, Vaz then justifies the proposition that slaves cap-

38 *De mancipiis indicis*, fol. 27r.

39 Azpilcueta, *Manual de confesores*, 154: "Aunque quien esta preso en poder de infieles, no pecca huyendo, ni el que le ayuda y, si fue tomado en tiemp de paz, o en Guerra injusta. Lo mismo es, si el Christiano injustamente esta detenido de otro. Mas si lo tomo en guerra justa, qual seria si los Christianos acometiessen a los infieles en tiemp de treguas, o paz assentada con ellos, obligacion havia de restituir su rescate honesto, aunque no la misma persona, por el peligro del alma. Ni aun seria obligado a restitucion alguna en caso alguno,

tured in a just war by Christians were not permitted to flee their masters.<sup>40</sup> Likewise, he suggests that Christian slaves of non-Christian masters were bound by the same logic, although he quotes Molina in arguing that if a Christian slave's faith is threatened or he is being forced into sin by his master he has the right to flee.<sup>41</sup>

Azpilcueta's *Manual* also provided more or less applicable principles for governing the sale of people into slavery insofar as it had much to say about the sins related to failing to meet obligations, such as not upholding contracts or committing fraud of various sorts. In particular, Vaz relies on the *Manual* in his discussion of the doctrine of necessity (*necessitas*): the requirement that self-sale or the sale of children into slavery should only take place under extreme duress. In addition to famine and other circumstances, Vaz notes that a certain type of unjust extrinsic necessity could be imposed by a tyrannical king who threatened to kill one of his subjects. In the passage from the *Manual* that Vaz cites, Azpilcueta's focus is on the question of the threshold for necessity that obligated Christians to give charity. However, his discussion also touched on the issue of "ransoming" (Sp. *rescatar*) slaves in Brazil and West Africa, where Christians were obligated to buy both Christian and non-Christian slaves if they were at risk of death at the hands of their owners or enemies who had captured them.<sup>42</sup>

Nonetheless, there were limits to charity, as both Molina and Azpilcueta stated. For instance, it was not necessary to save someone from a tyrant without the expectation of gaining some labour in exchange, although the servitude should be proportionate to the price:

If he did not have the means to pay or the ability to work, and the price to be paid for him did not reach the value of perpetual bondage, it would be wrong to buy a slave forever for that price. This said, they should be saved from death, and should serve temporarily until the price and sum of money was paid off, if the buyer was in agreement, or without doubt they could work for the buyer as a free person until the debt is paid [Molina, *Disputatio* 33]. But if the price is equal to perpetual servitude, the enslaved could satisfy the price through work and servitude. Molina, agreeing with

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si el infiel oviesse contreñido al tal christiano, a que se circuncidasse, o ydolatrasse. Porque entonces, por el mismo hecho, queda del todo libre, y assi el que lo libro, no pecco, antes merecio."

40 *De mancipiis indicis*, fol. 134<sup>v</sup>.

41 *De mancipiis indicis*, fol. 138<sup>v</sup>; Azpilcueta, *Relectio cap. ita quorundam de Iudaeis*, 37.

42 *De mancipiis indicis*, fol. 39<sup>r</sup>; Azpilcueta, *Manual de confessores*, xxiv.9–10.

Azpilcueta, teaches that no one is bound by justice or charity to help a wretched man freely by offering a ransom to a tyrant without expecting anything in return.<sup>43</sup>

In addition to questions of necessity, the *Manual's* extensive discussion of the moral implications of contract law also proved useful for filling in details about the sale of slaves. For instance, when slaves were sold on, it was necessary to follow Azpilcueta's advice in the section on fraud (e.g., selling wine that was about to go bad) and not covering up a slave's vices, such as drunkenness or lust.<sup>44</sup>

Another area where Azpilcueta's *Manual* had much to offer was the day-to-day treatment of slaves. This included the treatment of non-Christian slaves by Christian masters and vice versa. For example, in addressing the question of whether the circumcision of Christian slaves (presumably at the hands of Muslim masters intent on converting them to Islam) resulted in freedom for the slave, Vaz relies on a very clear passage of the *Manual*, which states: "He would not even be obliged to undertake any restitution in the case that an infidel had constrained a Christian to be circumcised, or to idolatrize. Because in that case, by the mere fact, the Christian is deemed completely free."<sup>45</sup>

Vaz then expands on Azpilcueta's concept of idolatry to include any severe mortal sin.<sup>46</sup> Indeed, while Vaz recognised the legitimacy of non-European slavery, he was also very sympathetic to Christian slaves whose faith or Christian morality might be threatened by their non-Christian masters. At the same time, Christian masters had to ensure that their slaves' souls were not neglected, a fact underlined by Azpilcueta who stated that it was a mortal sin to facilitate the mortal sin of another.<sup>47</sup> This covered obvious scenarios like prostituting slaves, as well as preventing slaves from attending mass and receiving the sacraments, not only including communion and marriage, but also confirmation and extreme unction.<sup>48</sup>

Of course, mirroring other contemporary legal texts, marriage was a particular focus of Vaz's treatise; it was not to be compromised in any way by slavery, while also recognising the right of a master to sell a slave. However, this was both in theory and practice a difficult balance to strike, as reflected in Vaz's extensive and repeated discussions of the issue. As evidenced by the case of

43 *De mancipiis indicis*, fol. 39<sup>v</sup>.

44 *De mancipiis indicis*, fols. 128<sup>v</sup>–130<sup>r</sup>; Azpilcueta, *Manual de confesores*, XXIII.89.

45 Azpilcueta, *Manual de confesores*, XVII.104.

46 *De mancipiis indicis*, fol. 36<sup>r</sup>.

47 Azpilcueta, *Manual de confesores*, XIV.21.

48 *De mancipiis indicis*, fols. 192<sup>r</sup>, 261<sup>r</sup>.

Simona and Matheo mentioned above, the wide-spread European and non-European practice of buying and selling people across maritime Asia led to the separation of couples. This was not limited to cases where both husband and wife were enslaved, but might also include instances where one party was enslaved and the other was a low-status free person. Citing Azpilcueta, as well as Aquinas and other authorities who had discussed this issue, Vaz made it clear that it was a sin to sell one half of a couple to distant regions (*in remotas terras*) if this meant that the marriage could not continue in the conventional way.<sup>49</sup> He also echoed Azpilcueta in determining that this did not apply in cases of marriages imposed by the master against the will of the slave, or without their knowledge (seemingly an occurrence common enough to warrant extensive discussion). In this instance, it was permissible, since consent was a foundational requirement of any Christian marriage and so such marriages were not to be considered real marriages.<sup>50</sup> Indeed, consent was something of a thorny issue. For instance, Vaz discusses the question of whether a slave child could be baptised without the consent of the mother, but with that of the grandfather. Here, he follows the marginal note added to Azpilcueta's *Consilia* in many editions, which stated that he was mistaken in believing that this was not permissible, since the (Christian) spiritual wellbeing of a slave was always to be prioritised.<sup>51</sup>

The final element worth discussing concerning Vaz's reception of Azpilcueta's *Manual* is the application of the latter's ideas to the specifically local dynamics of the slave trade. For instance, Vaz devotes a whole chapter to the effect of the 1570 edict of Dom Sebastião, which forbade his subjects (both Portuguese and non-Portuguese) from trading in Japanese slaves.<sup>52</sup> While this was hard to enforce, there was also the issue of the trade in Japanese slaves who had been enslaved before the promulgation of the edict, as well as the ongoing trade in Japanese slaves by people in Asia who were not subject to the jurisdiction of the Portuguese Crown. In resolving these questions, Vaz followed the conventions of both the School of Salamanca and the wider European legal tradition that considered that laws should not be retroactive, and that the laws of each jurisdiction (*ius civile*) were to be respected, as there was the recognition that different laws were applied in different courts (*istam legem usque*

49 *De mancipiis indicis*, fol. 154<sup>v</sup>; Azpilcueta, *Manual de confessores*, xxii.34.

50 *De mancipiis indicis*, fol. 156<sup>r</sup>.

51 *De mancipiis indicis*, fol. 170<sup>r</sup>.

52 Sousa, *The Portuguese Slave Trade in Early Modern Japan: Merchants, Jesuits and Japanese, Chinese, and Korean Slaves*, 278; Ehalt, *Jesuits and the Problem of Slavery in Early Modern Japan*, 525.

*modo non fuisse in hac Indica Provincia in tribunalibus receptam*).<sup>53</sup> Yet, this was not to deny that excommunication awaited those subject to Portuguese royal law who transported and traded in Japanese slaves, a fact Vaz also justifies with reference to Azpilcueta's *Manual*, which sets out the relatively limited circumstances in which absolution was available.<sup>54</sup> While originally composed with the particular dynamics of European Christendom in mind, the universalising framework provided in Azpilcueta's *Manual* could thus be easily applied in distant contexts like Japan.

## 5 Conclusion

While the role of manuscripts in the creation of legal culture in Iberian Asia is still poorly understood as a whole, Vaz's *De mancipiis Indicis* clearly shows that the pragmatic normative frameworks put forward by Azpilcueta in his *Manual* and other popular works had an afterlife in Asia not only in printed form but also in manuscript. Thanks to Azpilcueta's treatment of a wide range of moral problems, Vaz could use his works to understand and justify a wide range of norms relating to slavery in Iberian Asia and beyond.

Indeed, Azpilcueta's *Manual* even makes an appearance in Vaz's treatise on slavery in a discussion of whether a master could order a slave to copy a manuscript on a feastday. Here, there were two issues to resolve: first, it was unclear whether copying manuscripts was an activity that slaves could undertake at all, as there was a Canon law prohibition against it. Second, the question then arose about whether copying manuscripts on a feastday would break the third commandment on keeping the Sabbath holy (and by inference other feastdays) that Azpilcueta discussed in chapter XIII of his *Manual*.<sup>55</sup> In the end, Vaz concludes that it was permitted provided that the slave was paid for this work, as writing should not be forbidden to anyone. Thinking of slaves belonging to ecclesiastical institutions in Asia, he also notes that a missionary had to take care of his flock on feastdays and therefore had no time to undertake the important task of copying (presumably Christian) texts, which could therefore easily be farmed out to slaves. This is just another sign of the importance of manuscripts in the creation of legal culture in Iberian Asia.

53 National Library of Portugal, Lisbon, cod-2577\_0231\_to. *De mancipiis indicis*, fol.

54 *De mancipiis indicis*, fol. 259<sup>v</sup>, 99<sup>r-v</sup>. Azpilcueta, *Manual de confessores*, xxvii.39.

55 *De mancipiis indicis*, fol. 259<sup>r</sup>.



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# Pietro Alagona's *Compendium Manualis Navarri* Published by the Jesuit Mission Press in Early Modern Japan

Yoshimi Orii

## Abstract

There is only one known extant copy of a 1597 edition of *Compendium Manualis Navarri*, printed by the Jesuit Mission Press in Japan. Nothing about the publication of this edition is mentioned in any letters or reports by the Jesuits in Japan, and its existence was unknown until the discovery of the copy in the library of the University of Santo Thomas in Manila in 1985. The book presumably arrived in Manila before 1619. The original European edition of the book, a compilation of Martín de Azpilcueta's *Manual de confesores y penitentes* by the Jesuit theologian Pietro Alagona (1549–1624), is considered to be the 1592 edition published in Antwerp. The fact that there is no substantial variance between the two editions is significant in the study of censorship among the Jesuits in Japan. Azpilcueta-Alagona's opinion was cited in the discussion about the confession of faith and martyrdom under persecution in Japan when the publication of Alagona's edition had almost drawn to a close in Europe and the validity of his resolution was challenged.

## Keywords

Jesuit Mission Press in Japan – University of Santo Thomas – Pietro Alagona – Manila – *Compendium Manualis Navarri*

## 1 Introduction

The *Compendium Manualis Navarri*, edited by the Jesuit theologian Pietro Alagona (1549–1624), was published in 1597 by the Jesuit Mission Press in Japan. The process that led to its publication is not mentioned in any letters or reports by the Jesuits who came to Japan, and its existence was unknown until 1985, when a group of Japanese antiquarian book dealers discovered it in the library

of the University of Santo Thomas in Manila. Although all the images of the work are now available online, little research has been done on the book for almost four decades.

Following a brief account of the bibliography and provenance of the book, this study provides an overview of its historical context in the publishing activities of the Jesuits in Japan. It then discusses the possibility that the original text was the 1592 edition published in Antwerp. Lastly, it introduces some references of Azpilcueta's resolutions on martyrdom in a theological manuscript written by Jesuits in Japan at the time of persecution, as well as in an apologia edited by the Augustinian order in the Philippines, for having dissimulated their sacerdotal status when faced with the inquisition by the Tokugawa Shogunate. This elucidates that Azpilcueta's works were referred to in order to justify the moral and theological problems raised in remote Asia.

## 2 Basic Bibliography and Provenance of the Book

The *Compendium Manualis Navarri* composed by Pietro Alagona is now in the Miguel de Benavides Library and Archives, Collegiate Collection, University of Santo Thomas Library, Manila.<sup>1</sup> The size of the book is Octavo—a standard size for the Latin books published by the Jesuit Mission Press—and it features a leather exterior cover whose spine reads *Petrus Givvarra, Compendio Manualis Navarri*. It has 462 pages, plus 45 pages of the index without page number, and there is some incorrect collation among pages 97–108.

The physical condition is extremely poor, specifically due to a bug infestation, because the papers, which appear to be of Japanese origin, have not adapted well to the much higher humidity of the Philippines. While the book has been repaired with many slips of paper, these have also become infested. After a detailed material examination, Masayuki Toyoshima argues that when they printed the work of the Jesuit Visitor Alessandro Valignano, *Catechismus Christianae Fidei* (1586) in Lisbon, with the same printing machine later brought to Japan with the return of the Japanese *Tensho* Embassy from Europe, various types of formats and papers (both Japanese and European) were tried and tested. Toyoshima further emphasises that all subsequent works

1 As of August 2022, due to the outbreak of Covid-19, it has not been possible to conduct physical research in Manila. I would like to thank Diana Padilla of the University of Santo Thomas Library for the information she has provided about the physical analysis of this publication.

printed in Roman letters (Latin, Portuguese, and Romanised Japanese) followed the style of double-sided printing on *Torinoco* paper, which is a Japanese paper mainly made from mulberry fibre struck with a mallet and is so valuable as to be listed in the property list of the Jesuits in Japan.<sup>2</sup> It can, therefore, be expected that the *Compendium* published in Japan is no exception to this rule.<sup>3</sup>

The Christogram on the title page is not used in other publications of the Jesuit Mission Press in Japan, nor does it have any relation to the design of the 1592 Antwerp edition, which is presumed to be the original source text of the book (discussed further on). Therefore, it may have been selected by the Jesuits in Japan. The cuts, or vignettes, used at the bottom of the second page, where the letter of permission to publish is written, are intermittently taken from *Christiani Pueri Instituto*—Juan Bonifacio's famous work on Christian education published in 1588 in Macau, where the printing press was temporarily anchored—and one of the last records of the press, the Japanese translation of Luis de Granada's *Symbolo de la fe*, published in 1611. The other cut on the last page of the index is also commonly used in the Jesuit publications of Japan until *Racuyoxu*—a comprehensive book of samples of Chinese characters published in 1600. The provenance of these illustrations is unknown and should be the subject of future research. As for the last-mentioned cut, it is quite similar to that recorded in Dimler's comprehensive studies on the Jesuit emblem, the one used in the French translation of *Gymnasium Patientiae*, that is *Escole de Patience*, written by a Bavarian Jesuit Jeremias Drexel (1581–1638) and published in the printing house of Pierre Rocolet (c. 1610–1662), Louis XIV's regular printer, in 1630.<sup>4</sup>

Handwritten on the title page are the words *Colegio de Nuestra Señora del Santísimo Rosario*, a college which was founded in 1611 as the predecessor of the University of Santo Thomas. John N. Crossley argues that the books in the same collection published after 1619 do not mention *Nuestra Señora* but simply *Colegio de Santo Tomás*;<sup>5</sup> therefore, it is fair to determine that the book arrived in Manila before 1619. There are no other signs in the text that the book was actually used or referenced, except for the handwriting of *Sto Thomas* on pages 63 and 367.

2 Toyoshima, "Nihon no insatsushi kara mita Kirishitanban no tokuchō", 97–98.

3 For a recent scientific analysis of the paper used by the Jesuits in Japan to write their letters—not only the printed materials—see Moriwaki, "Iezusukai Senkyoshi to Kami [The Jesuit missionaries and papers]".

4 Daly, and Dimler s.j., *Corpus Librorum Emblematum*, 54.

5 Crossley, *Hernando de los Rios Coronel and the Spanish Philippines in the golden age*, 130.

### 3 Historical Context of the Book

Azpilcueta's books, in general, were obtained from the very early stage of the Japan mission, even before the publication of *Formato Mayor* or the definite version of *Manual de confesores y penitentes* published in Salamanca in 1556. Not long after the beginning of the Japan mission in 1549, led by Francisco Xavier, his fellow Jesuit, Melchior Nunes Barreto, left Goa in 1554 and anchored in Japan in 1557 with various goods and books necessary for the mission, including eight *manuales de Navaro*.<sup>6</sup> Eight copies is the highest number in this booklist, after '35 *cartapacios bramquos*' (white notebooks), which were presumably used for some epitomising practice during daily devotional or theological reading. Gaspar Vilela, his fellow voyager, also carried '*hum Navaro dos de cima* [one of the Navarros mentioned above]'.<sup>7</sup> Blas Dias, who was entrusted with the mission in Goa after Barreto left for Japan, also reported that he taught the Gospels in the morning and '*os mandamentos por Navaro*' in the afternoon.<sup>8</sup>

The Jesuit Mission Press in Japan was started in 1590, when a printing press brought from Europe was unloaded in Nagasaki, and it operated in Japan until 1614, when the expulsion of missionaries by the Tokugawa Shogunate led to their dispersal and refuge in Macau and Manila. At this time, the press was taken to Macau and unpacked, and publication resumed there. At present, only about 35 titles published by the same press are known to exist, although according to the Jesuit's letters and other reports—including the Jesuit *Litterae Annuae*—no fewer than 100 titles were published.<sup>9</sup>

Alagona's *Compendium* marks 1597 as the year of publication but does not give the exact place of publication. This may be due to the fact that, following the expulsion of missionaries by Toyotomi Hideyoshi—a powerful feudal lord who completed the unification of Japan—the printer had to move from Amacusa to Nagasaki in September of 1597 to avoid the upheaval. Generally, much information on the state of the book's publication was reported by the Jesuit's *Litterae Annuae* addressed to Rome. However, based on the study by Satoru

6 Wicki, *Documenta Indica III (1553–1557)*, 202–203. On this booklist, see Gay, "La Primera Biblioteca de Los Jesuitas En El Japón" (1556).

7 Wicki, *Documenta Indica*, 204.

8 Wicki, *Documenta Indica*, 157.

9 For the most basic bibliography on these publications, see Laures, *Kirishitan Bunko: A Manual of Books and Documents*. Toyoshima, "Nihon no insatsushi kara mita Kirishitanban no tokuchō", summarises the state of existence of each work in the world up to 2013 in its Appendix. 1–10.

Obara, who examined the Letters closely, it is not possible to find any mention of Alagona's *Compendium*.<sup>10</sup>

Progress in Japanese Jesuit printing technology was marked by the domestic casting of italic types in 1594, which were necessary to distinguish between multiple languages, and the new minting of these types resulted in the publication of language books, such as Manuel Alvarez's *De institutione grammatica libri tres* published in the same year and the Ambrosius Calepinus' *Dictionarium latino lusitanicum ac iaponicum* in the following year. The domestic casting of *kanji* and *kana* types took four more years, resulting in the use of around 300 newly-cast types in *Salvator Mundi* or *Confessionarium* (1598) and over 2,500 in *Rakuyoxu* (1598). Alagona's *Compendium* was published in parallel with this period when the Jesuit Mission Press in Japan was actively dedicated to the casting of the vernacular typefaces.

The publications around Alagona's publication year include spiritual and devotional works, such as Bartolomeu dos Mártires' *Compendium Spiritualis Doctrinae* (1596) and Ignacio de Loyola's *Exercitia Spiritualia* (1596). It is worth pointing out that a Latin work close in genre to Alagona's was published in Japan in 1603. This was the *Aphorismi confessoriorum ex doctorum sententiis collecti*, a work on moral theology, first published in Rome in 1597 by the Jesuit Manuel Sá. Luis Cerqueira, Bishop of Japan, mentions in his *Imprimatur* and publication permission of the book *Aphorismi* that it is a reprint of the Madrid edition published in 1600. This means that they published it in Japan before the news of the *Index Librorum Prohibitorum* in 1603 reached Japan, in which Sá's book was listed.

According to some Jesuit letters, 1,300–1,500 copies of *kanji-kana* mixed books were printed at once and 600–800 copies of Latin works are known to have been printed at once.<sup>11</sup> At the time, Japan was in the early days of printing culture so when a first-edition woodblock print sold 1,000 copies it was considered a best-seller. Therefore, it seems that this was a fairly ambitious publication.<sup>12</sup>

10 Obara, "Kirishitan ban ni tsuite (1)" [On Christian books published in Japan (1)], 66. In the Jesuit *Litterae Annuae* in 1595, there is a report of publication of "*hum manual pequeno que serve particularmente para uso de seminari*" together with the news of publication of *De Institutione Grammatica* (1594) and *Dictionarium latino lusitanicum, ac iaponicum* (1595). However, this description is not enough to determine whether it was Navarro's manual or not. Further, the date of 1595 may be too early.

11 Arai, "Kirishitan ban kokujitai no inkou ni tsuite (6)" [On the Japanese Script Versions of the *Kirishitan-ban* (6)], 44.

12 Hashiguchi, *Edo no hon'ya to hon-dzukuri: Zoku wahan nyūmon* [Bookstores and Book-Making in Edo: Introduction to Japanese Books], 128. See also Orii, "The Catholic Reformation and Japanese Hidden Christians: Books as Historical Ties".



As for another specific quantitative description of Alagona's *Compendium*, one copy of 'Navarros' and 53 copies of 'Compendios de Navarros' are among the 43 titles listed in the inventory of the Macau College in 1616,<sup>13</sup> and 53 copies is the highest number of copies among all the titles. At that point, the collection at the Macau College consisted of books brought from Japan. As it is impossible to determine which edition of Navarro's works in Europe it refers to, academics have proposed different hypotheses. However, the second-largest number of copies in the inventory is 11, and this is for one of the titles printed by the same Jesuit Mission Press in Japan. Therefore, it is almost certain that the *Compendios de Navarros* mentioned in the inventory is the 1597 Japanese Jesuits' version. In other words, Alagona's 'Compendium' is the most abundant work available at the Macau College, and probably at the Japan College as well.

#### 4 The Original Antwerp 1592 Edition

The Japanese Jesuit edition of Alagona's work has 27 chapters with a long preface of ten chapters (titled *Compendium Praeludiorum Manualis Navarri*, hereafter *Praeludia*), and a final index arranged in alphabetical order. However, there is a break in the middle of chapter 27, and the text continues from the middle of the index (section C). In other words, the latter half of chapter 27, sections A and B, and the first few pages of C are missing. There are about 35 editions of Alagona's *Compendium*, whose years of publication range from 1590 to 1623, some ending at chapter 27, others at chapter 29. As the Japanese Jesuit edition is missing half of chapter 27, it is not possible to identify the original version based on the chapter structure alone.

On the back of the title page, there is a publication licence by the book censor Henricus Dunghaus, also known as Hendrik Zibertus Dongen (1511–1596), a theologian who was active in Antwerp and Rome during the post-Tridentine era, with the following date and location specified: May 1591, Antwerp.<sup>14</sup> This suggests that the 1597 Japan edition was made with reference to at least one of these editions censored and licensed by Dongen. It was exclusively the printer Petrus I Bellère (or Bellerus) that handled Alagona's *Compendium* in Antwerp, and it was printed in 1591, 1592, 1594, 1600, and 1604 by the publishing houses

13 For a study of this inventory, see Takase, "Makao korejiyo no zōsho [Booklists of Macau College]".

14 Related to Antwerp, the aforementioned book by Manuel Sá, one of the few extant books in Latin published after 1598 in Japan, also carries the *Aprobatio* of 1597 granted in Antwerp by a book censor Silvester Pardo.

run by the Bellerus family.<sup>15</sup> Comparing these first three editions (the 1600 and 1604 editions are excluded since the editions after 1597 cannot be the original source), the 1597 Japanese Jesuit edition seems to have been made with reference to the 1592 edition. It is no wonder that the original was from Antwerp because the Low Countries comprised one of the most prolific regions with regard to the publication of Jesuit authors at that time. Antwerp, in particular, is also known to have been a supplier of books to Mexico. As César Manrique Figueroa pointed out, Everardo Mercuriano, the Jesuit General, instructed his fellow member in Mexico, who had reported a shortage of books in their mission, to send to the *Procurador* of Seville a sum of money as well as a list of books that they needed, which would be easily supplied from Antwerp.<sup>16</sup> Regarding why the Antwerp edition in particular was used as the original text in Japan among Alagona's many editions in Europe, we can only draw an assumption from the above context.

The reasons for the 1592 edition being the source text of the 1597 Japan edition are, first, that the *Praeludia* preface at the beginning of the Japan edition (pp. 1–31) does not exist in the 1591 edition but only in the 1592 and the 1594 ones (although the *Praeludia* of the 1592 edition exist at the end of the volume, not at the beginning). According to previous studies, *Praeludia* were incorporated by Azpilcueta into the beginning of his Latin edition published in 1573 and were also included in some subsequent Latin editions.<sup>17</sup> Second, the 1594 edition lacks the *Privilegio* of Dongen, according to the copy consulted when writing this chapter.<sup>18</sup> Moreover, a comparison of the texts of the 1592 and the 1594 editions shows that many changes have been made in the content, based on which it is obvious that the 1592 edition bears the greatest resemblance to the 1597 Japan edition.<sup>19</sup> There are some differences in the numbering and layouts

15 The 1592 edition was published by his brother Joannes I Bellerus or Jean Bellere. César Manrique Figueroa mentions in his chapter in this volume that Petrus I Bellère was the son-in-law of Joannes Steelsius, and was active from 1562 to 1600. Thus, Alagona's edition of 1604 was probably published by his widow Joanna Steels.

16 Manrique Figueroa, "La Impronta De Los Países Bajos En Las Bibliotecas Novohispanas De La Compañía De Jesús", 31.

17 Muguruza Roca, "Del confesionario Ibérico de la Contrarreforma a los manuales para confesores en la América Colonial", 42; Bragagnolo, "Managing Legal Knowledge in Early Modern Times".

18 The copy referenced is at Antwerp University Library, Bibliotheek Ruusbroecgenootschap, RG 313 E 3.

19 The title page of the 1591 edition states that it corrected innumerable errors in the preceding Italian edition with the original author, and the 1592 and 1594 editions also state that they corrected errors in preceding editions (also with the original author). However, the contents of the 1594 edition show great resemblance not to the 1592 edition but to

of the 1592 Antwerp and the 1597 Japan editions, but the content is identical and there is no trace of any deletion or addition of content to accommodate the local culture of the Far East.

The *Praeludia* contain a theological refutation against the scholars who argue that the ‘immortality of the soul’ is unprovable based on a philological examination, which was independent of the theological interpretation of Aristotle’s work. This soul, or *anima*, discourse also reflects the decisions of the Council of Trent that harshly criticised the theory of justification of faith alone and condemned Pelagius and Luther. Alessandro Valignano, who led the Jesuit mission in Japan to its prosperity, is known to have instructed his fellow members to take great care not to inform Japanese believers of such a schism of European Christendom, because what attracted local Japanese believers was the unity of Christian teaching, which did not exist in any Buddhist sects.<sup>20</sup> The publication of *Praeludia* in Japan means that any censorship was not succeeding at this stage and that those who managed to read Latin to the extent that they understood Azpilcueta were allowed to access such information.

## 5 The Use of the Book in the Jesuit Mission

As mentioned earlier, there is a high possibility that there was a prominent number of Alagona’s *Compendia* compared with other books in the Macau College, which consisted of books rescued from Japan. The examples that can clearly corroborate that the book was actually referred to by missionaries in Japan are still to be discovered. Nonetheless, in the *Compendium Catholicae Veritatis*, compiled by Pedro Gómez (c. 1533–1600), the Jesuit Vice-Provincial of Japan, there is a definite reference to Alagona’s *Compendium*, particularly in his accounts of martyrdom. This was a compilation of Gómez’s three treatises on the celestial spheres based on Aristotelian-Ptolemaic cosmology (first treatise), Aristotle’s treatise on the Soul and Nature (second treatise), and on theology centred on the Catholic Catechism following the decree of the

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the 1591 one. In fact, many of Alagona’s editions published in Europe are based on these 1591 and 1594 editions. The 1592 edition belongs to a different lineage like, for example, the 1591 Cologne edition by Birkmann and Arnold Mylius. The title page of this Cologne edition reads, “now finally it was recognised with extraordinary diligence, and very carefully cleansed of all faults that had arisen (*nunc demum singulari diligentia recognitum, omnibusque mendis, quibus scatebat, studiosissime purgatum*)” and it does not mention whether Alagona intervened in or approved of the revision.

20 Valignano, *Sumario de las cosas de Japón* (1583); *Adiciones del Sumario de Japón* (1592), 143.

Council of Trent (third treatise). The draft was completed in Latin in 1593 and translated into Japanese in 1594–1595 as a textbook for the Jesuit college established in Funai (Kyushu). No printed copies but a manuscript in Latin and two Japanese manuscripts are known to exist.<sup>21</sup> In articles 19 to 23 of the first chapter of his third treatise in the Latin manuscript, Gómez develops his theory of the Confession, with his quotation from Alagona being found in article 23. This article bears the title ‘When can a Christian lawfully offer himself to martyrdom?’ To this question, Gómez answers as follows:

*Navarrus. Cap. 11 no. 40 dicit eum peccare mortaliter, qui irratat infidelis, ut eum morte afficiant, quae quoniam nulla est spes utilitatis non tenetur se eis offerre ex praecepto, aut ex concilio. Probatur conclusio quia sine necessitate vitam temporalem contemnit contra illud quod dixit Christus in Matt. 10. Cum autem persequentur vos in civitate ista fugite in aliam.*

*Navarrus. Chapter 11, number 40 says that he who provokes the unbelievers to affect him to death sins mortally, that when there is no hope of benefit, he is not bound to offer them by precept or by council. The conclusion is proven since it is unnecessary that the temporal life should be despised against what Christ said in Matt. 10. ‘But when they shall persecute you in this city, flee to another’. (f.135)*

The Japanese version reads:

前癡予ナル敵ハ、悪ニ貧著シテ居ルカユヘニ、縦イ、吾レト我身ヲ殺害セラル、為ニ其等ニ渡ト云フトモ、ホロシモノ為ニ徳トモナラス、又、デウスノヒイテスノ為ニモナラヌ時ハ、身ヲ敵ニ渡ストテマルチルニナル事ニハア

21 The surviving Latin manuscript is in the Vatican Library [Ms.Reg.lat. 426]. Its Japanese translation is in the Magdalen College Oxford [MS228] and the Herzog August Library [Cod. Guelf. 7.5 Aug. 4<sup>o</sup>]. The latter was discovered in 2019, and its transcription is currently being prepared for publication by Sven Osterkamp and Ryuji Hiraoka. The Herzog copy clearly states the name of the Jesuit Pedro Morejón as the primary compiler, and more study of its authorship, previously attributed exclusively to Gómez, is expected. A reprint of the Oxford copy is in Gómez, *Compendium*. The transcription with annotation is in Obara, *Iezusukai Nihon Korejyo*. Among the many studies that have been carried out since its first discovery in 1995 is the recent monograph by Ucerler, who discovered the Oxford copy, *Samurai and The Cross*, especially the first three chapters. Ucerler argues that Gómez adapted moral theological discourse of Europe to the local needs and specific circumstances of late 16th-century Japan.

ラス、却テモルタル科トナルト、ナウロト云フ学者如此云ヘリ。其ノユヘハ、偽ノ子細モナク、空シク命ヲ継スル事ハモルタル科也。御主ノ御辞ニ、此在所ニテ責メラル、ニ於テハ、他所へ行ケト、*Mat. 1 [sic.]* ニ見ヘタリ

*Gentles, our enemies, are greedy for evil, so even if someone and his body are handed over to them in order to be killed, if it is not the virtue of their neighbours, nor of their faith in God, he will not become a martyr. Even if he hands over himself to the enemy, rather it will become a mortal sin, as Dr. Navarro says. The reason is that it is a mortal sin to just die vacantly without any small deception. The Word of the Lord in Matthew 1 [sic.], tells us to go elsewhere if we are persecuted in our place.<sup>22</sup>*

Gómez's quotation, "Navarrus Chapter 11, no. 40" corresponds to Alagona's *Compendium*, Chapter 11, Article 40. Naturally, the 1592 Antwerp edition bears the same description in pages 29–30:

40. *Qui in re gravi Deum tentat, vel temere se offert martyrio, irritans infideles sine licita causa ad hoc peccat mortaliter. Qui dicit, vel facit aliquid expresse, vel tacite, solum ut experiatur aliquod attributum Dei, peccado mortale.*

40. *He who tempts God in a grave matter, or offers himself rashly to martyrdom, provoking the unbelievers without a lawful cause to this end sins mortally. He who says or does something expressly or silently, only to experience some attribute of God, mortally sins.<sup>23</sup>*

Although not a faithful quotation from the original text, Gómez makes it clear, on the authority of Azpilcueta, that the act of provoking martyrdom is a mortal sin. Prior to Gómez's draft in Latin of the *Compendium* in 1593, Hideyoshi's decree of expulsion of missionaries had been issued in Japan in 1587. Gómez's *Compendium*, therefore, seems to have been an important guide for the Japanese missions that had finally entered the period of persecution.

However, questions of how and to what extent to apply the '*irritat infidelis sine licita causa*'—which Gómez, citing Azpilcueta, declared to be a mortal sin—arose in the particular context of the pagan world of the Far East. It was the case of the crucifixion and martyrdom of 26 Saints in Nagasaki on 5 February

22 Obara (ed.), *Iezusukai Nihon Korejō no Konpendiumu*, vol. 2, 68.

23 Giuvara, *Compendium Manualis Navarri*, 66.

1597 which showed the Jesuits that not only persecution but even martyrdom had become a real possibility in Japan.

The martyrs included Franciscans—such as Martín de la Ascensión (1566–1597)—and Japanese laymen under their leadership. The Franciscans claimed that the Jesuits had escaped martyrdom because of their cowardice. However, the Jesuits refuted this claim, stating that the Franciscans were imprudently encouraging the Japanese believers to martyrdom and consequently inciting the anger of the Japanese *Bakufu* authority.<sup>24</sup> In the context of these events, Gómez summarised his views on the conditions of martyrdom in which he described the definition, conditions, and effects of martyrdom. According to a report in *Litterae Annuae* of 1598, written by Francisco Pasio, Gómez had his summary translated into and printed in Japanese. Contemporary academics agree that it is one of the documents included in a series of manuscripts on martyrdom, which were confiscated by the Shogunate at the end of the 18th century from hidden Christians in Urakami (Nagasaki) and discovered at the Nagasaki Prefectural Office in 1896.<sup>25</sup> In this document, not only is the escape of believers from places of persecution justified, citing the aforementioned Matthew 10, but the act of declaring one's faith without being asked at the trial, whether one is a Christian or not, is condemned.<sup>26</sup> This shows that Gómez holds the same view as the aforementioned resolution of Azpilcueta-Alagona, which provided an important direction for the moral-theological instruction over the conditions of martyrdom in the Jesuit college in Japan.

This instruction by Gómez took on greater significance after the decree of expulsion of all missionaries in 1614 by the then Shogunate to Macau and Manila, while many chose to go into hiding. Discussions over this issue continued among theologically-savvy members of the Jesuit mission in Japan. As Rômulo da Silva Ehalt shows in his analysis of a document from Ajuda Library (49-VI-6), the Jesuit elders convened in 1621 in Macau, where they were exiled and given the opportunity to discuss some issues over the administration of their mission in Japan such as "liturgy, confessions, social obligations of

24 The controversy between the Jesuits and the Franciscans over this case has been much discussed. Some of the most recent literature on the subject includes: Vu Thanh, "The Glorious Martyrdom of the Cross. The Franciscans and the Japanese Persecutions of 1597"; and Tronu, "The rivalry between the Jesuits and the Mendicant orders in Nagasaki at the end of the sixteenth century and the beginning of the seventeenth century".

25 Asami, "Hakugaika no Shinkō Kokuhaku [Confession under Persecution]". The following is a collection of primary sources in Japanese on martyrdom and persecution in Japan: Obara, *Kirishitan no Junkyō to Senpuku*. The transcription of the manuscript is included in pp. 96–105 under the tentative title: *Maruchiru no Kokoroe* [Guide to Martyrdom].

26 Obara, *Kirishitan no Junkyō to Senpuku*, 99.

Japanese Christians, their participation in martyrdoms, public oaths, and the external use of non-Christian signs".<sup>27</sup> There, they discussed the effectiveness of the measures that had already been taken on 61 issues in Japan, wherein they included the question of whether Christians should answer honestly when asked by innkeepers about their religious affiliation. Taking Azpilcueta as an authority, and citing contemporary moral theologians, such as Tomás Sánchez and Juan Azor, they came to the conclusion that answering ambiguously or amphibologically was not a sin.<sup>28</sup> Ehalt also analysed a similar example of the Dominican Order in Japan between 1612 and 1616 in the letter consultation written by Francisco Morales—the head missionary of Japan of his Order who was martyred in 1622—and addressed to Domingo González, rector of Santo Tomás College in Manila (whose manuscript is in Archivo de la Provincia del Santísimo Rosario in Avila).<sup>29</sup> The earlier-mentioned teaching by Gómez for the Jesuit College in Japan, which cited Azpilcueta as an authority, could be placed as a precursor to the debate over the confession of faith under persecution carried out by the succeeding missionaries who struggled in the Japan mission.

Similar arguments have been made in the Augustinian Order in the Philippines. For example, Luis Flores O.P. and Pedro de Zúñiga O.S.A. entered the Japanese archipelago from Manila secretly, concealing their priestly status, and were arrested by the Shogunate in 1622. They dodged the Shogunate's inquiries with skilful verbal dissimulation and amphibology but, when the evidence of their past activities in Japan made it impossible to deny that they were priests, they finally confessed and were crucified. Fellow historiographers in the Philippines and Spain were concerned that the fact that the two priests concealed their priestly status until the very last stage might be an obstacle to beatification and, in compiling the 'martyrological' records of their respective Orders in Japan, they often justified them on the authority of 'Doctor Navarro' to explain why they did not immediately hand themselves over to death by concealing their identity.<sup>30</sup> In another example, Hernando Becerra O.S.A. (1588–1626) completed a biography of Zúñiga in 1624 in Manila. His biography of Zúñiga was one of the source texts of the *Segunda Parte de Conquistas de las Islas Filipinas*, compiled by Gáspar de San Agustín, the author of the *Primera*

27 Ehalt, "Theology in the Dark", 263.

28 Ehalt, "Theology in the Dark", 261–268.

29 Ehalt, "Theology in the Dark", 269–275.

30 These examples of Dominicans and Augustinians are partly mentioned in the following paper, which this chapter expands upon: Orii, "Disimulación sobre la «Disimulación» en Historiografías Españolas: Mártires del Siglo XVII en Japón".

*Parte*, and edited or further compiled by Casimiro Díaz O.S.A. (1693–1745).<sup>31</sup> This *Segunda Parte* includes in chapters 20–24 the *apologia* by Becerra already mentioned. The name ‘Navarro’ or Azpilcueta is often referred to in this *apologia*. For instance, chapter 21 states:

*Se han de notar que en caso que sea lícito ocultar la verdad, se puede usar de algunas palabras anfibológicas y de dos sentidos, o ya porque ellas los tengan en sí, o porque juntas las que dice la boca con las que están en el pensamiento vienen a componer la verdad perfecta. Esto lo prueba muy doctamente Navarro en tres cuestiones, que todas se enderezan a este punto, [...]*

*It should be noted that in cases where it is lawful to conceal the truth, one can use certain amphibological words and two meanings, either because they have them in themselves, or because together those spoken by the mouth with those in the mind come to compose the perfect truth. Navarro proves this very well in three cuestiones, all of which are directed to this point, [...]*<sup>32</sup>

Becerra's *apologia* is also cited in *Christiandad de Japón*, published in Madrid in 1698 by his fellow Augustinian José Sicardo (1643–1715). There, Sicardo was concerned that Becerra's theological apologies quoted in his work could be taken as an advantage by ‘Promotor Fiscal de la Fe’ or *Promotor Fidei*—an ecclesiastical office established by Pope Sixtus V in 1587 to criticise, demand proof for, and discover errors in all the documentation provided to demonstrate the merits of the prospective candidate for the altars as a blessed one or saint—to be used for making counter-arguments.<sup>33</sup> In other words, in a situation where the Japanese church organisation had already been destroyed and there was no longer a single priest, Sicardo was concerned that the more theological grounds that

31 Díaz and San Agustín, *Conquistas de las Islas Filipinas, la temporal por las armas de nuestros católicos Reyes de España y la espiritual por los religiosos de la Orden de San Agustín* [...] *Segunda Parte*, 151–181. This 1890 edition is the first transcription of the *Segunda Parte*. According to the compiler Tirso López, it is based on a manuscript completed in 1720, which now exists in Biblioteca del Estudio Teológico de Valladolid, Manuscript Filipiniana, F-A-d 148. Merino, “En torno al autor y ‘Conquistas de las Islas Filipinas’”, also discusses the possible involvement of José Sicardo, author of *Christiandad de Japón*, in the compilation of the *Segunda Parte*. Therefore, the opinions about the confession of faith and martyrdom are not necessarily based on an opinion developed by Becerra in 1620 in Manila, but by Sicardo at the end of the 17th century in Madrid.

32 Díaz and San Agustín, “Conquistas”, 155.

33 Sicardo, *Christiandad del Japon*, 190.



were raised, the more likely it was to encourage fault-finding and consequently become dubious, which would hinder the investigation into their beatification. This would indicate that no matter how perfectly justifiable these acts could have been by relying on authorities, such as Azpilcueta, they were still an inconvenient truth in the Church when assessing the value of martyrdom.

Valignano often cites Azpilcueta when opining the relativity of theological-moral resolutions. In the summary of his first visit (*Sumario de las cosas de Japón*) of 1583, Valignano says:

*las costumbres, leyes y casos de Japón son tan extraños y tan nuevos, que en la decisión y determinación de ellos no se puede hombre en ninguna manera guiar por las resoluciones de Cayetano ni de Navarro ni de otros sumistas de Europa, mas allende de las letras es necesario un gran discurso y prudencia en Japón para juzgar, adquiridos con mucha experiencia de las costumbres, gobierno y modo de proceder de Japón.*

*The customs, laws, and cases of Japan are so strange and so new, that in the decision and determination of them one cannot in any way be guided by the resolutions of Cayetanus or Navarrus or other European jurists, but beyond the letters a great deal of discourse and prudence in Japan is necessary to judge, acquired with much experience of the customs, government and way of proceeding of Japan.<sup>34</sup>*

Furthermore, in his Supplements (*Adiciones* of the *Sumario*) drafted in 1592, after discussing the problem of marriage and usury and questioning the use of Azpilcueta's opinions in these cases, he says:

*de Portugal a Roma mudó muchas veces opiniones, bien se puede entender cuánta mudanza habría hecho si llegara hasta Japón y por experiencia conociera lo que aquí pasa.*

*From Portugal to Rome he changed his mind many times, and it is easy to understand how much he would have changed himself if he had reached Japan and had experienced what is happening here.<sup>35</sup>*

34 Valignano, *Sumario*, 220–221.

35 Valignano, *Sumario*, 497. These two remarks by Valignano are also referred to in Ucerler, *Samurai and the Cross*, 97. There, Ucerler argues that Valignano did not hesitate to reject European normative knowledge that provides no guidance and is therefore not only useless but also harmful in Japan.

He reinforces his own argument of 'different places, different laws' by juxtaposing the changes in Azpilcueta's views with his migration to Rome.

While Valignano questioned the global universality of Azpilcueta's resolutions both in 1583 and in 1592, Alagona's *Compendium* was put into print in 1597 to be widely read and studied in Japan College. Additionally, Gómez regarded Alagona's *Compendium* as a means of providing a theological basis for the solution of a particular problem in a pagan country. Valignano left Japan again in 1592 and stayed in Macau and Goa for a long time until his third sojourn started in August 1598. Gómez, on the other hand, had been in a leading position among the Jesuits in Japan for almost a decade since his appointment as Vice-Provincial in 1590. It is not surprising, therefore, that the publication of the *Compendium* was conducted without any particular problems under his leadership. In any case, here we could point out an ambivalent reality of Alagona's *Compendium* in the Far East from the end of the 16th century until the first decades of the 17th century: while raising doubts about its universality, it was still the leading authority and a means for assessment and justification of individual theological-normative problems.

## 6 Conclusion

Substantial study of Alagona's *Compendium* has only just begun. This chapter begins with an overview of the historical context in which the book was published by the Jesuits in Japan to provide a basis for discussing the book, not only due to its bibliographical rarity, but also for its continuity within the cultural and intellectual history of publishing in early modern Europe. It also proposes the possibility that the original European edition of the book was the Antwerp edition of 1592. The fact that there is no substantial variance between the two is an important point in the study of censorship among the Jesuits in Japan because it suggests that, while strict normativity of terminologies and the removal of controversial subjects were in place regarding the Jesuit publications in *Kana* and *Kanji* characters, this may not have been the case in the Latin books published in Latin.

This chapter also shows that the book is cited in the discussion of the confession of faith and martyrdom under persecution by the Japanese *Bakufu* authority. It is worth noting that this was the period when Alagona's *Compendium* came to the end of its historic mission in Europe and the time when the validity of ecclesiastical law as described above was challenged in the remote mission of Asia. A physical analysis of the book, including the paper material, remains an important task to be done. Moreover, a study of the relationship between

the printing industries in the Spanish Law Countries, including Antwerp and Japan, as a European source of Jesuit publications in Japan, which has been generally overlooked in previous studies, has also emerged as a new academic task.

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# Making Women Sinners

## *Guilt and Repentance of Converted Japanese Women in the Application of Alagona's Compendium Manualis Navarri in Japan (16th Century)*

*Luisa Stella de Oliveira Coutinho Silva*

### Abstract

According to Christianity, all men and women commit sins. Therefore, guilt and repentance form a fundamental question for this religion. However, women are believed to be much more inclined to sin than men, with some sins intrinsically connected to their gender. This chapter analyses the instructions for sinful women in Pietro Alagona's *Compendium* of Martín de Azpilcueta's *Manual*, printed in 1597 in Japan by the Jesuit Mission Press. It focuses on the model of confession and the pragmatic application of penances influenced by such a book for the converted Japanese women, who had existing religious beliefs before converting to Christianity. In order to understand how missionaries introduced, made sense of, and culturally translated the idea of sin and guilt, this chapter compares those concepts with the ideas and normativities about women in Buddhism using cases of women who were adepts of the True Pure Land Buddhism (or the *Jōdo Shinshū* sect) before converting to Christianity. In doing so, it focuses on a global perspective concerning how the knowledge of this pragmatic book travelled throughout the world and influenced normative practices, laying the foundation for a methodological approach I have named *Women's Global Legal History*.

### Keywords

Sin – Japanese Women – Conversion to Christianity – True Pure Land Buddhism – Japan

### 1 Introduction

At the end of the 16th century, Julia, a noble Japanese woman (*Nobillísima senhora*) decided to convert to Christianity. She was the sister of Naitō João (内藤如安) (“Naito Findandono João”, in the source), an important lord of Tamba, who,

according to reports written by Portuguese Jesuit Fernão Guerreiro in the 16th and 17th centuries, based on the Jesuit letters written in Japan, also converted to Christianity. Before her conversion, she had been a follower of Amida (阿弥陀, the Japanese name for the main Buddha in Pure Land Buddhism) for 16 years—but, not only a follower, she was also a leader of Buddhist nuns.<sup>1</sup> After her conversion, she worked as a preacher, spreading the Christian beliefs among many noble women without their husbands' knowledge. According to the source, her work became famous and widespread, so much so that a *bonzo* (Buddhist monk), head of the sect of Amida, accused her in front of the Daifusama (Tokugawa Ieyasu's name in the Jesuit reports, the founder of the Tokugawa shogunate) for destroying and persecuting Amida. The Daifusama ordered her to be brought before him. However, priest Gneccchi-Soldo Organtino came to know about it before they reached her and convinced her to flee to Shimo (now Kyushu). At first, she resisted, instead desiring to become a martyr, but the priest succeeded in convincing her to flee to Nagasaki and then to Arima, where she was received as a noble woman and continued to preach the Gospel.

Julia was not the only Buddhist woman to convert to Christianity in 16th-century Japan. Another story, concerns Mecia, an honorable and important woman of Kyoto, described by Jesuit Luís Fróis in his influential *Historia de Japam*. After following Amida for 30 years (“devota dos camis e fotoques”), she decided to be baptised into Christianity. The priests advised her to bring to the Church all the utensils given to her by the *bonzos* (“pagodas, nominas, imagens, bullas e outras couzas semelhantes ...”) to be burned and to serve as an example to the other converted people.<sup>2</sup>

These two cases are Jesuit descriptions about the conversion of Japanese women with previous religious beliefs. But they are merely descriptions of the lives of the converted women from one perspective in history; they are what the missionaries could see and chose to write about their lives. Thus, if we depart from these missionary sources, which are full of bias from the Jesuits, what else can we find out about the motivations these women had for converting to

1 Guerreiro, *Relação anual das coisas que fizeram os Padres da Companhia de Jesus nas suas Missões do Japão*, ed. Viegas, vol. 1, 227 and vol. 2, 74. Julia was also studied by Ward, *Women Religious Leaders in Japan's Christian Century*. In the article, I will study only women who converted to Christianity. However, I am not treating conversion as a universal phenomenon. I am aware that other cases described by the missionaries mention children who were baptized at an early age and, as such, experienced Christianity in a different way. If we examine these cases, we will not be able to speak about conversion but rather about situations that I have termed initiations. Nonetheless, in this article, I only study cases of converted Japanese women, most of whom had a Buddhist background before their conversion.

2 Fróis, *Historia de Japam*, lib. IV, 87.

Christianity? How can we find out more about who they were, and what their beliefs and reasons for changing their religion were? And, most importantly, why, during almost 500 years of historical studies, have scholars not mentioned the conversion of these women in their research?

With these questions in mind, it is first necessary to establish why women in Japan were converting to Christianity as early as the 16th century. The arrival of the Europeans in Japan, and the first contact between the two, dates back to 1543, when Portuguese travellers arrived on the island of Tanegashima aboard Chinese junk ships. Six years later, the first Jesuits in Japan landed in today's Kagoshima and began the Christian mission. After these events, an increasing number of missionaries came to Japan, developed their evangelical mission, and attempted to forge alliances with the local governance. Within a few decades, according to Jesuit records, over 300,000 Japanese Christians had been baptised, making it one of the biggest Christian communities of the time.

Among these thousands of converted Japanese there were many Japanese women. With very different social, economic, political, and religious backgrounds, these women performed different roles as Christians and influenced the practices of daily life in Christian communities. Various missionary sources from Japan from the 1540s to the 1630s describe conversions of Japanese women. However, their participation was not documented or studied by the historiography on the same degree as the activities carried out by men. This is due to the change in women's status in Japan in the 14th century, the bias of those who wrote the documents, and, primarily, the silence of the historiography, as the field of women's history has extensively criticised.

The field of women's history began to be developed in Japan in the 1930s and its foundation is usually associated with Takamura Itsue, who was one of the first to write about the matrilineal system in Japan. Although the field continues to expand, the study of women's history during the presence of the Christians in Japan has been mostly overlooked, except for the work of Nawata Ward<sup>3</sup> on major *kirishitan* women, a very short subchapter written by López Gay in the book *El catecunado en la mission de Japon*,<sup>4</sup> and a chapter by Iwata Sumie describing Japanese converted women in the *Historia de Japam* by Luis Fróis,<sup>5</sup> for example. In addition, Kitagawa Tomoko wrote a dissertation about Kitano-mandokoro Nei (1548–1624), the principal wife of Toyotomi Hideyoshi. Relying on Nei's own letters, Hideyoshi's letters, and Jesuit documents (although she did not use the original, but Japanese translations), Kitagawa analysed Japan-

3 Ward, *Women Religious Leaders in Japan's Christian Century*.

4 López Gay, *El catecunado en la mission de Japon del s. xvi*.

5 Iwata, "Meeting Christian Women in Sixteenth Century Japan".



ese history using a gender critique, focusing on Nei's biography to form a more complex and intricate look at Nei's life beyond her political influences.<sup>6</sup>

This silence, infrequently interrupted by the above voices, does not correspond to the quantity of allusions to conversion of women in the missionary sources; when we open our eyes to a gendered perspective when reading the Christian sources of this period, we find dozens of descriptions and comments on the conversion of Japanese women. Women are mentioned everywhere in the sources and, although we are dealing with biased sources written to propagate the splendor of the missionary activity in different languages to a wide European public (e.g., the *cartas ânuas*) or to politically defend the mission in Japan (e.g., the internal correspondence of the Jesuits), there is much that can be done with the information found in these documents in order to develop the field of women's history in Japan.

That is why this study focuses on identifying some of these women and gives meaning to their conversion in the 16th and 17th centuries by using missionary sources from the period as well as Japanese sources according to a legal historical perspective. To do so, it uses the *Compendium* written by Pietro Alagona, based on the *Manual de Confessores* by Martín de Azpilcueta, to draw out what could be used in the confession and application of penances for women in Japan, considering that this work, written in Latin, was made to be a manual of confession and penances for the priests (or those able to read Latin in 16th- and 17th-century Japan). Precisely, the focus here is on the pragmatic application of the model of confession and penances influenced by such a book for the converted Japanese women, who had existing religious beliefs and rituals before they converted to Christianity.

In applying instructions for converted Japanese women found in the *Compendium*, missionaries had to introduce, make sense of, and culturally translate the ideas of sin and guilt. To understand how this process occurred, this chapter compares these concepts with the ideas and normativities in the True Pure Land (or *Jōdo Shinshū*, 浄土真宗), the sect of Buddhism that has been connected to Christianity for its similarities and high number of those converting from it to Christianity. This chapter identifies, names, and describes a few converted Japanese women, particularly highlighting those who were followers of True Pure Land Buddhism before becoming Christians. I ask—as some before me have also asked without considering the specific context of women's legal history—what could new converts in Japan have understood of the new faith considering the influences of their previous religious beliefs?<sup>7</sup>

6 Kitagawa, *An Independent Wife During The Warring States*.

7 On the interpretation more focused on Christian popular belief and practices or the Intel-

Therefore, the first part of this study starts by analysing the nuances of women and Buddhism, a field that has been consistently growing due to efforts by Ōsumi Kazuo and Nishiguchi Junko in Japan in the 1980s, followed by the work of scholars, such as Barbara Ruch, who brought the topic to the English language.<sup>8</sup> Using Buddhist sources as well as the missionaries' descriptions of Japanese Buddhist women in Japan, it aims to better contextualise the everyday lives of these women before their conversion. The following section is dedicated to the specificities of the True Pure Land Buddhism and its connection to Christianity.

Next, this chapter explores some passages about women from Alagona's *Compendium*, published in Japan by the Jesuit Mission Press, looking at the connections between women, sin, and guilt in Christianity. Simultaneously, it explains how women's history in Japan has developed the same topics in Japanese history and how we can find these connections by analysing cases of conversion of Japanese women who were previously adepts of Buddhism. Finally, using this pragmatic normative literature known in different parts of the world, this chapter concludes by showing how the conversion of Japanese women in the 16th and 17th centuries raises questions about the daily lives of Japanese women in the context of global discussions about how to be both a woman and Christian. Furthermore, it explains how the conversion of women is important in the development of a legal history from a gendered perspective. This approach will help me to propose a new methodology I am developing and which I have named *Women's Global Legal History*.

Building on my previous legal history analysis,<sup>9</sup> I want to ask exactly what Japanese women could have understood about their conduct and the idea of feeling guilty about certain behaviours after listening, agreeing, and converting to Christianity. To answer this question, my research focus turns to the religious peculiarities of the Japanese who converted to Christianity from Buddhism in 16th- and 17th-century Japan and the religious practices they might have performed before converting to another religion. In doing so, I want to explore possible connections between the two religions in terms of gender and how this could have interfered in the process of conversion, highlighting why this is important to the way we do the legal history of such a period.

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lectual interaction between Christianity and non-Christian religious thought in Japan, see: Higashibaba, *Christianity in Early Modern Japan*.

8 See the series Women and Buddhism [Shiirizu josei to Bukkyō] published by Heibonsha in 1989 and heavily translated into English in Ruch, *Engendering Faith*.

9 Coutinho Silva, "The Janus face of normativities in a global mirror".

## 2 Converting Japanese Women: Between Former Amida Followers and Zealous Spreaders of the Christian Faith

### 2.1 *Buddhism, Christianity, and Women: The Buddhist Three Obediences and Five Impediments in Christian Sources*

In the first years of the mission, Francis Xavier, the first Jesuit to visit Japan, responsible for the beginning of the mission, noticed in a letter to the Jesuits of Europe in 1552 that Japanese women were treated differently in Buddhism. The missionaries described how the Japanese considered that women sinned more than men: each woman had more sins than all the men of the world.<sup>10</sup>

Indeed, Buddhist ideas on sexual difference are marked by the dualism of being a man or woman. The foundations of this difference can be traced back to the marks (*mahāpuruṣalakṣaṇa*) possessed by a Buddha and the 'Wheel Turning emperor' (a mythical Buddhist ideal monarch who rules his subjects according to the *dharma*). Their bodies are described as great male bodies with a retractable penis, one of the 32 marks of a great man. Only those who resembled this body could attain higher spiritual elevation. In *Mahāyāna* sutra texts, centuries before Xavier's statement, we can clearly see this differentiation:

I would say those unable to know the buddha-nature are to be called women. I would say those who are able to know themselves that the buddha-nature exists are characteristically male. If a woman is able to know definitively that the buddha-nature exists within herself, you should know that this constitutes her as male.<sup>11</sup>

In Buddhism, it was not simply that women and men were different, but there was also diversity within the two genders, and women are described in different, sometimes contrasting ways. Importantly, women cannot be seen as one in all Buddhist traditions because there is no such a thing as one Buddhism; instead, we speak about different sects, social contexts, political influences, and local practices of Buddhism.<sup>12</sup> This complexity comes from the fact that Buddhism travelled to different countries in different centuries, and different people gave it various interpretations, opening new sects in all the places it

<sup>10</sup> *Documentos del Japón. 1547–1557*, vol. I, doc. no. 56.

<sup>11</sup> *The Nirvana Sutra*, 301–302.

<sup>12</sup> Faure, *The red thread*.

travelled to, was adopted in, and was worshipped in. Sanskrit texts, for example, underwent many revisions for centuries before making their way to China. In other *Mahāyāna* texts there were different representations of the female, such as the feminine as powerful; as destructive and maternal; as nuns; as good friends and good daughters; and as the female Boddhisattva who has to become man in the soteriological path.<sup>13</sup>

Therefore, sometimes, women are described as mysterious, sensual, closer to nature; because of being closer to reproduction and “unpleasant” bodily functions, they encounter more difficulties in controlling their sexuality and desire. Others are described as problematic, lustful, and insatiable—no men could satisfy them.<sup>14</sup> In this sense, their pollution could drag men to death and misery. Furthermore, the mystery of their bodies, and their openness to penetration, left no space for purification—with menstruation being a cyclical reminder of this. But they have also been described in different sources as mothers, wise and maternal, compassionate and gentle, as sacred, with their sexuality under control and actually helpful in transcendental work, even of men. However, even here, their own path to salvation is more difficult to ascend.

Sexual desire, in this context, was more relevant than the sexual act. In *Mahāyāna* Buddhism, the pure nature of the mind that leads to Buddhahood can be defiled by desires. Therefore, desire can be an obstacle to Buddhist enlightenment and salvation. Women enter into this process between the sacred and the defiled as those who drive this lust, as a force of nature, and hinder men from controlling their sexual desire.

In Japan, these foreign Buddhist teachings of women’s inferior condition were combined with already existing preconceptions. Therefore, Japanese Buddhism was inserted into the Chinese tradition of the three obediences (三從, *sanjū/sanchō*) and the five impediments (五障, *goshō*). According to the first, women should be obedient to their fathers, husbands, and sons throughout their lives. For the second, women could not become a fully enlightened Buddha because they were inherently unable to rebirth in five ways: as Buddha, as the God Brahma; as God Shakra or Indra; as the Devil king; or as Cakravartin or the wheel-turning king. In the Lotus Sutra, for example, one of the most influential sutras of *Māhāyāna* Buddhism, it is said that:

13 Paul, *Women in Buddhism Images of the Feminine in the Mahāyāna Tradition* and Faure, *The Power Of Denial*.

14 *The Nirvana Sutra*, 301; Faure, *The Power Of Denial*; and Paul, *Women in Buddhism Images of the Feminine in the Mahāyāna Tradition*.

(...) woman's body is soiled and defiled, not a vessel for the Law. (...) a woman is subject to the five obstacles. First, she cannot become a Brahma heavenly king. Second, she cannot become the king Shakra. Third, she cannot become a devil king. Fourth, she cannot become a wheel-turning sage king. Fifth, she cannot become a Buddha.<sup>15</sup>

Centuries later, the same teachings can be found in the Japanese Medieval Period (1185–1600), when belief in women's karmic hindrances and pollution became widespread. As far as the 13th and 14th centuries, records from monasteries (such as the *Kōyasan* monastery) attest that women committed more sins than men, and were more difficult to save. Reasons given for donations of land to a memorial chapel in the *Kōyasan* monastery prove that women donated their possessions in order to attain Buddhahood by transforming themselves from the feminine state; it also states that they were subject to the five impediments and the three obediences.<sup>16</sup>

These beliefs are connected to the idea of blood pollution, originally found in the *Ketsubonkyō* (血盆經, literally, Blood Bowl Sutra),<sup>17</sup> a sutra probably written in China in the 11th or 12th century.<sup>18</sup> This source describes how Maudgalyāyana, a disciple of Buddha, famous for his supernatural or magical powers, descended to hell to save his mother only to find her in the company of women who are tormented by the hell wardens and are forced to drink uterine blood. They are punished like this because the blood produced by their bodies pollutes the ground and offends the earth gods, or ends up in rivers from which the water to make tea for holy men is drawn.

In Japan, there are different versions of the *Ketsubonkyō*.<sup>19</sup> However, the pre-occupation with women in hell can be tracked back to the Buddhist *setsuwa* (didactic stories), *Nihon Ryōiki* (volume 3, tale 9), in the tale of a woman who died in labour and went to hell. She was the wife of Fujiwara no Asomi Hitotari, who, after becoming ill, went to live in a mountain where he became paralysed and stopped breathing while practising calligraphy. When he woke up, he described that he had seen his deceased wife. King Yama called him to hell

15 *The Lotus Sutra*, 188.

16 Katō, "Women's Associations and Religious Expression in the Medieval Japanese Village".

17 The Buddha's Teaching on the Canonical, Orthodox Sutra on the Blood Bowl (佛說大藏正教血盆經, Ch. Foshuo dazang zhengjiao xuepenjing, Jpn. Bussetsu daizō shōgyō ket-subonkyō).

18 The whole translation of the short sutra can be found in Meeks, "Women and Buddhism in East Asian History: The Case of the Blood Bowl Sutra, Part I: China".

19 Takemi speaks of 16 versions. See Takemi "'Menstruation Sutra' Belief in Japan".

because of her; she was being punished for years. To save her from this suffering, he had to copy the *Hokkekyō* and hold services.<sup>20</sup>

Up until the Muromachi period (1336–1573) it was not certain how this myth from China had become incorporated into Japanese practices and formed beliefs in a Blood Pool Hell. For example, the *Ojō yōshū* (往生要集),<sup>21</sup> written by Genshin and considered one of the most important Japanese Buddhist texts to describe hell,<sup>22</sup> does not mention it. But ceremonies surrounding the Blood Bowl Sutra in *Yamadera* and *Shōsen-ji* temples point to this belief.<sup>23</sup> Finally, in the 15th century, in 1429, the priest Chōben of the Tendai temple *Jindaiji* in Musashi Province mentions in a journal that it, along with a number of other sutras, had been copied for the 33rd-year memorial service of a samurai's mother.<sup>24</sup> By the 16th century, the Blood Bowl Sutra was known and widespread in Japan's story-telling, especially *otogizōshi* (御伽草子) and *etoki* (絵解き). Finally, "By the early years of the Edo period (1603–1867), it had become standard protocol to bury women with copies of the Blood Bowl Sutra."<sup>25</sup>

Based on the *Ketsubonkyō* myth, both the general association of women to pollution and the creed that they were particularly sinful compared with men became engrained in Buddhism. Thus, women had to suffer because of the pollution produced by their bodies through the blood of childbirth and—more common from the beginning of the Edo period—menstruation. Japanese Buddhist literature also reinforced this tradition. In "The Tale of Fuji Cave" (*Fuji no hitoana sōshi*, 富士の人穴草子), from the beginning of the 16th century, specific examples of women in hell are described. However, there is one passage that makes direct reference to gender and how it is a determinant of one's own afterlife:

It's true that both men and women fall into hell, but many more women do than men. Women's thoughts are all evil. Still, women are forbidden to

20 *Miraculous Stories from the Japanese Buddhist Tradition*, vol. 3, tale 9. See also, Meeks, "Women and Buddhism in East Asian history: The case of the Blood Bowl Sutra, Part II: Japan".

21 "Genshin's *OjōYōshū*: Collected Essays on Birth into Paradise", trans. Reischauer.

22 A hell that should not be taken as the eternal hell in Christianity. See Meeks, "Women and Buddhism in East Asian History: The Case of the Blood Bowl Sutra, Part I: China".

23 Takemi, "'Menstruation Sutra' Belief in Japan".

24 Meeks, "Women and Buddhism in East Asian history: The case of the Blood Bowl Sutra, Part II: Japan".

25 Meeks, *Hokkeji and the Reemergence of Female Monastic Orders in Premodern Japan*, 18.

approach men on only eighty-four days a year. Women don't know their own transgressions, which is why they fail to plant good karmic roots.<sup>26</sup>

In this way, women's bodies were considered more impure (*nyoshinkue*, 女身垢穢) and more easily prone to impurities, passions, and enmity than men's. There were even sacred areas that were prohibited to women while they were on their period (*nyonin kekkai*, 女人結界).

This relation with the polluted has to do with the concept of the *kegare* (汚れ), the impure, or the defilement, which contrasts with *misogi* (禊), the purification. This dichotomy has influenced religious practices in Japan since the traditions of the *kami* cults and the formation of the Japanese kingship. In addition, the term *tsumi* (罪), sometimes translated by scholars as sin, seems to appear in 7th-century Japan and changes throughout time, particularly after the arrival of Buddhism in Japan. These concepts have a long tradition which has been discussed by different scholars. For now, it is important to note that the terms about and understanding of women's pollution and impediments have changed over time.<sup>27</sup>

Irrespective of the previous concepts, the idea about women's pollution was shared by the missionaries under the concept of sin. The Lotus Sutra, quoted above, could have been one of the sources that acquainted them with women's position in Japanese religion. Jesuits knew this sutra because in 1574 fathers Fróis and Organtino hired a former Nichiren monk to read the books to them.<sup>28</sup> However, so far, it has not been possible to identify passages in the missionary sources that mention the Blood Pool Hell. But we can find, since the beginning of the mission in Japan, mention of women's pollution due to their monthly period. For example, in the same letter mentioned before, Xavier noticed that it was indeed very difficult for a Japanese woman, according to Japanese religious belief, to attain salvation due to their period (*purgação*).<sup>29</sup>

Fróis, in a catechism for Japanese catechumens, mentioned that the devil created the idea among the Japanese that women were filthy and commit more serious sins. Because of these sins, menstruation was problematic and should be a source of preoccupation. In comparison, he explained that God in fact makes women bleed to purify them and to nourish their babies. He also com-

26 "The Tale of the Fuji Cave", 12.

27 See Williams, *Tsumi* and Heidegger, "Shin Buddhism and Gender" and Köck, "Washing Away the Dirt of the World of Desire."

28 Fróis, *Historia de Japam*, lib. II, 408–409.

29 *Documentos del Japón. 1547–1557*, vol. I, doc. no. 56.

mented that the *camis*,<sup>30</sup> in contrast to the rest of the world, see the formation of a child in the womb and childbirth as dirty and odious; Japanese women had to avoid being in their presence after childbirth.<sup>31</sup>

Jesuits continued to notice Japanese beliefs about this precept. In the “Summary of the errors in which the Gentiles of Japan live and of some Gentile sects that they mainly trust”, written by the Jesuits in 1556, the impurity of women’s blood was mentioned as one of the five most important Japanese religious principles. When a woman was on her period or giving birth, she should neither be in the presence of the *camis*, nor eat or sleep with her husband. Menstruation was said to be very dirty and offensive. A woman on her period should not even cook her food in the same oven as her husband’s. She should sleep and eat in a separate place, alone. The same should be observed when women delivered babies. Thus, by their very nature, it was impossible for Japanese women to attain salvation.<sup>32</sup>

With this disadvantage, women could only be saved if they were reborn as men. To attain Buddhahood, women had to abandon their feminine identity in favour of a masculine one to be born in the Pure Land (or *Jōdo*, 浄土), the after-life place of some sects of Buddhism. This meant that women had to be physically reborn into a male body and then born again into a Buddha’s body. Another possibility was a miraculous transformation into masculine form (*henjō nan-shi*, 變成男子), which meant she had to be developed in the bodhisattva path, choose to change her sex through her magical aptitude, and advance to Buddhahood this way. Thus, “women’s attainment of Buddhahood” or “women transforming into Buddhas” (*nyonin jōbutsu*, 女人成佛) was a different process compared to men’s.

Again, this idea of transformation appears in sources from centuries before the arrival of the Christians in Japan, precisely in the myth of the Dragon King Sāgara’s daughter’s transformation into a man to achieve Buddhahood in the Devadatta chapter of the Lotus Sutra: “At that time the members of the assembly all saw the dragon girl in the space of an instant change into a man and carry out all the practices of a bodhisattva, (...) taking a seat on a jeweled lotus, and attaining impartial and correct enlightenment.”<sup>33</sup>

30 *Camis* and *kamis* were used in different ways by the Jesuits, usually to refer to the Buddhist deities, despite the terms’ current association to Shinto. For a detailed analysis of how the expressions were used by different Jesuits, see Curvelo and Cattaneo (eds.), *Interactions Between Rivals*.

31 Fróis, *Historia de Japam*, lib. iv, 559 and 562.

32 *Documentos del Japón. 1547–1557*, vol. I, doc. no. 124. Japão, 1556, 662.

33 *The Lotus Sutra*, 188.



However, interpretations about the path to women's salvation were not static. Other sources highlighted different interpretations about transformation. The Sūtra on Transforming the Female Form, for instance, written in China in the 6th century, provided more explanations and reasons for why a woman must become a man in order to become a Buddha.<sup>34</sup>

In the same way, the interpretation of the Dragon's King daughter myth went through many developments in Japan, while the idea was repeated throughout the centuries. To illustrate this, the *Ryōjin Hishō* (梁塵秘抄), a compilation of *imayō* songs (今様) from the 12th century reproduces the idea of the salvation of the Dragon King's daughter: "Women have five obstacles; far from them the purity of the Pure Land. But even as the lotus blossoms in black mud, so the daughter of the Dragon King has become Buddha."<sup>35</sup> Other Japanese versions of this myth, much older than the one found in the *heike-nōkyō* (平家納経), open up alternative interpretations created by court women during the late Heian period.<sup>36</sup> All these variations and struggles point to the difficulties in finding traces of practices to illustrate buddhist discourses on gender.

However, in the end, missionaries repeated the same traditional idea of the Lotus Sutra. Fróis wrote about the issue in a letter to the General Priest of the Society of Jesus in 1585. According to him, the Japanese believed that Japanese women were so filthy that salvation could only be attained if, indeed, women were to become men: they needed to transmute the feminine into the masculine.<sup>37</sup> Friar Marcelo Ribadeneira also mentioned the fact while writing his chronicles about the work of Discalced Franciscan missionaries in Asia. According to him, becoming a man was the only way women could enter the paradise of Amida because as women they were dirty and annoying.<sup>38</sup>

Finally, another peculiarity that was also noticed by the missionaries—regarding women's position in religion connected to their impurity—was the prohibition of women from entering some places considered sacred. In general, women were not allowed in the most important places to Buddhism during the period of their menstruation, but also, in other moments, permanently due to different reasons.<sup>39</sup> Missionaries reported in different letters that women were prohibited from entering some sacred places: it was abominable for a woman

34 Balkwill, "Why does a woman need to become a man in order to become a Buddha?"

35 Kim, *Songs to make the dust dance*, 81–82.

36 Meeks, *Hokkeji and the Reemergence of Female Monastic Orders in Premodern Japan*.

37 *Cartas que os padres e irmãos (...), Segundo Tomo*, fol. 162<sup>v</sup>.

38 Ribadeneira, *Historia de las islas del archipiélago filipino y reinos de la Gran China*, ed. Legisima, fol. 363<sup>r</sup>.

39 Kobayashi, "Sacred Mountains and Women in Japan".

to enter the temple of Negoro or the monasteries of *bonzos* of the Mounts Kōya, the central base of the Shingon school, and Hiei, the Tendai school headquarters. They were also forbidden from entering some monasteries of *bonzos* and could even be killed if they disobeyed these prohibition orders.<sup>40</sup>

Therefore, the missionaries' sources make it clear that such practices and religious beliefs were still in practice by the time they arrived and stayed in Japan. Although the missionaries mention very general precepts for a Buddhist understanding of women, the following explores how specific the status of women in Buddhism was by looking at some differences existing within the religion.

## 2.2 *Different "Buddhisms" and One Possible Path to the Construction of a Particular Sinful Woman*

To understand women's attitudes towards the new religion in Japan and their daily life practices after conversion, one can begin by looking at the complex entanglements of religions and sects in Japan by the time Christianity arrived at the territory. Different religious practices could also explain the different practices among Buddhist women from different statuses and conditions in the missionaries sources.

For the study of Buddhism, the historiography has already shown how using a gendered perspective is important for understanding the complexity and development of Buddhism in Japan because women played significant roles in the introduction and spread of Buddhism. For centuries, women participated in religious rituals in different ways.<sup>41</sup>

In terms of institutional participation, official state-sponsored Buddhist convents began to disappear during the early Heian period, nuns no longer officiated in state rituals, and "elite women engaged in devotional practices as nuns, pilgrims, and patrons of rituals and temples."<sup>42</sup> The ordination of women in official nunneries only reemerged in the mid-13th century due (also) to new religious movements.<sup>43</sup> This has to do with the fact that, during the Kamakura

40 *Cartas que os padres e irmãos (...), Primeiro Tomo*, fols. 326<sup>v</sup>, 174<sup>r</sup>, 324<sup>r</sup> and *Documentos del Japón. 1547–1557*, vol. 1, doc. 9, fol. 76<sup>r</sup>.

41 We can find the activities of Japanese women who influenced religious practices from the 6th century on, when Buddhism was introduced in Japan from China and the Korean Kingdom of Paekche. See Gerhart, *Women, Objects, and Ritual Objects in Premodern Japan* and Ruch, *Engendering Faith*.

42 Ambros, *Women in Japanese Religions*, 56.

43 Meeks, "Buddhist Renunciation and the Female Life Cycle"; Meeks, *Hokkeji and the Reemergence of Female Monastic Orders in Premodern Japan* and Mitchell, *Beyond the Convent Walls*.

period (1185–1333), renunciation of the outside world became a way for widows to demonstrate chastity and loyalty to their husbands' households by not remarrying, and to guarantee survival and independence from their parents-in-law, considering that they could no longer inherit from their natal families. Many convents were founded to support widows and orphans left behind in the aftermath of military conflicts. Others gave support to divorced women. From the social side, Buddhist renunciation offered new social options for women, such as celibacy and communal living segregated by gender.<sup>44</sup>

This context can explain why the ordinations of women in official nunneries (where the *bikuni* [比丘尼], the official ordained nuns, were) was not the only way to link women to Buddhism. Ordination did not always mean the withdrawal of women to a convent. Women could adhere to self-ordination, private ordination from a male preceptor, or lay ordination. Few women were in nunneries (尼寺, *amadera*), but there were many who lived peripatetic lives as nun preachers, popularisers, and entertainers. They could also live an itinerant mendicant life. Therefore, translations of the word “nun” can take on different definitions.<sup>45</sup>

This variety of roles that women developed and their activities performed as Buddhists can help us understand the position of Japanese women in the 16th century. They clarify the role of *Kumano bikuni* (熊野比丘尼, “nuns of Kumano”)—also called *etoki bikuni*—for example, religious practitioners, nuns, in a broad understanding, somehow affiliated to the *Kumano* religious complex. They were famous in the 16th and 17th centuries and developed a special role in teaching women, particularly about the Buddhist faith using Buddhist painting and narratives or paint recitations (and spreading ideas such as the Blood Pool Hell).<sup>46</sup> There were also the *bikuni gosho* (比丘尼御所), (“...”) private temple residences of tonsured imperial princesses or elite noblewomen.<sup>47</sup>

Women also performed other Buddhist activities and roles, such as religious aspirant behind the performance of ceremonies, copiers of sutras, and patrons, devotees, or venerated examples. Therefore, we can see that women had active roles in religious (Buddhist) practices, being included in different positions and activities, which did not go unnoticed by the Jesuits, as can be seen in the descriptions of their actions at the beginning of this chapter. Furthermore, Buddhist practices, as I am exploring here, did not have a static and single

44 Ward, *Women Religious Leaders in Japan's Christian Century*.

45 Mitchell, *Beyond the Convent Walls*.

46 Ruch, “Woman to woman”.

47 Fister, “The Auspicious Dragon Temple”, 34.

identity. Different sects, ideologies, and socio-geographic contexts provided the grounds for a plural religious manifestation, making it impossible to speak about one Buddhism or a static religion.

The fact that there are so many different representations of women in Buddhism in different historical periods and places should not impede us from trying to understand more precise ways to give other meanings to the missionaries' descriptions of women's conversion. Besides, it also relativises the idea of women's pollution, which differed across time and space. Therefore, we cannot generalise prohibitions and obstacles for women on the whole, as they could also buy talismans to block out pollution and visit sacred places. This diversity has to do with local interpretations, socio-political particularities, political arrangements, and the emergence of various sects of Buddhism. Divisions of the religion into new sects took place during the Japanese Medieval Period, forming the different schools of the revival movements.<sup>48</sup> Each had their own approach to women, and many worked for the growth in the ordination of women in convents.

All these sects and different approaches to Buddhism also did not go unnoticed by the missionaries. Since the arrival of the Christians, the Christian doctrine itself was taken to be another sect of Buddhism<sup>49</sup> which was already a foreign religion to the Japanese, although one that was much older than Christianity in Japan. Scholars have also focused on the connection between the similarities of some of the Buddhist sects and some Christians precepts—like the idea of penance in the *Shugendō* Buddhism sect and Christianity—justifying, with this proximity, the high incidence of conversions; adepts of this sect were familiar with fasting, physical exhaustion, and even self-inflicted punishment, such as self-immolation and self-flagellation.<sup>50</sup>

48 The *Jōdo-shū* (Pure Land school) founded by Hōnen (1133–1212) focused on chanting the name of Amida Buddha so as to be reborn in the Pure Land; the *Yūzū-Nembutsu* school was founded by Ryōnin (良忍, 1072–1132), as was another Pure Land school; The *Jōdo Shinshū* (True Pure Land) was founded by Shinran (1173–1263); the Rinzaï school of *Zen* was founded by Eisai (1141–1215), based on the zazen sitting meditation and *kōan* practice; the *Sōtō* school of *Zen* was founded by Dōgen (1200–1253), inspired by the Chinese Caodong school; the Nichiren school was founded by Nichiren (1222–1282), based on the recitation of the Lotus Sutra; the *Ji-shū* branch of True Pure Land Buddhism was founded by Ippen (1239–1289); the *Fuke-shū* sect of *Zen* was founded by Puhua in 1254; and the *Shingon-riśshū* (“The Shingon-Vinaya school”) was founded by Eison (1201–1290).

49 See Oka, “The Catholic Missionaries and the Unified Regime in Japan” and Elison, *Deus Destroyed*.

50 Fujitani, “Penance in the Jesuit Mission to Japan”.

During the first years of the mission, the description and the relation of the Jesuits and the Buddhists were amicable and sources tend to look for similarities and efforts to communicate, surpassing the difficulties caused by the languages and translations. After a few years, different descriptions of Buddhism began to appear in the Jesuit sources: worshippers of *Sākyamuni* (*Xacha—faquexu*, in reference to the *hokkeshū*, the modern Nichiren school), the *jenxus*, the adepts of the *zenshū*, Zen schools, and the law of *Amitābha* (Amida, and the *ycoxus*, in reference to the *ikkoshū*).<sup>51</sup>

However, for now, let us focus only on this last one, the *ycoxus*, also known as the adepts of the True Pure Land or the *Jōdo Shinshū* (浄土真宗) sect. This sect of Buddhism was founded by the former Tendai monk Shinran and is a school of the Pure Land Buddhism. It advocates an easier pact for attaining liberation; the religious practice is centred around the repetition of the name Amida, invoked by the expression “*Namu Amida Butsu*” (“I take refuge in Amitābha Buddha”).

Scholars have shown that the Japanese who were already adherents of the True Pure Land Buddhism sect were among the most baptised as Christian in some regions of Japan.<sup>52</sup> This type of Buddhism was widespread in Japanese regions where high numbers of the Japanese converted to Christianity, such as the Takata district, now located in Hiroshima Prefecture. Almost all people in this district who accepted Christianity had previously been True Pure Land school adherents or were very familiar with managing the True Pure Land local communities and its worship style and circumstances.

This is probably due to many similarities between the two religions: both had doctrinal approximations, such as monotheistic foundations, beliefs in an afterlife, and beliefs that humans are originally sinful and defiled; both had initiations to the faith (baptism and *ichinen hokki nyu shojoku* [entering the stage of the truly settled]); and both had the repetition of prayers (*nenbutsu* and the names of Jesus and Mary).

In order to illustrate this last one, let us look at some more cases recorded by the Jesuits. According to Guerreiro, when the priests arrived in Yamaguchi, some day in the year 1607, they met the daughter of the martyr Buzendono Belchior, who wanted to become Christian in secret.<sup>53</sup> She asked the priests to hide

51 Curvelo and Cattaneo (eds.), *Interactions Between Rivals*.

52 In the past decades, scholars have highlighted these similarities (between Shinshū Buddhism and Christianity). For more, see Kawamura, *Making Christian Lay Communities During the Christian Century in Japan*.

53 Guerreiro, *Relação anual das coisas que fizeram os Padres da Companhia de Jesus nas suas Missões do Japão*, ed. Viegas, vol. 3, 208–210.

her will to become Christian from her brother-in-law, who sustained her, and from an old woman, who was the lady-in-waiting (*ama*) of her deceased husband and who never left her side. While telling the priests about her dreams, she confessed that she saw herself in one of them praying to Amida with prayer beads, which her father threw on the ground and which she took as a sign to become Christian. After this dream, she woke up and lost her prayer beads—an event that was followed by her daughter becoming sick and dying. She understood these events as punishment for delaying her baptism into Christianity. After her baptism, she was named Maria.

The lady-in-waiting who always followed Maria was also a follower of Amida and tried to prevent her baptism. She told the priests that she was a follower of the “Iodoxus” (a reference in the source to the *ikkōshū* [一向宗], or the True Pure Land Buddhism) and worshipped Amida. Every day she used to repeat *Namuamidabut* (*sic*), corresponding to *Namu Amida Butsu*, around 60–70,000 times. However, after some questions from the fathers, she decided to convert to Christianity as well.

The next story of conversion involves a priest, three followers, and some *dōjicos* (laymen who supported the priests and helped the mission) who found a six-year-old girl in Fushimi who converted to Christianity but whose father, a noble rich Japanese, was not Christian and tried to persuade her to stop being one.<sup>54</sup> He first offered her many gifts, but she said that she did not want any and would continue being Christian, like her mother. Then he forbade her to go out and play with other children. But she stayed locked at home for three days and nothing changed her mind—reason enough for her father to stop pressing her. The priests were impressed with her endurance and strength of mind.

She also had a lady-in-waiting who was a follower of Amida and, as such, would repeat the name of Amida many times a day. The girl asked her to stop doing so and to begin to repeat the names of Jesus and Mary instead, followed by the expression *Agnus Dei*. She did so, and repeated it so much that she also became interested in the Christian preaching. She too finally decided to convert to Christianity together with her daughter.

Both of these cases point to the repetition of the name Amida as a connection to a similar practice in Christianity that offers a path for conversion. But this is not the only similarity we can find in the sources. Other organisational aspects made them very similar: both had the same patterns of propagation and lay organisational structures, such as the meeting places (in the *dōjō* hall

54 Guerreiro, *Relação anual das coisas que fizeram os Padres da Companhia de Jesus nas suas Missões do Japão*, ed. Viegas, vol. 3, 222–223.

[道場], adepts had regular congregations to develop works of mercy and burial), the lay leaders (*kebōzu* or *kambō*), and the methods of teaching (the leader's manual *dangibon* [談義本] and the sermon handbook and Christian catechism). This means that in the 16th century the True Pure Land school had a similar pattern of lay organisation as Christianity: in-house meeting halls (*dōjō*) and regular congregations (*kō*, 講) in those halls, which served as religious centres for the local adepts.<sup>55</sup>

Women's participation in these Buddhist sects and the religion in general can also particularly be highlighted regarding the connection between the household, lay participation in religious organisation, and acts for diffusion of the religions. Founding leaders, such as Hōnen, Shinran, and Nichiren, held a certain position; they were interested in their salvation. Shinran had no writing specifically about women's participation in religion, but his wife and daughter played important roles in the divulgation of their precepts. He also organised his teaching and practices around husbands and wives.

Thus, the structure of the *ie* (家), the Japanese household with its own organisation, was always important to this sect, but this does not mean that the sect innovated the traditional understanding of women's position in religion: True Pure Land monks continued to teach women that they needed to change to a masculine form in order to attain salvation. Even though the doctrine of transformation into a male or the concepts of the five impediments and three obediences were not expressly written in the sutras, they were integrated into the practices and teachings of True Pure Land Buddhism.<sup>56</sup> "While it welcomed women, the True Pure Land sect sometimes made condescending overtures that assumed greater spiritual shortcomings in women than in men."<sup>57</sup> But what is innovative is that the *ie* of the monks was tacitly recognised, and Shinran assumed this ambiguous role, not as a monk or a layman. In the end, the *ie* became an important institution for religious practice. Therefore, the True Pure Land sect made special appeal to women, compared with other forms of Buddhism, but still shared views that put women in an inferior position.

For the True Pure Land Buddhism, the couple was an important actor. The role played by the couples in True Pure Land Buddhism and Christian lay organisations symbolises another similarity between the religions: although the roles the Buddhist couple, known as the *bōzu* (坊主) and *bōmori* (坊守) in *kō* congregations, developed in the religion's practices did not stand for a long period

55 These later became the temples themselves—a branch temple *matsuji* (末寺)—the official temple recognised by the *honganji*.

56 Dobbins, *Letters of the Nun Eshinni* and Okano, "A feminist Critique of Japanese Religions".

57 Endō, "The Original Bōromi", 529.

in the True Pure Land Buddhism,<sup>58</sup> and tended to increasingly aggrandise the position of the *bōzu* over the *bōmori*, they still influenced the organisation of lay institutions of congregation because Buddhism developed in monasteries, as well as in nunneries and congregations. In the congregations, people created a community which they voluntarily got involved in and self-governed. Additionally, they did not separate the members by gender: women participated alongside men and they had considerable participation and status. The family was the unit of membership.

Therefore, the True Pure Land was an active proponent of congregations. It promoted marriage and family life as a legitimate context for Buddhism practice—contrary to monasteries and nunneries which upheld celibacy and separation, at least in theory. Taking Shinran's own family as an example, in True Pure Land Buddhism the *bōzo* and the *bōromi* indicated the husband and wife who led the religious groups. The couple organised the congregation and transformed their house in the *dōjō*, where members met. This can also be seen in the writings left by Enshin-ni and Kakushin-ni, Shinran's wife and daughter: thus, women in True Pure Land Buddhism have to be seen in the context of family and community because this sect relies on household life for finding a viable path to enlightenment.

Due to historical and social contexts, the lay organisations became extremely important for the diffusion of Christianity in Japan. Because of the shortage of priests and the need to adapt to the reality of conversion in a place difficult to reach for the priests from Europe, such as Japan, lay ordination was commonly used. This is because while conversions were exponentially rising, during the same period, the number of Catholic spiritual leaders from Europe present in Japan did not follow the growth of the mission, which made carrying out their duties increasingly difficult. In the absence of Catholic priests, these lay brotherhoods of converted Japanese were organised by Japanese lay practitioners, women and men, with special roles in the performance of Christian rites.

Therefore, lay leaders had to assume the role of guiding the newly converted. Lay brotherhoods, similar to the *kō* organisations found in True Pure Land Buddhism, proliferated. Women participated greatly in these brotherhoods, as well as in their own spontaneous organisations. These organisations could be observed in different parts of Japan, in different arrangements and compositions, according to socio-political and economic village structures.

Importantly, although women played a vital role as lay spreaders of Christianity, they were never mentioned as *dójjicos*. Yet we can find their particip-

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58 Endō, "The Original Bōromi".



ation in the few known documents about the constitution of Christian lay communities in Japan.<sup>59</sup> Some of them are described as even more persevering and active than their Christian husbands: Justa, from Nagasaki, was known for working harder than Justino, her husband, in the construction of the Misericórdia of Nagasaki—exactly like the couples who worked in the *kō* congregations as the *bōromi* and the *bōzu* in True Pure Land Buddhism. She also created her own group of Christian married women—without consulting the priests—and wrote its own rules: women must confess at least six or seven times a year, never fight with their husbands, have patience with them, never drink wine, tell the priests about people affected by difficult social conditions, and give alms to old women, the sick, and the helpless.<sup>60</sup> The Christian women from Miaco, for instance, gathered together to support the workers of the new church with supplies.<sup>61</sup>

With this greater understanding of women's circumstances before the arrival of the Christians, their practices after the missionaries arrival, and some possible institutional and ritual approximations, let us now move on to the message brought by the Christians and how they might have influenced women who lived in the above-mentioned context before their arrival. If both “The Kirishitan and the True Pure Land faiths coexisted as religious options for people within the same geographical and historical context,”<sup>62</sup> we must now look for more details in both that could help to explain why someone would choose one or the other. To obtain more information about this idea, we first need to ask who the missionaries could rely on to teach and support Japanese people in their confessions and daily life practices. Furthermore, where did they need to look to find systematic norms for the knowledge they wanted to share and spread in their strategies of conversion?

59 “2. Pera melhor meneyo e governo destes Cumis ou congregações e confrarias se dividem em três classes. Silicit menores, mayores, universais. Os menores constão de cinquenta homens pouco mais ou menos, além das mulheres, as quais e os filhos pertencem aos mesmos Cumis dos maridos. O mesmo he dos moços e moças que pertencem ao Cumi dos amos e senhores. 3. (...) em cada Cumi ou congregação particular se escolhem algumas mulheres exemplares, e de boa idade as quais ficão sojeitas ao governo dos modormos, e eles por meyo destes mulheres exercitão pera com as de mais as obras de caridade que pertençam ao Cumi.” In ARSI, JapSin 59, fols. 165<sup>r</sup>–168<sup>v</sup>, transcribed in Kawamura, *Making Christian Lay Communities During the Christian Century in Japan*.

60 Fróis, *Historia de Japam*, lib. IV, 122.

61 Fróis, *Historia de Japam*, lib. II.

62 Higashibaba, *Christianity in Early Modern Japan*, 77.

### 3 The Confession of Female Sinners: Guilt and Sin in Christianity, and Practices of Daily Life in Japan

The confession and the penances were practices that, being mandatory in the Catholic Church, reached every part of the Christian world. The recommendations to emphasise the importance of confession as a sacrament, as well as how to obtain a good confession, had been raised since the Council of Lateran in 1215 at least, and further reinforced in the decisions and discussions of the Council of Trent. Consequently, the cases of conscience and manuals for confessors and penitents with pragmatic questions flourished in Portugal and other parts of the Universal Catholic Church, so much so that the first known book in Portugal is likely to have been a manual for confessors, the *Tratado de Confissom*, printed in 1489.<sup>63</sup>

The manuals were widespread in the Iberian Empires. One of the most famous of them, the *Manual* by Azpilcueta, is based on a manual written by an anonymous Franciscan friar in 1549.<sup>64</sup> Further publications included revisions and additions by Azpilcueta in different languages, and prove that this book, as well as his *Compendium*, travelled to different places of the world. It even reached Japanese soil.<sup>65</sup> Interestingly, Xavier, mentioned earlier, was related to Azpilcueta by kinship ties.

In 1985, a *Compendium Manualis Navarri* was discovered by five ancient booksellers in Manila. Strangely, the book had on its title page the remark “Japanese College of the Society of Jesus” (*In Collegio Iaponico Societatis Iesu*) but, so far, the title had not been mentioned among the known books published by the Jesuit Mission Press in Japan during the stay of the Christians in Japan.<sup>66</sup> On the very first page it is possible to read that the book was published in 1597, but not so easy to specify the place where the Jesuits printed it, considering that, in the autumn of 1597, the Japanese College of the Society of Jesus was moved to Nagasaki (長崎) from Amakusa (天草). This book seemed to be the *Compendium* written by Jesuit Alagona—or Petro Giuvara, his mother’s maiden name and the name he used in the publication—from the 1592 edition published in Antwerp, an edition probably known in Japan since the 1550s. It appears that these texts are the same, with no additions or particularities in the Japanese printed version.<sup>67</sup>

63 *Tratado de Confissom: Chaves, 8 de Agosto de 1489.*

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

65 See the full text at <https://ja.m.wikisource.org/wiki/コンチリサンの略>.

66 On the Jesuit Mission Press, see Orii, “The Dispersion of Jesuit Books Printed in Japan” and Satow, *The Jesuit Mission Press in Japan*.

67 See Orii’s chapter in this volume.

The *Compendium* was not the only piece of normative literature published in Japan to address the discussion of penance and sins in religion. Other normative books, such as the *Modus Confitendi et Examinandi* written by Frei Diego Collado, addressed it as well. In this book, there were more instructions for confession including how to conduct confession among the newly converted Japanese.<sup>68</sup> Another manual of penance was published in Nagasaki by merchant Gotō Sōin in 1603, the *Konchirisan no riyaku*.<sup>69</sup> This text was created to deal with the lack of priests in Japan. Japanese Christians were instructed that, when a priest was unavailable for confession, they could receive forgiveness for their sins through contrition (*konchirisan*), which would hold the same benefits as a confession with a priest.

Considering that these kinds of normative books were especially concerned with guiding priests and sinners in every aspect of confession, they contained very practical instructions regarding women's attitudes and sexual behaviours. The penance involved working on the guilt one felt and controlling these behaviours. Women, according to the Christian religion, were much more inclined to sin than men because they became the origin of all sins and evil when they ate the forbidden fruit. Due to this particularly sinful "nature of women",<sup>70</sup> there was a special interest in sexual and female behaviours, which is why they were mentioned in different parts of these manuals.<sup>71</sup> This idea is based on the argument that, since Eve yielded to temptation and sin, bringing disgrace to humanity, the weakness of women meant men were also punished. The consequences of such weakness were the expulsion from Paradise and, for each sex, a specific punishment: Adam would have to work the land to make it produce food; Eve would give birth in pain, which made childbirth prob-

68 Collado, コリヤート 懺悔録 キリシタン時代日本人信徒の肉声, trans. Hino.

69 The full text can be accessed at <https://ja.m.wikisource.org/wiki/コンチリサンの略>.

70 There are an abundance of sources about the discussion of the nature of women versus the construction of women's natural propensity to sin. See, Sá, "Tratado dos Estados Eclesiásticos e Seculares"; Gonçalves, *Dos privilegios & praerogativas q ho genero feminino tẽ por direito Comiã & Ordenações do Reyno mais que ho genero masculino*; Africano, *Tratado em loor de las mugeres*; Anjos, *Jardim de Portugal em que se da noticia de algumas sanctas*; Perim, *Teatro heroino abcdario historico e catalogo das mulheres illustres em armas*, vol. I; Perim, *Teatro heroino abcdario historico e catalogo das mulheres illustres em armas*, vol. II; Azevedo, *Portugal Illustrado pelo sexo feminino*; Dias, *Malicia das mulheres*; *Malicia dos homens contra a bondade das mulheres*; Dezenango, *Espelho critico, no qual claramente se vem alguns defeitos das mulheres*; *Nova relação contra as mulheres ou parvoíces dos seus enfeites*; *Relação fiel e verdadeira das disputas*; Costa, *Ostentação pelo grande talento das damas contra seus émulos*; *Bondade das mulheres*. I examined this relation in detail in Coutinho Silva, *Nem teúdas, nem manteúdas*.

71 Arcuri, "Represión Sexual y de Género en La Confesión".

lematic. Predictably, the Bible considers women to be impure for seven days due to their menstruation blood; whoever touched them would also become impure.<sup>72</sup>

With this in mind, we now move on to questions concerning the contents of the *Compendium* and its connection to what has been recently discovered in Japan, in the field of women's history, about women's position in society as well as how this connects to the cases of Japanese women described in the missionaries' sources.

### 3.1 *A Gendered Compendium: Christian Values Taken to the World, Local Narratives from Japan*

In manuals for confessors, it is common to see topics connected to sexuality, gender, and the household. They repeatedly mention issues like fornication, prostitution, adultery, rape, incest, and sins against nature.<sup>73</sup> We can find the same issues around the topics raised—sexuality, gender, and the household—in women's history in Japan. Therefore, this section is an exercise in putting into perspective different systems of norms that met for the first time. Having said that, it does not intend to find absolute translations for concepts that cannot be literally matched. However, this exercise points to the importance of asking gendered questions while analysing possible cultural translations of norms.

First, it is worth noticing that the books published by the Jesuit Mission Press, as well as books brought from Europe to Japan, did indeed reach Japanese women. The manuals for confessors and other books published by the Jesuit Mission Press circulated widely in Japan, so much so that newly converted Japanese women had their own libraries of Christian books that likely contained such manuscripts and books.<sup>74</sup> Maxência, Gracia, Monica, and Maria, four converted Japanese women who will be discussed later, are described by the missionaries as very pious. Maxência “had her spiritual books and devotees,

72 Leviticus 15:19–33.

73 See, for an illustration, Medina, *Breve Instrvction de como se Ha de Administrar el Sacramento de la Penitencia*, Mandamento 6° and 9°. There are topics in the instructions, such as: simple fornication (sex between man and woman not aiming at reproduction); adultery; rape; incest (4th degree of consanguinity); sacrilege; and sins against nature (*molície*—masturbation and voluntary touching; relationships outside the natural vessel; bestiality; perfect and imperfect sodomy; inappropriate postures).

74 On the study of gender and literacy of women/libraries or how women's libraries can instruct a field of analysis in gender's history, see: Anastácio, “Gendering Libraries and Reading”.

which she often read";<sup>75</sup> Gracia, who was an important woman from Tango, had her own reading group of Christian women, where she used and followed books sent by the priests;<sup>76</sup> being able to read and write, Monica had books of the "things of God";<sup>77</sup> and Maria was devoted to prayer and lessons from spiritual books and devotees.<sup>78</sup>

We do not know if one of the books read by these four women was Alagona's *Compendium*. But we do know that the *Compendium* is no different from other manuals for confessors, and that their confessors most likely knew the *Compendium*. So let us now approach its contents: it contained guidance for women in different conditions, depending on their status in the family as mothers, wives, daughters, and widows; and depending on their sexual position, as virgins, wives, prostitutes, or *amancebadas*. Women were addressed in different chapters, but mainly in chapters XIV (*Honora patrem, & matrem*); XVI (*Non Moechaberis*); and XXII (*De Sacramentis/De matrimonio*).<sup>79</sup>

Marriage was a sacrament and described as a mutual allegiance.<sup>80</sup> But Alagona's *Compendium* would admonish that a woman sins against her husband when she disobeys him in the aspects of housekeeping, family, and good manners.<sup>81</sup> Having said that, a husband should not force a wife to do anything against a divine precept.<sup>82</sup> Marital sex was recommended and expected, and marital debt affected both equally. But if the couple performed marital sex in a holy place, or if they tried to avoid conception (when couples tried postures to prevent semen from properly entering the woman), this could also lead to sin.<sup>83</sup>

75 Guerreiro, *Relação anual das coisas que fizeram os Padres da Companhia de Jesus nas suas Missões do Japão*, ed. Viegas, vol. 2, 223: "tinha seus livros espirituais e devotos, pelos quais lia frequentemente". Translation is mine.

76 Fróis, *Historia de Japam*, lib. IV, 492.

77 Fróis, *Historia de Japam*, lib. II, 36, 166.

78 Guerreiro, *Relação anual das coisas que fizeram os Padres da Companhia de Jesus nas suas Missões do Japão*, ed. Viegas, vol. 2, 225.

79 Giuvara, *Compendium manualis Navarri*, 98, 122, 227.

80 "Est Sacramentum, quo fit maris [sic], & foeminae coniunctio, individuum vitae consuetudinem retinens: & declaratur ibi haec definitio: & confert gratiam ex opere operato." Giuvara, *Compendium manualis Navarri*, 227.

81 "Uxor notabiliter marito inobediens in regimine domus, & familiae, & bonorum morum." Giuvara, *Compendium manualis Navarri*, 104.

82 "Maritus praecipiens uxori aliquid contra aliquod praeceptum divinuni, vel ecclesiasticum obligans ad mortale, peccat." Giuvara, *Compendium manualis Navarri*, 103.

83 "Rem habere cum coniuge in loco sacro, vel benedicto ob quemcunque finem, est pec. mort. licet Sotus contrarium teneat. 33. Impedire conceptionem prolis ob quem cunque finem, est pec. mort. & si ob id essundatur semen extra vas, est peccatum contra naturam." Giuvara, *Compendium manualis Navarri*, 136.

In Japan's history, different types of cohabitation were practiced: the couple could live separately while their children lived with the wife (duolocal); the man could move to the residence of the wife's parents (uxorilocal); and the husband could take the wife into his family. Living together was also an option.<sup>84</sup>

Furthermore, before the shogunates—and in contrast to China—women and men enjoyed relative equality in marriage, along with ownership rights and membership in the village communal organisation. Women holders of property and those with ownership rights were frequently described in records of land sales and purchases in various ways and in different places and periods of Japanese history. Women from different conditions engaged in moneylending, the production and sale of sake, and the storing of rice.<sup>85</sup> Thus, women cannot be seen always as inferior to men, and monogamy was not the rule and definitively not the practice throughout Japanese history, although concubines and wives were differentiated from each other.

However, society would change drastically from the end of the Kamakura shogunate until the 14th century. As the power of the Emperor diminished due to the rise of the shoguns, the familial system suffered transformations with the increase in power of the warrior class: marriage became virilocal and women began, by rule, to live with the husband's family, as mentioned before. Due to political instability and changes in governance practices, warriors changed the practice of division of property rights to only one heir, and changed the practice of finding lineage and inheritance from both parents to just one. The warrior family unit was based on the head exercising general leadership over the extended family. This also contributed to reinforcing the ideal of female chastity in order to guarantee the paternal lineage, according to some scholars. However,

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84 In my previous work, I demonstrate the importance of using Japanese sources and the methodologies provided by women's history in Japan to understand the context and women's social and normative background during the presence of the Christians in Japan. I have, so far, analysed women's status in early modern Japan. However, I am aware that there is no generalisation in Japanese history, Japanese people, and women's history. Therefore, I have also demonstrated how women's history can give another meaning to the gradual transformations and adaptations that took place in the archipelago since the 7th century, influenced by legal reforms with Chinese inspiration, and how this is important for understanding Japanese women's conditions in Japan in the 16th century. This is due to the fact that the reforms did not only copy Chinese laws or culture, but also created a system that better fit the social and economic situation of Japan. See Coutinho Silva, "The Janus face of normativities in a global mirror".

85 See Tonomura, "Family, women, and gender in medieval society"; Wakita, *Women in Medieval Japan*; Yoshie, "Gender in Early Classical Japan"; and Yonemoto, *The Problem of Women in Early Modern Japan*.

others defend that it was only an ideal and that premarital sex for women was not a preoccupation.<sup>86</sup>

These generalisations about gender issues can be useful in drawing our attention to the gender question in Japanese history but, being a generalisation, it does not apply to the general practices of every family organisation (*ie*).<sup>87</sup> This becomes particularly meaningful when we apply these generalisations to more concrete cases, problematising the comparison between religions, because they acquire a particularly precise meaning when we look to real life cases.

For example, marriage practices, such as the number of wives and repudiation, established back in the *Ritsuryō* state in the 7th century were changing.<sup>88</sup> To provide a glimpse of this: the newly converted Japanese were adhering to the practice of having only one wife according to the law of God, which, as mentioned, was not the rule in Japan.<sup>89</sup>

Another changing practice involved cases of repudiation. The *clausula* of repudiation were settled centuries before the arrival of the Christians, changing over time according to Japanese normative practices. However, after the arrival of the Christians, some men who converted to Christianity were using the fact that their wife did not want to convert to Christianity to repudiate her and send her back to her family's house. A man, well known in Japan, repudiated his wife because her parents did not allow her to become a Christian. He sent her back to her parents' house and, only after two years of disagreements, her father finally allowed her to be Christian and she returned to her husband's house.<sup>90</sup>

In another conversion mentioned by Fróis in Sakai in the 1560s, Monica, the daughter of Diogo Ryōkei, wanted to live a chaste and "clean" life.<sup>91</sup> She wanted to cut her hair, a symbol of women leaving the secular world, and even as a

86 Tonomura, Whathall and Haruko, *Women and Class in Japanese History* and Goodwin, *Selling Songs and Smiles*.

87 See Wakita for the descriptions of the different kinds of medieval houses and the many roles women assumed within and outside them. Based on sources, she advocates against a simple equation of the development of the "family" and gender disparities in Japanese history. Tonomura, Whathall and Wakita, *Women and Class in Japanese History*, 7.

88 For a detailed analysis of the development of this legal institution, see Coutinho Silva, "The Janus face of normativities in a global mirror".

89 *Cartas que os padres e irmãos da Companhia de Jesus escreverão dos Reynos de Iapão*, vol. 1, fol. 220<sup>r</sup>.

90 Guerreiro, *Relação anual das coisas que fizeram os Padres da Companhia de Jesus nas suas Missões do Japão*, ed. Viegas vol. 1, 228.

91 Fróis, *Historia de Japam*, lib. II, 36, 166.

representation of abandoning their female identity, in order to enter the Pure Land.<sup>92</sup> She asked Fróis to stop her father from marrying her to an uncle, who was an adept of the *yoxo* (another reference in the source to the *ikkōshū*, or the True Pure Land sect). Her father wanted to marry her to the uncle because there were not many Christians around them. He thought it could also be an opportunity for Monica to convert her husband to Christianity. Here, a Christian woman was counselled to marry a non-Christian, a topic highly discussed in the Iberian world regarding the *disparitas cultus*. To marry a non-Christian could be a diriment impediment according to canon law, only dispensed in very special circumstances. Cases like this prove that there was not only one solution for issues regarding marriage, but that norms were produced according to the specific social and political contexts of the converted.

Returning to the *Compendium*, as with other manuals, various types of sexual acts were condemned in its pages: fornication, adultery, incest, rape, abduction, as well as sex against *natura* (homosexuality, sodomy, bestiality, and masturbation [*molice*]).<sup>93</sup> Consent, however, was the key to understanding many of these practices.<sup>94</sup>

Virgins are set aside as a special category.<sup>95</sup> Here, fornication with a virgin is a special sin because, once lost, virginity cannot be replaced and thus needs another kind of reparation. This obligation varies according to the consent of the victim and context of the arrangement. The consequence of this: the virgin who offers herself exempts the man from sin. Therefore, there had to have

92 Meeks, *Hokkeji and the Reemergence of Female Monastic Orders in Premodern Japan*.

93 "Ignorare, vel putare non esse peccatum coire extra matrimonium, non excusat à peccato. Imo asserere simplicem fornicationem non esse peccatum; est haeticum. Voluntas, & conseus etiam coactus metu, minis mortis, pudore mamiae si vociferetur, est peccatum mortale. (...) 3. Species luxuriaie universaliaes sunt sex. Fornicatio inter solutos omni vinculo. Adulterium, cum alter, vel utreq; Est coniugattis. Incestus (ad quem reducitur sacrilegium) (...). Stuprum, quando mulier est virgo, nec resert de viro, an sit virgo. Raptus, quando aliqua rapitur extra domum suma quamuis id fiat ad ducendam eam in uxorem, post habitam copulam: aut violenter extorquetur copula, siu e illa sit virgo, siue non. Contra naturam, in alio vase, vel foemina cum foemina, vel vir cum viro, vel cum bruto, vel mollicies, de quo num. 6." Giuvara, *Compendium manualis Navarri*, 122–124.

94 "Vis absoluta, & coactio ad fornicandum sine consensu voluntatis, licet aliquam delectationem accipiat de ipso actu, dummodu non coperetur, neque in ipsum actum, neque in delectationem consentiat, excusat à peccato, & amissione virginitatis. Unde nec tenetur manus injicere in corruptorem, nec se clamore defendere." Giuvara, *Compendium manualis Navarri*, 123.

95 "Quid debeat restituere quirem habet cum virgine, vel putata virgine. num. 16. Qui deflorat virginem, quae sponte se obtulit, vel leu ter rogata, nihil tenetur restituere in conscientiae foro: in foro autem exteriori ad multa tenetur: secus si importune rogata." Giuvara, *Compendium manualis Navarri*, 131.



been physical resistance from the woman for her to be entitled to reparation, without which it would constitute indirect consent. Even if the woman who physically resisted had involuntary pleasure, a sin should still be attributed to the rape. In this case, she would not have lost her virginity in the eyes of God.<sup>96</sup> In the case of adultery, however, both men and women were sinners.<sup>97</sup> Further problems here involved resultant pregnancies and inheritances.<sup>98</sup>

In Japan, this importance given to virginity did not seem to exist in some historical periods.<sup>99</sup> Sexual attitudes about women did not always mean transgression if sexual acts happened outside of wedlock—they did not need to be virgins before marriage or chaste during it. Men and women were punished throughout different historical periods for sexual violations. However, sexual transgressions were condemned differently according to specific historical periods. Codes, such as the *Yōrō* code, made a differentiation between adultery (*wakan*, 和姦) and rape (*gōkan*, 強姦), while the *Gosebai Shikimoku* had the same differentiation but different penalties. Despite these definitions, it is still difficult to see how they were actually enforced.<sup>100</sup> *Setsuwas* also described different situations involving husbands, wives, lovers, and prohibitions. But in Japanese history, sexual transgression assumed a complex construction involving different terms to describe adultery, fornication, unmarried, incest, clandestine sexual relations, and so on.<sup>101</sup>

Fróis, in his treatise about the differences and contradictions between the people in Europe and Japan, began the chapter about women by saying that while in Europe the honour of a woman was rated by their purity (i.e., virginity), Japanese women did not care about their virginity because they did not have honour or marriage.<sup>102</sup> Having said that, virginity did not go unnoticed in Japan—Buddhist nuns and monks also had to consider celibacy to follow their careers, at least in theory. However, what is different here is that virginity was not an idealised model for women in society.<sup>103</sup>

96 Giuvara, *Compendium manualis Navarri*, 131–132.

97 Giuvara, *Compendium manualis Navarri*, 135.

98 “Coniux, quae filium ex adultero concepit, vel fingit parere suppositum filium, quid faciet. num. 43.” Giuvara, *Compendium manualis Navarri*, 139.

99 See Coutinho Silva, “The Janus face of normativities in a global mirror”.

100 Tonomura, “Sexual Violence Against Women: Legal and Extralegal Treatment in Premodern Warrior Societies”.

101 Goodwin, *Selling Songs and Smiles*.

102 Fróis, *Tratado em que se contem muito susinta e abreviadamente algumas contradições e diferenças de costumes antre a gente de Europa e esta província de Japão*, capítulo 2º: “Do que toca aas molheress, e de suas pesoas e costumes”, 5.

103 Meeks, *Hokkeji and the Reemergence of Female Monastic Orders in Premodern Japan*.

Regarding public women, another name for prostitutes, it is interesting that the *Compendium* contains a discussion about whether the earnings obtained from prostitution were lawful. Women had no obligation to return the money they earned but the nature of their work meant they were already sinning. This, indirectly, means that simple fornication was not a mortal sin.<sup>104</sup>

It is hard to find a simple correspondence to the word prostitution in Japanese at the time. A variety of female (even religious) professionals served as shamans and dancers, combining sacred functions, sex, and entertainment throughout Japanese history. Scholars argue that they had highly respected professional performers in pre-Heian Japan but their status declined over the course of the medieval period. Other comparable words used are *miko* (巫女) for female shamans; *shirabyōshi* (白拍子) for dancers; *kugutsu* (傀儡記) for women of puppeteers' troupes; and *asobi* (遊女) for women who provided entertainment to travellers, especially at sea and river ports.<sup>105</sup> Therefore, the act of selling sex was much more blurred with other activities in Japan than a simple correspondence with a category, such as prostitute or courtesan, could infer. Only during the 16th century prostitution began to be institutionalised by its taxation and creation of special quarters of prostitution.

By looking at the cases of conversion of women in the missionaries' sources, we can identify a strong will to follow a chaste life. For example, the granddaughter of King Francisco, Maxência from Bungo, at the age of 12 decided to take a vow of virginity (chastity and purity) in Nagasaki, where she was exiled. She dedicated her life to prayer, penance, mortifications, intense fasts, and living in extreme attendance of the sacraments. As women were considered weaker than men, and considering "woman's natural weakness",<sup>106</sup> the missionaries were impressed by the strength of her will and devotion. Her grandmother allowed her to take a vow of chastity but did not allow her to cut her hair, as she wished, nor to change her outfit or dress in colourful clothes. She confessed and communed frequently, with great emotion, and she weakened her health until she died, bearing patience in her illness.

104 "Meretrix non tenetur restituere pretium meretricij, licet peccet illud accipiendo. Idem dicendum de (...) foeminis, & viris cuiuscunque (...), qui ob fornicationem aliquid accipiunt: (...) non id recipiant notabilibus fraudibus, & c. et ab his, qui non possunt dare. Promissa, & non data non possunt peti, ut debita meretricio, sed (...), & c. Idem dicendum de occidendo alicuem precibus, & promisis alterius." Giuvara, *Compendium manualis Navarri*, 149.

105 Goodwin, *Selling Songs and Smiles*.

106 Guerreiro, *Relação anual das coisas que fizeram os Padres da Companhia de Jesus nas suas Missões do Japão*, ed. Viegas, vol. 2, 222–223.

Maria, the daughter of Konishi Yukinaga (小西 行長, baptised as D. Agostinho)—the general captain of Taikosama (Hideyoshi)—converted to Christianity after being repudiated by her husband.<sup>107</sup> She went to Nagasaki where she cut her hair and took a vow of chastity—and she did so very happily. Like Maxêncía, she also became sick and was very patient in her illness.

Although there is no information about the religious background of these two women, both, according to the Jesuit's reports, were devoted to God and dedicated their lives to redeeming their sins. And this was not a strange idea to the Japanese—even before the Christians arrived, as I have demonstrated, women were considered to be more sinful than men. This information, together with what we now know about women and Buddhism, highlights that women themselves easily accepted their state as more sinful and naturally weaker. Both Maxêncía and Maria decided to take the chastity vows, an idea now connected to the purity and virginity of Christianity. This is probably an idea found in the Christian books they were reading, mentioned by the virginity, as virginity is a special topic in this literature, as Alagona would also have noticed.

Gracia, also mentioned earlier, was baptised by her own nurse, Maria, because her husband did not allow her to go out. She was so overwhelmed by her own conversion that she asked the priests to let her dedicate herself to Christ and celibacy. She also wished to shave her hair, which in Japan was a symbol of renouncing the world,<sup>108</sup> and she changed her attitude towards marriage under counsel from the priests: although she was having some disagreements with her husband, as a Christian, she should obey him in licit things and work silently to also convert him to Christianity.<sup>109</sup> We can infer that Gracia changed her attitudes about marriage according to instructions that she could have found, for instance, in the *Compendium* by Alagona; she was instructed to obey her husband in things of housekeeping and family.

Knowing that these topics about women's lives circulated in Japan gives us an idea about what could have inspired the missionaries' preoccupations while converting Japanese women. This information also sheds light on the texts that Japanese women could access about Christianity, because we now know this literature particularly circulated among women. In addition, these cases allow us to connect what the priests taught and praised with what Japanese women might have understood and practiced after reading Christian books and listening to the priests.

107 Guerreiro, *Relação anual das coisas que fizeram os Padres da Companhia de Jesus nas suas Missões do Japão*, ed. Viegas, vol. 2, 225.

108 Fróis, *Historia de Japam*, lib. IV, 496.

109 Fróis, *Historia de Japam*, lib. IV, 492.

All these cases show us possibilities for where the *Compendium* by Alagona could have circulated and had influence. According to the missionaries, women had their confessors and took seriously the practice of confession, redeeming their sins, and devoting their lives to penance. However, evidently, they were not only passive instruments who listened to the priests or the *dójjicos*; in fact, they had their own organisations, studied the Christian books and had their own libraries, and influenced their social environments at a time when normative practices were changing, particularly for those who converted to Christianity.

#### 4 Conclusions

In this chapter, I problematised and highlighted cases involving converted Japanese women within the missionary sources by exploring and introducing the many layers and pathways of interpretation that remained open. This analysis considered different traditions that were not properly connected so far: cases taken from religious sources reflecting women's real-life situations, religious contexts that involved Christianity and Buddhism, and pragmatic normative books.

In comparing Buddhism and Christianity using women's legal history, I demonstrated that both Christianity and Buddhism (and the True Pure Land) believed that women were in need of more spiritual work to ascend to the transcendental, or receive salvation and Buddhahood. In both religions, women had a harder path to salvation, were considered filthier, and were polluted due to childbirth and menstruation.

However, the True Pure Land sect can offer a specific approach to women's position in Buddhism due to its understanding of the role of the household in the practice of the religion. This can therefore provide a specific background for further studies in specific places of Japan connected to specific temples and the conversion of True Pure Land women adepts in those localities, which is outside the scope of this current chapter.

To conclude, I propose three arguments. First, one in favour of women's history in Japan that evokes the importance of looking for women in the sources and giving the daily life cases a gendered interpretation. For example, in the missionaries' sources about Japan, I identified converted women and their relation to Buddhism as followers of Amida and adepts of the True Pure Land sect. Different Buddhist women converted to Christianity in 16th- and 17th-century Japan, despite different social positions and conditions: they were married, single, or repudiated, while others were widowed. There were noble

women who belonged to the highest *daimyō* families, their servants, former religious leaders, daughters of martyrs, granddaughters of “kings”, and people close to the *Daifusama* and the *Taicosama*. They had family members—fathers, husbands, brothers, uncles, brothers-in-law—who disapproved of the Christian faith, and others that were Christian and considered holy. They were of different ages, from six- and 12-year-old girls to older women who had over 30 years’ experience of practicing other religions. They were diverse, each located in different parts of Japan, within different socio-political contexts.

As religious women, they developed different roles: as leaders of other women, as ascendants to a holy and pious life at home, and as itinerant spreaders of Christianity. All these roles were well known in Buddhism in terms of different types or ordinations, seclusionary practices, and adjustments to physical attributions, such as shaving of the hair and using certain types of clothes and colours.

This diversity in status highlights the lives and social positions of women during the period that the Christians were in Japan: they were far from being passive recipients of new religious doctrine in order to please others. Instead, they were a diverse group who existed in specific contexts and thus could not be considered a single body. They did not simply follow their husbands’, fathers’, or sons’ wishes and orders, but instead had their own religious personalities, and made choices.

In the missionary sources, women were active in religious practices of everyday life. They especially participated in changing the lives of other women by persuading them to convert to Christianity, diligently acting to change their daily life practices and transcendental beliefs. Looking to women, we move away from the teachings and writings of great religious leaders and approximate the practices of specific religions according to what these meant in real life. We move from abstract ideals to actual religious practices, we adjust our vision to see beyond the theoretical and theological uses of books written by men, and we understand sources written by men from a different angle.

These practices and inner motivations—only captured by our suppositions and possible speculations about the sources—provide another view of the past using a women’s legal history. Looking at women’s daily practices and attitudes brings us to a turning point in understanding religion as an important component of law in early modernity.

This leads to my second argument, concerning how the pragmatic literature could inform us about these practices and vice-versa, and how important it is to take both into consideration. Putting together women’s daily lives and the

pragmatic normative literature as sources of law in early modernity<sup>110</sup> opens new paths for understanding the weight that pragmatic normative books had, going beyond previous analyses that only consider this literature in relation to practices of rituals.<sup>111</sup> The work in this chapter contributes to a new approach to a legal historical perspective by using pragmatic normative books to focus on cases of real people. The focus on women's daily lives draws our attention to the practical aspects of how religious texts, both Christian and Buddhist, were used, received, and rejected, as well as understood in history.

The missionary sources of 16th- and early-17th-century Japan, and the emblematic *Compendium* by Alagona, as the product of pragmatic uses and probabilistic thinking of the period, point to how theologians, missionaries, and church officials looked for solutions for questions about the daily life of Christians in different parts of the Iberian Worlds, through their pragmatic content and connection of moral theology and canon law. They focus on solving daily life problems that are gendered and, as such, need to be seen in context—a context that was developed in this chapter: women were seen differently in religion, in their soteriological path, in how they had to deal with and express their sexualities and desires, in their position in the family, in the way they sold their bodies, in how they owned things, in the way others used and gave meaning to their bodies, and in how they gave birth, to mention just a few topics opened up by the sources discussed.

Assuming and confirming this gives us more tools to better understand the conversions discussed here from a legal historical point of view. In the legal history tradition as a discipline, law was fundamentally understood in an anachronic view of its production centred on the paradigm of the nation-state as a powerful legislator. However, law in the period of analysis of this study includes normative practices from the religious field—for Christianity and Buddhism.<sup>112</sup> Therefore, to understand law as it was in early modernity we have to see a plurality of interacting jurisdictions, secular and religious. A law that, for example, connects to moral theology.

110 Duve "Pragmatic Normative Literature and the Early Modern Iberian Empires in the 16th–17th Centuries".

111 Meeks agrees by differentiating between "idealized" religion, "popular" belief, "practiced religion": "(...) few lay Buddhists in Japan would have studied 'Buddhism' as a holistic tradition: most had been exposed only to a smattering of disparate texts and rituals, and few had attempted to read and understand the contents of Buddhist texts on their own. Japan had no centralized Buddhist authority that dictated matters of doctrine." Meeks, *Hokkeji and the Reemergence of Female Monastic Orders in Premodern Japan*, 15.

112 Further analysis should consider different understandings of *hō* (法) in the Japanese Medieval Period.

In this context, the works of Azpilcueta and Alagona as pragmatic normative books can open new paths in legal history by moving the production of law to concrete matters and their solutions. But, foremost, the pragmatic questions of the *Compendium* can help us to rethink women's legal history by highlighting solutions for women's daily lives, such as how to marry, how many wives one could have, how to understand familial bonds in religion (sacrament), and how to understand sex and be educated on desire. It is an emblematic representation of how law was dynamically constituted and continuously culturally translated in the Iberian Worlds, specifically, for the case of Japan, almost exclusively through the work of the missionaries. Therefore, the publication of the *Compendium* in Japan and the analysis of the cases here show how the normative knowledge inside the *Compendium* was culturally translated into everyday practices.

In this way, the confessors—all those men who made contact with the Japanese women described in this study—became more than spreaders of the Christian faith, but also judges of women's lives and inner *conscientiae*. Through conversions, they dealt with subjects that involved legal problems of everyday life. Thus, pragmatic normative books played an important role in the construction of law in Japan in the 16th and 17th centuries, by serving as support for the few missionaries that were working in Japan or those being trained there, or by simply circulating among the newly converted. These actors were involved in a continuous process of normative knowledge production because daily practices were producing new normative knowledge in real time, for example, when they tried to regulate new situations that arose concerning the new faith, how one deals with what is right, and how to avoid sin. They dealt everyday with matters related to new issues that arose via contact with other parts of the Iberian Worlds; for the cases analysed here, this involved how to deal with those converting from a new religion, never seen before, such as the True Pure Land Buddhism.

As my third argument, the approach to the sources and the methodology used in my research aim to open up a path to a new field: *Women's Global Legal History*. In this approach, I want to draw attention to local processes observed in local sources as representative of the global dimension provided by the expansion of the Iberian Empires and the propagation of the Christian faith, particularly after the Council of Trent. This approach brings together global legal history,<sup>113</sup> women's history, and gender studies in order to write a different interpretation of the 16th- and 17th-century-world—one that is sensitive to gender

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113 Duve, "What is global legal history?"

questions, goes beyond nationalist explanations of history, and forms a legal history based on local experiences inspired by global connections.

Focusing on women's history in the Portuguese Empire, I want to encourage interpretations that lead to a better understanding of how an Empire of global proportions, as well as the influences of a universal religion, took on different shapes according to local processes and relations. Furthermore, this focus draws attention to changing normativities according to daily life practices and how people understood, reshaped, and resignified each of the practices that, in the cases I mentioned here, took shape through the conversion process and the assumption of a Christian life (instead of simply seeing this process as a one-way domination process). This adjusts our vision so that we can see actors and agents in legal history that were not visible before—here, the converted Japanese women.

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Japanese names are written as in Japanese language: first the surname followed by the first name.

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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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