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José Luis Egío

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Salamanca and Michoacán: Alonso de la
Vera Cruz and the rocky road of books and
marriage

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Producing normative knowledge between Salamanca and Michoacán: Alonso de la Vera Cruz and the rocky road of books and marriage

José Luis Egío¹

1. Introduction

Marriage occupies a prominent place among the topics that can be considered as paradigmatic examples of the way in which normative knowledge was produced within the School of Salamanca and circulated globally during the Early Modern Period. Just as with many other debates concerning the religious and moral instruction of the natives, the diversity and specificity of marital customs and practices in America and Asia led the most prominent missionaries to reflect on what the guiding principles should be when dealing with local customs concerning marriage and the organization of the household. The challenge – both theoretical and practical – was enormous. The missionary work required fixed and coherent guidelines in order to make a clear distinction between the concepts, practices, customs and rites that could be tolerated after the conversion of the pagan inhabitants of both continents to Christianity and the indigenous traditions that should be eradicated. In a second step, clever and workable strategies needed to be developed so as to root out unacceptable local traditions, progressively introduce Christian normativity and replace, little by little, other customs that, even if permissible, were far from desirable.

In this short contribution, I shall not repeat the comprehensive perspectives that Early Modern marriage experts such as Ana De Zaballa, Benedetta Albani, Federico Aznar Gil, Daisy Rípodas Ardanaz or Pilar Latasa² have written about the way in which Christian marriage

¹ Research Project The School of Salamanca (AdW Mainz, MPIeR Frankfurt am Main, Goethe University Frankfurt). This article will be published as chapter in the volume: Duve, Thomas, José Luis Egío García and Christiane Birr (eds.), *The School of Salamanca: A Case of Global Knowledge Production?*, Leiden (forthcoming).

² De Zaballa Beascochea, “Matrimonio”; De Zaballa Beascochea, “El matrimonio indígena antes y después de Trento”; Albani, *Sposarsi nel Nuovo Mondo*; Albani, “El matrimonio entre Roma y la Nueva España”; Aznar Gil, *La introducción del matrimonio cristiano en Indias*; Aznar Gil, “El matrimonio en Indias: recepción de las Decretales X 4.19.7-8”; Aznar Gil, “La libertad de los indígenas para contraer matrimo-

was progressively introduced in Early Modern America and the complex ways in which traditional Christian and European normativity was translated into many distant regions – both geographically and culturally – within the Spanish Empire. Marya Camacho's chapter in this book also offers a detailed perspective on the way in which Spanish law and moral-theological normativity were contextualized and applied in the Philippines in the 17th and 18th centuries.³ Even if some of the classic literature dedicated to what we could call the globalization of Christian marriage in the Early Modern Period seems too legalistic and old-fashioned, new methodological perspectives are constantly appearing in a field undergoing continuous renewal.⁴

As with many other missionary issues, the sacramental theology elaborated at the University of Salamanca and by the many jurists and theologians trained in the Salmantine Studium and deployed to the front lines of conversion in America and Asia played an important role in the contentious introduction of Christian marriage. While, until now, the focus of many studies has been on purely legal issues such as the writing, introduction overseas and reception of law, its necessary local adaptation, the resistance it encountered or the conflictive interaction between different institutions and law-givers, theological speculation has usually been left aside as something that can be dispensed with or not substantial to the understanding of the process of globalizing Christian marriage. Individual figures such as Dionisio Borobio – without doubt, the greatest contemporary expert on the sacramental theology of the School of Salamanca – represent an exception in this research panorama. He has investigated the way in which the key authors of the School (Vitoria, Soto, Cano) explained the sacraments writing from the academic Salmantine sphere⁵ as well as the enculturation process which allowed the integration of this Salamanca-based sacramental theology into different Native American cultures,⁶ especially in the Nahuatl.⁷ Nevertheless, just as legal literature habitually leaves theological speculation aside, important canon-law issues are, in their

nio en las Indias"; Rípodas Ardanaz, *El matrimonio en Indias: realidad social y regulación jurídica*; Latasa, "Matrimonios clandestinos y matrimonios secretos"; Latasa, "Trent, Marriage and Freedom in the Viceroyalty of Peru"; Latasa, "Tridentine Marriage Ritual in Sixteenth- to Eighteenth Century Peru".

³ Camacho, "Indigenous Marriage in the Philippines in the Light of Law, Legal Opinions, and Moral Cases (17th and 18th c.)."

⁴ A good point of reference to new approaches to the interaction between central, local institutions and the agency of individuals, demonstrating how complex processes of cultural translation of normativity and gender studies are reshaping the way in which the expansion of Christian marriage has historically been explained and understood can be found in the Focus section of *Rechtsgeschichte – Legal History* Rg 27 (2019), "Global Perspectives on Tridentine Marriage".

⁵ Borobio, *Unción de enfermos, orden y matrimonio en Francisco de Vitoria y Domingo de Soto*; Borobio, *Sacramentos en general: bautismo y confirmación en la Escuela de Salamanca: Fco. Vitoria, Melchor Cano, Domingo Soto*; Borobio, *El sacramento de la penitencia en la Escuela de Salamanca: Francisco de Vitoria, Melchor Cano y Domingo de Soto*.

⁶ Borobio, Aznar Gil, García y García, *Evangelización en América*.

⁷ Borobio, *Evangelización y sacramentos en la Nueva España (s. XVI) según Jerónimo de Mendieta*; Borobio, "Los sacramentos en Bartolomé de Ledesma (1525-1604)".

turn, not taken sufficiently into account in the erudite writings that Borobio dedicated to the cultural translation of the Salmantine sacramental theology.

Following the methodological premises outlined by Thomas Duve in the introductory remarks which open this book and, in line with Natalie Cobo's, Osvaldo Moutin's and Marya Camacho's chapters, – in which normative statements contained in academic treatises or issued on certain occasions as judgments and opinions are examined in terms of their relationship to the canons promulgated by local Church Councils, decisions taken by the Councils of the Holy Office sitting in different overseas cities of the Spanish Empire or matters of litigation under discussion in many other secular and religious institutions,⁸ – in the following pages, I shall demonstrate how 16th-century scholastic literature on marriage influenced different legislative processes taking place simultaneously in places so distant as Michoacán, Madrid and Rome, and how, on their own, the authors of theological writings produced in some of the remotest corners of the Empire, the lands inhabited by the Purépecha and Chichimeca nations in central-northern Mexico, reflected on and made constant reference to the significant changes introduced into canon law by Roman popes and conciliar sessions held in Trent, and into royal *cédulas* dictated in Madrid or El Escorial.

Just as for the laws regulating wars of conquest, *encomienda*, forced native labour, the tributary system, administration of baptism and commercial relationships between natives and Spaniards, among many other issues, specific matrimonial legislation for the Americas (a significant part of what have been called *derecho indiano*) resulted from an intense dialogue between jurists and theologians. While other jurists and theologians of the School of Salamanca tried to analyze some of the problematic implications *in foris interno et externo* of the new kind of fields of conquest (Vitoria, Soto), commercial transactions (Tomás de Mercado, Bartolomé de Albornoz) or idolatrous practices (Francisco Suárez, José de Acosta) having emerged after the American discoveries, learned men working directly in the missionary sphere paid special attention to questions related to the administration of sacraments and tried to offer paedagogic syntheses to explain to the natives their function and the meaning of the related signs. In a distant country, different unforeseen cultural, economic and social barriers could hinder the proper administration of a certain sacrament: the traditional decision-making role of parents and authorities could obscure the free consent of spouses; shyness and diffidence derived from cultural taboos made confession of sins, contrition and absolution impossible in most cases; even a logistical problem such as the absence of vines and olives in most of the American regions affected administering the Eucharist and last rites.

In order to deal with these and other kinds of local circumstances, learned men, combining a solid academic background with many years of missionary experience in distant regions of the Empire, wrote new cross-cultural manuals for the administration of the sacraments or

⁸ See, in particular, Camacho's chapter, where it is underlined that a renowned and industrious theologian such as Juan de Paz could be considered as a kind of oracle in the resolution of many difficult cases. In this sense, it is not by chance, that, as Camacho states, "among those who consulted him were bishops and provincials of other religious orders, corporate bodies such as the cathedral chapter, the Real Audiencia, the Hermandad de la Misericordia, as well as private individuals"

propaedeutic literature focused on only one of the various sacraments. In some cases, the specificity of this pragmatic literature reached an extreme point, the authors frequently not limiting themselves to adapting a pre-existing normativity to the American context, instead, in most instances, elaborating specific literature for every one of the myriad of peoples being converted to Christianity, something that makes these religious genres key sources in current anthropological, ethnological and historical research.⁹

One of the most specific treatises – considering both its thematic and geographical scope – belonging to this wave of Early Modern pragmatic literature is Alonso de la Vera Cruz's *Speculum coniugiorum* (*Mirror of marriages*), dedicated to the sacrament of marriage. Apart from the many matrimonial issues to which the turbulent and problematic 16th-century context gave rise or called into re-examination in Christian Europe,¹⁰ Vera Cruz offered in this book answers to the many *dubia* that could arise when a young priest or missionary tried to venture into the vast and complex “province” of Indian marital customs, considered to be an authentic “labyrinth of Daedalus” by Francisco de Salazar,¹¹ professor of Rhetoric and colleague of Vera Cruz at the recently created University of Mexico, where the Augustinian friar was the holder of the prestigious Chair of Saint Thomas.¹² The prefatory letter written by another of these colleagues, Juan Nigret, holding simultaneously the offices of rector of the

⁹ Speaking, in general terms, of the growing differentiation which distinguished the extensive epistemic network of the Catholic world from the smaller and more homogeneous Christian orb of Antiquity and of the Middle Ages which can be seen clearly in pragmatic normative literature, Thomas Duve stated: “we can observe that, with the nearly contemporary European expansion and the media revolution, a growing variety of epistemic communities produced bodies of normative knowledge, drawing on the existing texts, modifying or interpreting them, often with specific communities of practice in mind. The epistemic network now spanned over larger territories and the variety of situations led to increasing differentiation. Thus, the so-called ‘legal pluralism’ inherent to medieval and early modern European law became even more complex: the attempt to provide diverse communities of practice with adequate tools for their task accelerated the continuous processes of differentiation within the overlapping normative orders present in the Catholic world”, Duve, “Pragmatic Normative Literature and the Production of Normative Knowledge”, 6-7.

¹⁰ Such as the sacramental character of marriage, the sufficiency of the consent of the spouses for considering a marriage legitimate and indissoluble, clerical celibacy, etc. A recent approach to these epochal debates, analysis of which goes beyond the objectives of this chapter, can be found in Reynolds, *How Marriage Became of the Sacraments*.

¹¹ See the suggestive laudatory letter with which Francisco Cervantes de Salazar recommended the *Speculum coniugiorum*, underlining its value as guide and practical tool: “Quae tu damna candide lector, nisi oscitas, & stertis, hoc uno libro comparator, tam facile vitabis ut in re difusissima, & labyrintho Dedali implicatori tutius, ac certius quam Theseus, provintiam matrimonialem (perpaucis quidem obviam) & adire & superare poteris cuius laboris compendium”, Francisco Cervantes de Salazar, “Franciscus Cervantes Salazarus artium magister, iuris pontifici & sacrae Theologiae Candidatus in academia Mexicana Rhetoricae professor: candido lectori. S.”, in Vera Cruz, *Speculum coniugiorum* (1556), 6-7.

¹² On the hesitant and tortuous beginnings of the Faculty of Theology of the University of Mexico and the conflicts between the Dominican and Augustinian orders for the provision of the first chairs, see Ramírez González, *Grupos de poder clerical en las Universidades hispánicas*, Vol. II, 79-80; Pavón Romero, Ramírez González, “La carrera universitaria en el siglo XVI”, 59-66. The most detailed account of Vera Cruz's brief trajectory as a university teacher can be found in Pavón Romero, “La Universidad de México en tiempos de fray Alonso de la Veracruz”.

University and archdeacon of the Mexican metropolitan cathedral in 1556, when the book was first printed in Mexico City, indicates that, given the complexity of this theological and legal field, the cathedral chapter also received with interest and satisfaction such a practical treatise, intended to “extirpate all the scruples and ambiguities” that had prevailed until then in the examination of Indian marriages.¹³ Given that Virginia Aspe Armella and Dolores Folch already presented the figure of Alonso de la Vera Cruz in their contributions to this book, in which they offered a detailed assessment of his education at Alcalá and Salamanca and addressed most of the extensive list of topics that interested the Augustinian friar (from logic to cosmography, and without forgetting the most burning political debates of his time), I shall approach the juridical issues he examined in *Speculum coniugiorum* directly.

Vera Cruz’s matrimonial treatise was first published in Mexico City in 1556¹⁴ and is, in fact, one of the first books printed in America, little after the establishment of the first printing press in Mexico City in 1539 (see figure 1). During his lifetime, the Augustinian friar prepared two corrected and further elaborated editions of the *Speculum*: the 1562 and 1572 editions of Salamanca¹⁵ and Alcalá,¹⁶ on which Vera Cruz worked during the long stay he was forced to undertake in Castile in order to defend himself against the accusations of heresy formulated against him by the archbishop of Mexico, Alonso de Montúfar, and to fight for the privileges of his order, threatened at this time by the same archbishop.¹⁷ While the Salamanca edition did not introduce substantial changes to the Mexican *princeps*, the 1572 version of the treatise was systematically revised to adapt the content of the book to the recently concluded Council of Trent (see figure 2). Apart from the many additions that can be

¹³ “Verum quid opus est verbis? Nihil in libro non invenitur ad Indorum nodos scindendos, ad coniugis, & viri ligamen firmandum, ad omnium tandem scrupulum, vel ambiguitatem extirpandam hic liber conducit. Gratulentur igitur omnes pro viribus Illephonso (est quidem Augustinorum decus) propter aureum emissum opus”, Juan Nigret, “Ioannis Nigret in Artibus et Theologia magister, & in metropoli Mexicana Archidiaconus, & universitatis rector, Illephonso religiosissimo, sapientissimoque magistro. S.”, in Vera Cruz, *Speculum coniugiorum* (1556), 4-5.

¹⁴ Written in the period in which the Augustinian friar temporarily abandoned the missions of Michoacán and Atotonilco (belonging today to the State of Hidalgo), where he had lived almost twenty years, and moved to Mexico, where, from 1554, he held a chair at the Faculty of Theology of the recently created University of Mexico. Vera Cruz, *Speculum coniugiorum aeditum per R. P. F. Illephonsum a Vera Cruce Instituti Haeremitarum Sancti Augustini, artium ac sacrae Theologiae doctorem, cathedraeque primariae in inclyta Mexicana academia moderatorem*, México, Juan Pablo Bricense, 1556.

¹⁵ Vera Cruz, *Speculum coniugiorum ad modum R. P. F. Illephonsi a Vera Cruce Sacri ordinis Eremitarum. S. Augustini, bonarum artium, ac sacrae Theologiae Magistri, moderatorisque; Cathedrae Primariae in Universitate Mexicana in partibus Indiarum maris Oceani: & Provincialis eiusdem ordinis, & observantiae. Nunc secundo opus elaboratum, & ab authore a plurimis mendis, quibus scatebat, limatum, & in multis locis auctum*, Salamanca, Andrea de Portonaris, 1562.

¹⁶ Vera Cruz, *Speculum coniugiorum ad modum R. P. F. Illephonsi a Vera Cruce Sacri ordinis Eremitarum. S. August. bonarum artium, ac sacrae Theologiae Magistri, moderatorisque; cathedrae primariae in universitate Mexicana in partibus Indiarum maris Oceani: olim ibi Provincialis eiusdem ordinis, nunc Prioris sancti Philippi apud Madritum Carpentanorum. Nunc tertio opus elaboratum, ab authore a plurimis mendis, quibus scatebat, limatum, & in multis locis auctum, & iuxta diffinita & declarata in sacro concilio Tridentino, per modum appendicis in fine scitu digna multa disputata*, Alcalá, Juan Gracián, 1572.

¹⁷ See Lazcano, *Fray Alonso de Veracruz (1507-1584)*, 73-88.



Figure 1. Alonso de Vera Cruz, *Speculum coniugiorum*, México 1556; Juan Pablo Bricense (Biblioteca Pública de la Universidad Michoacana, BPUM K623 V4 1566).

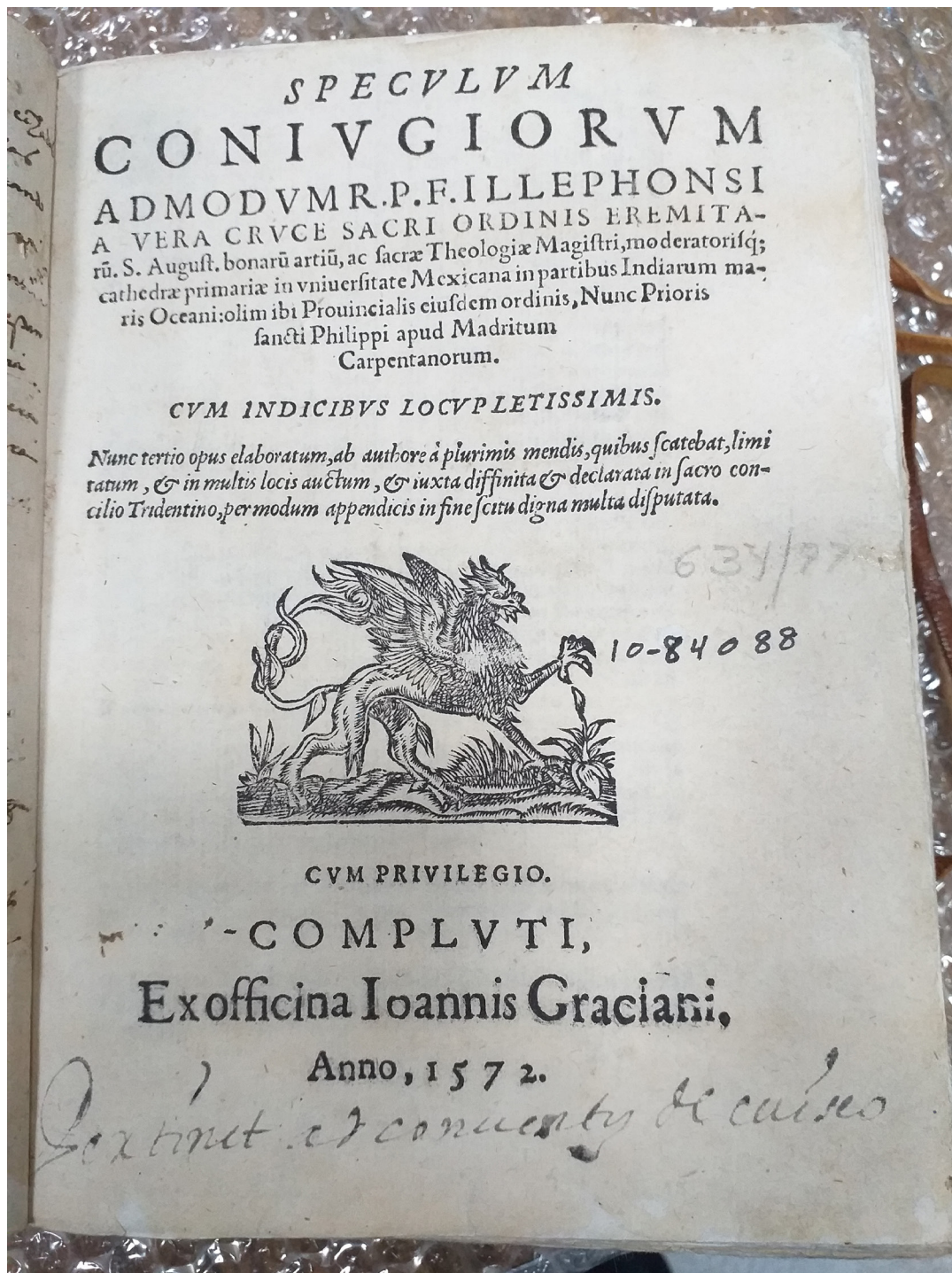


Figure 2. Alonso de Vera Cruz, *Speculum coniugiorum*, Alcalá 1572: Juan Gracián (Museo Regional Michoacano, 56950-11).

detected while reading this third edition of the *Speculum*, Vera Cruz also wrote an *Appendix ad Speculum coniugiorum* to lay out his ideas on “clandestine marriage” with the positions “defined in the Holy and universal Council of Trent” and, above all, to explain and justify some of the positions that, being appropriate for the missionary context of the Indies, could seem strange and unorthodox for the European readers. The *Appendix* was printed separately in Alcalá in 1571,¹⁸ but incorporated into and bound together with the revised edition of the *Speculum*, as most of the surviving copies of both materials attest.¹⁹ A last 16th-century edition of the *Speculum*, also accompanied by the post-Tridentine *Appendix*, was printed in Milan in 1599,²⁰ fifteen years after Vera Cruz’s death. It was not directly supervised by Vera Cruz and did not introduce changes in the contents of the Alcalá edition. Nevertheless, this Milan edition is extremely important insofar as it attests to the circulation of Vera Cruz’s doctrines on marriage beyond the Spanish realm, making it an important example of the bidirectional way in which ideas circulated between Europe and America in the Early Modern Period. It allows us to demonstrate that, while, on the one hand, legal provisions and normativity issued in the Italian peninsula by the highest authorities of the Catholic world – the Pope and the Council – greatly altered the daily routine of missionaries working thousands of kilometres away, on the other, some of these humble missionaries managed to make their voice heard in this same country, the centre of the Christian world, and could, in turn – with their bizarre accounts on the Purépecha and Nahuatl matrimonial customs – influence both local practices and decisions being taken in dioceses perhaps quite close to Rome.

Being dedicated to many specific and erudite theological and canon-law issues on marriage, Vera Cruz’s long treatise on marriage is, at the same time, an exceptional viewpoint from which to draw tentative answers to some of the complex methodological and historiographical questions raised by Thomas Duve in his introductory chapter. Following attentively the intricate argumentation of the *Speculum coniugiorum*, some partial, but still relevant responses can be given to questions such as: who should be considered as a member of this School of Salamanca as constructed by a nationalistic historiography in the late 19th century? What was the concrete role of Vitoria, traditionally identified as founder of the School and leading figure in the creation of the conceptual framework used by later theologians and ju-

¹⁸ Vera Cruz, *Appendix ad Speculum coniugiorum* [...]. *Iuxta diffinita in sacro universali Concilio Tridentino, circa matrimonia clandestina*, Alcalá, Pierre Cosin, 1571.

¹⁹ During a research stay in Michoacán, in which I gathered some materials to write this chapter, I consulted various copies of the 1572 edition: 1) Fondo Antiguo de la Universidad Michoacana (BPUM BT20 V4 1572), once belonging to the Seminario Tridentino de Valladolid de Michoacán (now, Morelia); 2) Museo Regional Michoacano (56950-11), which originally belonged to the Augustinian monastery of Cuitzeo (see figure 2), brought into existence by Vera Cruz himself in the second period in which he occupied the post of provincial of the Augustinians of Mexico (1548-51); 3) Museo de Sitio Casa de Morelos (56941-2), with ex libris from the Monastery of Tiripetío, the first Augustinian monastery in Michoacán, where Alonso de la Vera Cruz began to teach Arts and Theology after his arrival in Mexico. All the copies of the 1572 edition of the *Speculum* consulted were bound together with the 1571 *Appendix*.

²⁰ Vera Cruz, *Rev. Patris Fr. Alphonsi a Vera Cruce Hispani Ordinis Eremitarum S. Augustini. Et in primaria cathedra mexicana universitatis S. Theologiae Doctoris. Speculum coniugiorum cum appendice. Nunc primum in Italia Typis excusum*, Milan, Pacifico Ponti, 1599.

rists ascribing to the School? What importance should be given to the authors who preceded Vitoria at the University of Salamanca?²¹ What was the relationship of the Salamanca masters to the great exponents of Early Modern European scholasticism (Cajetan, Catarino etc.)? Did they all belong to the same intellectual movement, or are there any noticeable features, distinguishing scholastic production, particularly that of Iberian or specifically Spanish origin? How did these Early Modern masters interpret and make use of mediaeval scholasticism in the 16th century? Can they be considered mere epigones of the dark Middle Ages, devoid of any originality as Alzate, Díaz de Gamarra, Moreno Escandón and other American intellectuals of the Enlightenment claimed in their satirical writings against the “inútil jerigonza”²² of the Aristotelian-Thomist Spanish tradition? Conversely, is there something innovative, ‘modern’ and worthy of interest in the Salamanca masters and their American disciples? What kind of special features also distinguished American scholasticism, and to what extent can we consider figures such as Alonso de la Vera Cruz, writing thousands of kilometres away from Salamanca, as full members of the School that bears its name? In order to give at least some kind of tentative answers to these very general and complex questions – forming part, in fact, of an entire research programme – it is especially important to focus on some of the topics covered by Thomas Duve in the opening chapter, keystones in which the above-mentioned research questions converge: the scholastic methods employed within the School of Salamanca to produce normative knowledge, the academic practices shared by the European and American masters forming part of the School and the common patrimony of *auctoritates* that they all read, commented on and invoked – elements that allow us to conceptualize the School “as an epistemic community and a community of practice”, while, at the same time, placing “authors and texts in meaningful relation to each other, irrespective of whether they had been in direct contact.”²³

2. “Viviendo así empapelada su memoria”. Vera Cruz’s books and *marginalia*, ‘point zero’ of a process of global knowledge production

As Duve stated in the methodological premises which serve as a guiding thread for the book, within the general process of normative knowledge production undertaken by Salamanca scholars, the rigorous selection and compilation of the relevant *auctoritates* was especially important, these being the starting point for the elaboration of their own arguments. Compared with most scholastics of his time, the case of Vera Cruz can be considered especially enlightening for the academic interested in knowing more about this first step of Early

²¹ Another important topic extensively examined by Virginia Aspe in her contribution to this book covering figures such as Alonso Fernández de Madrigal, commonly called ‘El Tostado’.

²² Torchia Estrada, “La querrela de la escolástica hispanoamericana”, 38.

²³ See Duve, “The School of Salamanca: A Case of Global Knowledge Production”.

Modern *ars inveniendi*. Not only are his reports and treatises very illustrative, given the great number of sources he used and the careful way in which legal and theological compilations and writings of previous scholars were quoted, but there are also the libraries where he wrote them and the books he personally read and annotated during their writing process, which resources are partially accessible nowadays. In contrast to the conditions in which the books with which Vitoria, Soto and Cano worked during their lifetime could be held in the libraries of Salamanca, heavily damaged during the French invasion of 1808-13 and other historical episodes, some of these collections belonging to the extensive network of Augustinians monasteries founded by Vera Cruz have survived to the present day.²⁴

For the case of Michoacán, the Mexican region in which Vera Cruz spent most of his life, there has been preserved an invaluable cultural patrimony formed by books which once belonged to Tiripetío (the monastery in which Vera Cruz lived and taught many years from 1536 onward), Tacámbaro, Cuitzeo, Yuririhapúndaro and other monasteries that, after being instituted by Vera Cruz during his first provincialate (1548-51), were the occasional residences and working environments of their founder. Surviving plagues, natural disasters, excessive humidity, secularizations, wars and revolutions, some books belonging to *magister* Vera Cruz – in fact, the first European books used as teaching tools in continental America – were rediscovered in 1932-33 in a humid and sealed room of the monastery of Cuitzeo.²⁵ Thanks to the intervention and financial support of the unforgotten socialist president Lázaro Cárdenas, who, at this time, was governor of Michoacán, the books were preserved and brought first to the Museo Regional de Michoacán (Morelia), as the typewritten cards inserted in some of the rediscovered tomes attest (see figure 3),²⁶ and later stored in the Archivo Histórico Casa de Morelos (Morelia).

²⁴ Vera Cruz was five times provincial of the Augustinians of Mexico from 1548 to 1578, a period in which he promoted the foundation of at least 29 monasteries, most of them in modern-day Michoacán, but also in regions such as Jalisco, Guanajuato, Zacatecas, Hidalgo, Oaxaca, Veracruz or Guerrero, Rubial García, “Fray Alonso de la Veracruz, agustino”, 83-84.

²⁵ Fernández de Córdoba, “Sumaria relación de las bibliotecas de Michoacán”, 134-135.

²⁶ A typewritten card inserted in a volume in which the three parts of Vera Cruz’s course of Arts (printed at Salamanca by Juan Bautista de Terranova, 1572-73) are bound together (Museo Regional de Michoacán, 57272-333, 57273-334, 57274-335) states: “El C. Gral. Lázaro Cárdenas, gobernador del Estado, a **petición mía**, rescató del abandono en que se encontraban los antiguos libros del convento agustino de Cuitzeo, entre los que se encontraban los de Fray. Alonso de la Veracruz muy posiblemente usados como libros de texto en la **Escuela de Altos Estudios**, pues hay los que dicen: “**Pertinet Tiripetío**””. The cards were probably the doing of Narciso Bassols or Gustavo Corona. Bassols, Minister of Education in 1932, asked the Mexican government to catalogue the collection and provide suitable storage for the books at the Archivo Histórico Casa de Morelos in Morelia, where most of the books remain today. Corona, rector of the Universidad Michoacana during this same time frame, decided to transfer the University Rectory to the Museo Regional Michoacano in the period 1933-39. He was leading the institution when the discovery of the books was made. That period is considered by the regional historiography as an interval of institutional fusion between University and Museum. Nicolás León, predecessor of Corona, and Antonio Arriaga, his successor, both of them famous bibliophiles, directed the Museum during long terms of office in which the institution was administered with much more autonomy. See Dávila, Ettinger and García Espinosa (eds.), *Patrimonio de la Universidad Michoacana*, 87.

EL C. GRAL. LAZARO CARDENAS, GOBERNADOR
 DEL ESTADO, A **PETICION MIA**, RESCATO DEL
 ABANDONO EN QUE SE ENCONTRABAN LOS
 ANTIGUOS LIBROS DEL CONVENTO AGUSTINO DE
 CUITZEO, ENTRE LOS QUE SE ENCONTRABAN
 LOS DE FRAY. ALONSO DE LA VERACRUZ
 MUY POSIBLEMENTE USADOS COMO LIBROS DE TEXTO
 EN LA **ESCUELA DE ALTOS ESTUDIOS**,
 PUES HAY LOS QUE DICEN:

"PERTINET TIRIPETIO"

Universidad Michoacana de San Nicolás de Hidalgo
MUSEO MICHOACANO
 Vol. 35.- Autor:
 FRAY ALONSO DE LA VERACRUZ.
 Título:
 Physica Specvlatio Admodvm Reverendi Patris
 Fratrís Alphonfi a Vera Cruce. Quarta E--
 dittio.-
 Pie de Imprenta:
 Salamanticae Excudebat Ioanes Baptista a
 Terranoua.-Año 1573.-
 Contiene un comentario de IOANNES PAULVS BRIS-
 SEMPIS TYPOGRAPHVS IN CIUITATE MEXICANA fecha-
 do el año de 1554.-Tiene notas manuscritas del
 Autor.-Encontrado en Quitzeo, Mich.

Figure 3. Narciso Bassols?, Gustavo Corona?, Typewritten cards inserted in Alonso de Vera Cruz, *Cursus artium*, Salamanca 1572-73; Juan Bautista de Terranova (Museo Regional Michoacano, 57272-333, 57273-334, 57274-335).

In the wake of the great expectations which followed the discovering of the books, a few of them were restored and exhibited at the Museo Regional de Michoacán. Most of them, partially deteriorated over time, were then re-deposited in storage and forgotten. Following some decades of institutional neglect, which contributed very much to damaging some of the books, and which neglect was taken advantage of by thieves continuing to plunder the regional treasures – a practice begun in the 18th century²⁷ – the Instituto Nacional de Antropología e Historia (INAH) was finally able to make substantial advances in restoring the entire monasterial collection, consisting of 1,527 books.²⁸ To date, approximately 20 per cent of these books have been restored.²⁹

The examination of some of these restored books permitted me to demonstrate that the vague information and speculation about the famous books of Alonso de la Vera Cruz that can be found in the existing literature inspired by the mentions made by the 17th- and 18th-century chroniclers of the Augustinian order in Mexico and Michoacán, are veridical.³⁰ In his *Crónica de la orden de N. P. S. Agustín en las provincias de Nueva España* (1624), the oldest chronicle of the Mexican Augustinians, Juan de Grijalva had already underlined the importance that Vera Cruz gave to books and libraries, established in most of the monasteries that he personally instituted in the region of Michoacán. Grijalva attested not only that Vera Cruz bought large numbers of books and organized well-equipped libraries in various monasteries, something also attested to by contemporary historiography³¹, but that he was also an obsessive hoarder, compulsive reader and punctilious annotator of books:

En la librería del Colegio de S. Pablo puso sesenta cajones de libros: y no le es inferior la del convento de nuestro Padre San Agustín de México. En el convento de nuestro Padre San Agustín de Tiripitío de Mechoacan ay otra muy buena que el Padre Maestro puso: no lo tenga à encarecimiento el que lo leyere, porque escribimos lo que todos hemos visto, ningún libro ay en S. Pablo, ni en Tiripitío, que no este rayado y marginado, desde la primera hoja hasta la última de su letra: y la mayor parte de la librería de S. Agustín tiene estas notas, en todas las facultades.³²

²⁷ It is indeed unfortunate that many of these books, stolen or bought at ridiculous prices, are now kept in American university libraries and private collections, most of them not even accessible for Mexican scholars and students, blocked by discriminatory barriers to travel and migration.

²⁸ <https://www.adabi.org.mx/index.php/descubridor>. Last time consulted, 15th May, 2020.

²⁹ <https://inah.gob.mx/boletines/7789-realizan-trabajos-de-conservacion-del-fondo-monasterial-del-museo-y-archivo-historico-casa-de-morelos>. Last time consulted, 15th May, 2020.

³⁰ “Hay otras bibliotecas universitarias que cuentan con secciones pequeñas de historia, como la del Museo Michoacano, que conserva, además, algunas joyas bibliográficas procedentes de la biblioteca del colegio de Tiripetío, anotadas por fray Alonso de la Veracruz”, Fernández de Córdoba, “Michoacán: la historia y sus instrumentos”, 140.

³¹ González and Gutiérrez recently discovered the letters and request orders Vera Cruz addressed to Plantin and other important booksellers of his time, buying sixty boxes of books, which cost seven thousand *ducados*, before his second journey to Mexico (in 1573). Those books were installed in the library of the Augustinian college of San Pablo, in Mexico City. See González and Gutiérrez, “Los catedráticos novohispanos y sus libros”, 89. Various *cédulas* attest to Vera Cruz’s conscientious preparations for this last journey to Mexico, selecting carefully the books and men he would take to the New World, Real cédula de 23-12-1572, AGI,INDIFERENTE,1968,L.19,F.63; Real cédula de 19-01-1573, AGI, INDIFERENTE,1968,L.19,F.71V; Real cédula de 03-02-1573, AGI,INDIFERENTE,1968,L.19,F.76V.

³² Grijalva, *Crónica de la orden de N. P. S. Agustín en las provincias de Nueva España*, f. 188r.

Writing about the same topic twenty years later in his chronicle of the Michoacán Augustinians (1644), Diego de Basalenque offered further details about a similar library installed by Vera Cruz in Tacámbaro, which was even bigger than the one previously created at Tiripetío and full of volumes annotated by Vera Cruz. Interestingly, his disciples and later Augustinian fellows kept these books as precious reminiscences of Vera Cruz's stay at Tacámbaro in 1545-46:

Trajo una muy linda Libreria, mejor, y mas copiosa, que la que puso en Tiripetio, (bien que esta se ha conservado mejor por estar en tierra fría, y estotra en tierra humeda y caliente, donde hierbe la polilla). Estas Librerias nos sirven de tierna memoria, porque todos los libros nos recuerdan la de N. P. pues apenas se hojea uno, que no esté margenado de su letra, con que combida à que los estimemos, y muy à menudo se hagan recuerdos de su dueño.³³

At the turn of the 17th century, Vera Cruz's annotated books were cherished as "relics". With awareness of the value of this patrimony came special measures to protect Tacámbaro's library from humidity and moths – the activity of which is perceptible in the remnants which have survived to the present day. According to the Baroque Augustinian chronicler Matías de Escobar (1748), Vera Cruz's books were then transported from *tierra caliente* to the highlands of Guadalajara and preserved at another college of the order:

Fuese N. V. Maestro por desgracia de Tacámbaro, pero porque se viese lo que estimaba a aquel convento, dejó en él una copiosa librería que había traído cuando vino a leer a este convento, lo consideró palacio de Ptolomeo, adonde N. V. Mro. congregó todos los libros de este mundo, tan copiosa era la librería mejor y mayor que había llevado a Tiripitío, estos libros cuando se abrían se veían todos margenados de letra de N. V. Mro.; experimentóse en Tacámbaro por ser el temperamento húmedo y caliente, que la polilla iba a gran prisa deshaciéndonos aquellas dulces memorias de N. Veracruz, y para obviar este daño, ordenó acertado y prudente N. P. lector y provincial Fr. Diego de la Cruz, se trasladasen aquellos cuerpos, reliquias de N. P. Mro. al colegio que su reverencia en Guadalajara crió, a donde con el continuo trasiego de los lectores y estudiantes aplicados sirviesen los repetidos ojeos de bálsamo, que conservasen en los libros recuerdos de N. V. P. Mtro., viviendo así empapelada su memoria.³⁴

All these snippets provided by various Augustinian chroniclers attracted my attention some years ago and led me to think of Vera Cruz as a special case, whose *marginalia* could be an interesting focus of study in terms of the way in which books were written and read in the Early Modern Period. For the case of the jurists and theologians of the School of Salamanca, this line of study is still at its very beginning. The patrimonial destruction mentioned above seems to have discouraged most historians. Nevertheless, over the past few years, the annotations in the margins of texts by important jurists such as Diego de Covarrubias have begun to be studied.³⁵ For the purposes of this chapter, when one takes into account, as Duve underlines in his methodological remarks, that the selection of the relevant *auctoritates* was the step

³³ Basalenque, *Historia de la Provincia de San Nicolás Tolentino de Michoacán*, f. 35r.

³⁴ Escobar, *Americana Thebaida*, 255.

³⁵ Codoñer Merino and Signes Codoñer, "Una red de lecturas: las anotaciones marginales de Diego de Covarrubias". Lilao Franca noted a similar compulsive tendency to compile, read and annotate his books with extensive *marginalia* in Diego de Covarrubias, "A la búsqueda de los libros de Diego de Covarrubias", 133.

with which every scholastic author initiated his own contribution to a complex process of knowledge production of collective nature, the quantity, quality and variety of the *marginalia* written by Alonso de la Vera Cruz in the books he read and used as authorities make his case quite illustrative of what Duve calls *ars inveniendi* of the School of Salamanca.

Given that Vera Cruz was the first master of Arts and Theology in continental America and the ‘intellectual’ who established the first libraries on the continent, his annotations allow us to travel to the very ‘point zero’ of a process of global knowledge production: for the first time in history, the Salamanca methods were culturally translated into the local realities of America along with the normativity created and reframed over centuries, something the late-mediaeval Salmantine masters had considered to be the canon of relevant *auctoritates* in legal and theological knowledge.

Even if the books from the monasterial collection of Michoacán passed from hand to hand and were annotated by various generations of friars, something that makes it very difficult to determine with precision who read and annotated this or that book, the comparison of the margin notes of some of these books with the manuscript versions of Vera Cruz’s *Selectio de dominio infidelium*³⁶ and *Compendium generale privilegiorum pro novo orbe indico*,³⁷ and with other documents which were written and signed by him and preserved in various archives,³⁸ permits us to ascertain to a certain degree of accuracy, which annotations could be Vera Cruz’s handiwork.

In some cases, the guardian of the library of the monastery where Vera Cruz consulted and annotated a certain book, even indicated that the book “habet ad usum alonso a vera cruce”, as is the case in a copy of the Paris, 1518 edition of Adrianus Florentinus³⁹ *Quaestiones in quartum sententiarum praesertim circa Sacramenta*⁴⁰ (see figure 4). Confirming the remarks of the Augustinian chroniclers, the text is underlined and annotated almost from the first to the last page (see figure 5). A careful look into the kind of passages that Vera Cruz underlined

³⁶ Edited by Ernest Burrus as facsimile, *The writings of Alonso de la Vera Cruz. Defense of the Indians: their rights II. Photographic reproduction and index*.

³⁷ Providence, Rhode Island (USA), John Carter Brown Library, MS Codex Lat 4. A manuscript that, as the Latin philologist Joaquín Sánchez Gázquez proved, was written by a scribe to whom Vera Cruz dictated it. Sánchez also demonstrated that the calligraphy of the manual annotations and corrections introduced into this manuscript by a second hand coincide with that of Vera Cruz. Sánchez Gázquez, “Fray Alonso de la Veracruz (1507-1584) y su *Compendium privilegiorum*: estado de la cuestión manuscrita”, 374-376.

³⁸ Dolors Folch referred in her chapter to the letters of Martín de Rada to Alonso de la Vera Cruz. These letters are part of a larger documental collection of letters, reports and drafts written by Vera Cruz or related to him, Paris, Bibliothèque Nationale de France, Fonds espagnol, 325. Some of these valuable documents were edited by Burrus, *The Writings of Alonso de la Vera Cruz. Spanish Writings I. Sermons, Counsels, Letters and Reports; The writings of Alonso de la Vera Cruz. Spanish writings II. Letters and Reports*.

³⁹ Theologian and canon lawyer, preceptor of Charles V, he became Pope under the name of Adrianus VI from 1522 to 1523.

⁴⁰ Adrianus Florentinus, *Quaestiones in quartum sententiarum praesertim circa Sacramenta*, Paris, heirs of Josse Bade, 1518. The copy annotated by Vera Cruz is preserved at the Museo Regional de Michoacán, 56948-9. The *Quaestiones in quartum sententiarum* are bound together with another book of Adrianus, *Quotlibetiae quaestiones lucubratione exactissima et linceo visu nuper recognitae*, Paris, Jean Petit, 1527. This book was also profusely underlined and annotated by Vera Cruz.



Figure 4. Adrianus Florentinus, *Quæstiones in quartum sententiarum præsertim circa Sacramenta*, Paris 1518: heirs of Josse Bade (Museo Regional Michoacano, 56948-9).

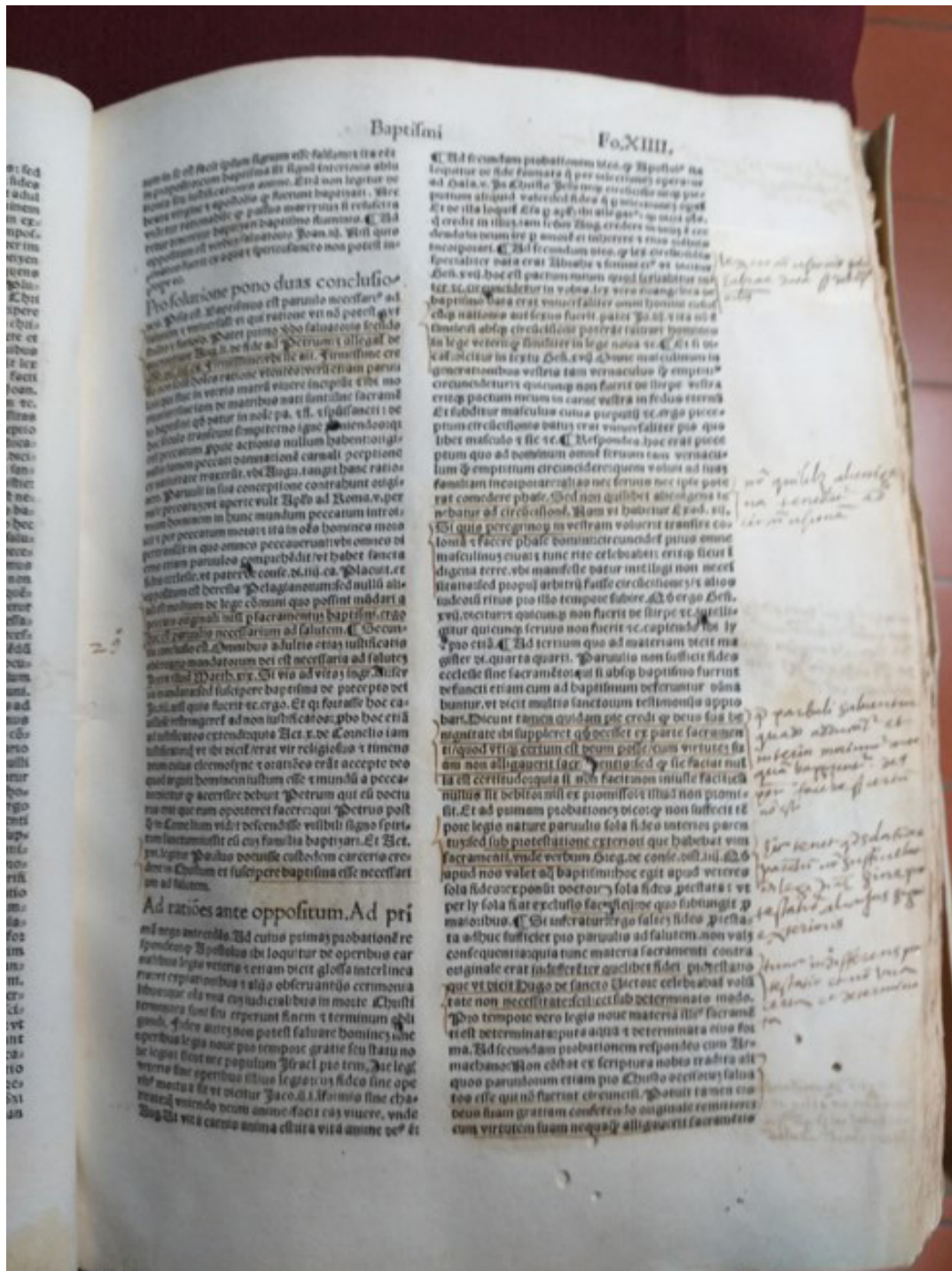


Figure 5. Adrianus Florentinus, *Quaestiones in quartum sententiarum praesertim circa Sacramenta*, Paris 1518: heirs of Josse Bade (Museo Regional Michoacano, 56948-9), f. XIVr.

and annotated in the margins makes it clear that, contrary to the handwritten notes found in academic books used by scholars writing in the contemporary European context,⁴¹ with his long *marginalia*, Vera Cruz tried above all to highlight and summarize the sections and paragraphs of particular relevance within the missionary context. The aim of the Augustinian friar was also to elucidate for his students and fellow missionaries the way in which a particular fragment, expressing a certain norm and written, in most cases, by well-known *auctoritates* of an epoch in which America still did not ‘exist’, could be accommodated in a context totally unforeseen by any given authority. His compulsion to underline and annotate responds, therefore, to that kind of careful selection of sources which, as Duve notes, distinguished the first step of the scholastic method of knowledge production, as well as to the specific need to adapt the European books of the Augustinian libraries recently created in Michoacán, making them more useful for the concrete challenges the friars were going to find in the missionary context.

Among the most difficult tasks for recently arrived friars lacking experience of native customs was how to explain the nature of the sacraments and the intrinsic logic of the many subtleties related to their administration with rational arguments, comprehensible to the Nahuatl and Purépecha infidels and neophytes. For example, in one of his many annotations to Adrianus Florentinus’ exposition on baptism (see figure 6), Vera Cruz is concerned with one of most touching issues that could appear in a missionary context, in which parish centres could be located many kilometres away from isolated *doctrinas* and indigenous villages: namely, what to do with the dying or already dead children that many parents brought to the monasteries to get them baptized and how to explain to the parents the eternal destiny of these children’s souls. Could the parents’ profession of faith be considered sufficient for the salvation of their children? Although painful, Vera Cruz shares Adriano’s points of view,⁴² profusely underlined in his copy and summarized in the margins:

⁴¹ Such as Covarrubias, whose *marginalia* were mostly references to other books and passages dealing with the same issue and open, in this sense, “un abanico de posibilidades para la reconstrucción de su biblioteca o, al menos, de sus lecturas, ya que, en muchos casos, las apostillas son referencias a otros autores que tratan el tema, frecuentemente introducidos por un legito”, Lilao Franca, “A la búsqueda de los libros de Diego de Covarrubias”, 142. Other annotations in the margins served merely to highlight passages that were of special interest for Covarrubias (making future consultation easy) or contained erudite philological disquisitions. See Codoñer Merino and Signes Codoñer, “Una red de lecturas: las anotaciones marginales de Diego de Covarrubias”, 153-180.

⁴² “Ad tertium quo ad materiam dicit magister di. quarta parti. Parvulis non sufficit fides ecclesiae sine sacramento, qui si absque baptismo fuerint defuncti etiam cum ad baptismum deferuntur damnabuntur, ut dicit multis sanctorum testimoniis approbari. Dicunt tamen quidam pie credi quod deus sua benignitate ibi suppleret quando deesset ex parte sacramenti quod utique certum est deum posse cum virtutem suam non alligaverit sacramentis: sed quod sic faciat nulla est certitudo: quia si non facit: non iniuste facit: cum nullus sit debitor nisi ex promisso: et istud non promissit. Et ad primam probationem dico: quod non sufficit tempore legis nature parvulis sola fides interior parentibus: sed sub protestatione exterior quae habebat vim sacramenti, unde verbum Greg. de conse. dist. iiiii [...]. Si inferatur: ergo saltem fides protestata adhuc sufficit pro parvulis ad salutem, non valet consequentia: quia tunc materia sacramenti contra originale erat indifferenter quaelibet fidei protestatio quae ut dicit Hugo de sancto Victore celebrabatur voluntate non necessitate: scilicet sub determinato modo. Pro tempore vero legis novae materia

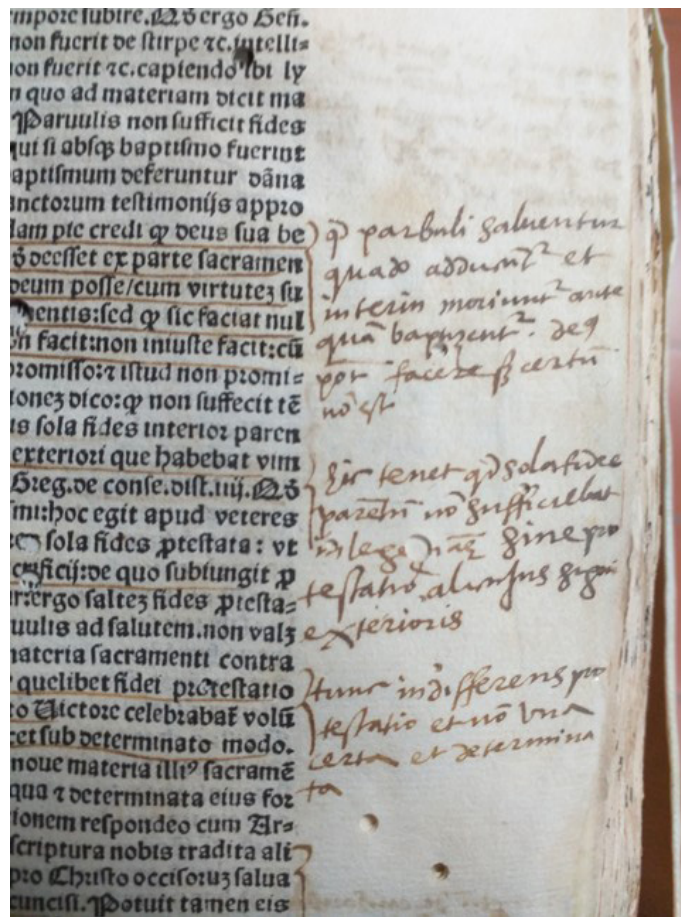


Figure 6. Alonso de Vera Cruz, Marginal annotations to Adrianus Florentinus, *Quaestiones in quartum sententiarum praesertim circa Sacramenta*, Paris 1518: heirs of Josse Bade (Museo Regional Michoacano, 56948-9), f. XIVr.

That the children would be saved when they are brought, dying before being baptized is not certain. He [Adrianus Florentinus] considers that the faith of the parents alone was not enough in the law of the ancients without the testimony of any external signs. An indifferent profession of faith is therefore not a sure and determined way of proceeding.⁴³

illius sacramenti est determinate: puta aqua et determinate eius forma [...]. Potuit tamen eis deus suam gratiam conferendo originale remittere, cum virtutem suam nequaquam alligaverit sacramentis et fecisse pie credi potest: sed non temere asserti quod certitudinem ex scriptura et doctrina ecclesiae non habet”, Adrianus Florentinus, *Quaestiones in quartum sententiarum praesertim circa Sacramenta*, f. XIVr. Underlining added by Vera Cruz.

⁴³ “Quod parvuli salventur quando adducitur et interim moriunt antequam baptizentur, de quod eorum facientibus certum non est. / Tenet quod sola fides parentium non sufficebat in lege antiquarum sine protestatio[ne] alicuius signi exteriores. / Tunc indifferens protestatio est non via certa et determinata”, Vera Cruz, Marginal annotations to Adrianus Florentinus, *Quaestiones in quartum sententiarum praesertim circa Sacramenta*, f. XIVr, Museo Regional de Michoacán, 56948-9.

As Vera Cruz underlines, following Adrianus Florentinus closely, a non-previously exteriorized profession of faith was not even considered as an assurance of salvation before Christ instituted the sacrament of baptism, a time when other different rites (such as circumcision) were practiced by Jews as external manifestations of their faith in the one true God. Therefore, after the coming of Christ, an indifferent profession of faith made by the parents, differing in the form and the matter that the Savior had clearly instituted, could not be considered as a certain and safe way of proceeding. Although difficult to assume, the salvation of the children who had died before being baptized, even if brought to the monastery while dying or just before expiring, was not certain. This had to be properly explained to the natives already converted or in the process of conversion so that they should avoid any negligence with regard to the baptism of their children, who should be brought to a monastery to be baptized shortly after birth.

Contrasting these annotations against the printed books of Vera Cruz, one can see a clear reflection of his previous readings and the speculations he drafted, perhaps for the first time, as hesitant comments in the margins. Although the *Speculum coniugiorum* only deals with the sacrament of baptism inasmuch as some of the theological and canonical prescriptions and doctrines in it are useful for judging by analogy some of the dilemmas concerning marriage, one can see throughout the work important evidence of the intensity Vera Cruz's reading of Adrianus' *Quaestiones in quartum sententiarum*. Vera Cruz also integrated his annotations to this important theological and canon source into his own writing. This is the case for the passage mentioned above, the conclusions of which are reaffirmed in the *Speculum* and localized (see figure 7). That is to say, the authoritative opinion of Adrianus, taken as valid and solid, is interpreted in the missionary context, and some 'new' conclusions applying to Mexican neophytes and infidels are drawn: the administration of the sacrament of baptism is the best way to ensure the salvation of newborn babies, the tacit consent of the parents hence being sufficient in order to administer the sacrament, even if those parents, as is the case for Indian neophytes and infidels, are not yet aware of it or do not understand the nature of baptism as a sacrament. Vera Cruz says that, in this situation, "it is enough to understand that he/she wants to do with the child what Christ instituted and what the Catholic Church does with children who are baptized".⁴⁴ Interestingly enough, Vera Cruz underlines in the margins of this paragraph that it is, in fact, a "Note in favour of the neophyte to Adrianus' *In quartum sententiarum*, De consensu"⁴⁵. A process of normative knowledge production initiated, then, as a handwritten reflection in the margin of a certain selected reading thus ends up in the printed note of a later book, where Vera Cruz states explicitly that a concrete, local and problematic case was solved by interpreting in the missionary context the authority he consulted some years before.

⁴⁴ "Et talis consensus sufficit ad substantiam matrimonii. Sicut in baptizante, qui ignorat quid sit baptisma, sufficit intendere ut velit circa parvulum id facere, quod Christus instituit, vel ecclesia catholica circa parvulos baptizandos facit. Haec Adrianus", Vera Cruz, *Speculum coniugiorum*, Pars I, Art. III, 29.

⁴⁵ "Nota in favorem neophito. Adria.in.4 de con.," Vera Cruz, *Speculum coniugiorum*, Pars I, Art. III, 29.

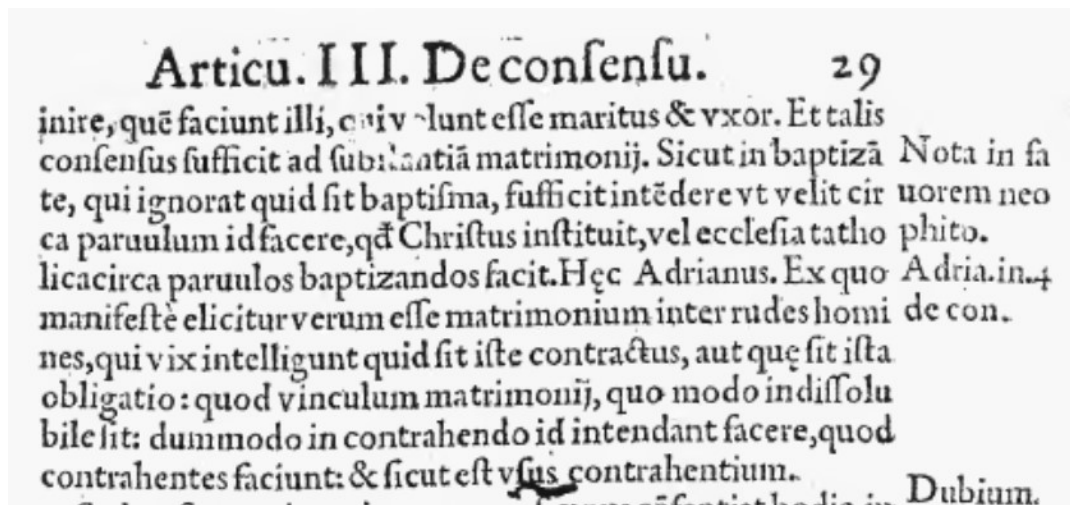


Figure 7. Alonso de Vera Cruz, *Speculum coniugiorum*, Alcalá 1572: Juan Gracián (Biblioteca de la Universidad de Sevilla, A Res. 59/5/22 (1)), 29.

With such rich handwritten and printed materials, it would be possible to make a very detailed analysis of the way in which knowledge, especially in its normative dimension, was intensely translated between the European and Mexican spheres and produced in the region of Michoacán during the mid 16th century. The analysis of such a wide *marginalia* corpus and its contrast with the contents of the writings of Vera Cruz is, in any case, a long-term undertaking requiring several years of work before detailed results will be available.

3. The Salamanca masters in the *Speculum coniugiorum*: Vitoria ‘by ear’; the overwhelming presence of Soto, Covarrubias and Azpilcueta; the decisive authority of El Tostado

As Grijalva and other chroniclers of the Augustinians of New Spain underlined, Vera Cruz’s compulsive acquisition of books and establishment of libraries were linked to motives far removed from the attitude of the *collectionneur bourgeois* of our days. He bought and brought to the Augustinian convents of Michoacán the books he needed as working tools. These books and libraries were, in fact, the instruments he employed to fulfill successfully his mission as an instructor of less well-informed friars not trained at universities or colleges. He had to deal with missionaries and future trainers of missionaries following him in some cases from one monastery to another,⁴⁶ and needing not only to acquire knowledge of the classical authori-

⁴⁶ Vera Cruz’s double mission is attested to by the chronicles. While most of his disciples, permanent residents in a certain monastery and destined to be missionaries in that specific region (“ministros”),

ties regarding the proper way of teaching the Gospel and administering the sacraments, but also sound and clear criteria as to the way in which this complex and sometimes discordant normative patrimony should be applied in a context of radical cultural difference between missionaries and potential converts.

A recent study by Quijano has shown the important and almost incredible number of sources to which Vera Cruz, writing from a distant Mexico, made reference in his treatise *De dominio infidelium*,⁴⁷ an aspect which Aspe's contribution to this book also highlighted. The importance that Vera Cruz gave to the exhaustive reading and study of related classical and contemporary literature before writing, determining his own criteria and taking decisions about any matter, is also reflected in his *Speculum*, where the discussion of very specific authorities on different problematic sub-issues integrated into the general topic of marriage (sacramentality of marriage, clandestine marriage, impediments, etc.) is consistent and meticulous.

In the editions of 1562 and 1572, Vera Cruz added a final *Peroratio* in which he states that he continued reading many books related to the topic of marriage after the first edition of the *Speculum* (1556), literature that, he lets it be known, has been duly integrated into these

only received a kind of practical superficial training of one or two years, another group of selected friars ("estudiantes"), the future Augustinian elite, were destined by their Order to exercise more important offices than the simple administration of a *doctrina*. They followed Vera Cruz through various monasteries for five, six or more years, attending the different courses of Arts and Theology that every student needed in order to obtain a university degree at this time. We observe this dynamic when, after one and a half year of residence and teaching at the monastery of Tacámbaro (1545-46), where he was prior, Vera Cruz departed for Atotonilco, 450 kilometres east, bringing with him the students of Arts and Theology. "Dio principio a su lectura N. V. Maestro y al tiempo mismo a administrar las grandes doctrinas de aquella tierra, pero como es de los sabios mudar de sentir, N. V. P. Mro. retractó su antiguo sentir de que administrasen los estudiantes y el que en Tiripitío siendo súbdito aprobó con su obediencia el primitivo dictamen, ahora que es en Tacámbaro prelado y como tal dueño de la acción, viendo que los ministros eran ya bastantes, halla por más acertado que éstos se ocupen de las doctrinas y que los estudiantes se ejerciten en aprender las ciencias; así se hizo, para la cual renunció el priorato e irse con los estudiantes a Atotonilco", Escobar, *Americana Thebaida*, 254-255. In terms of teaching, the high variety of strings to Vera Cruz's bow was, without doubt, a special case. Many universities in fact forbade teaching simultaneously from two or more chairs. It was, moreover, not common that a single man should be able to teach with an acceptable level of proficiency all the courses of Arts and Theology. Vera Cruz's solid education, a kind of precious *rara avis* in the American context, led the Augustinian Order to entrust him from his youth with a huge number of academic, representative and ruling tasks. "Artes y Teología le mandaron leer a un mismo tiempo, haciendo nuestro Padre Maestro solo, el gasto de muchos catedráticos pues aunque como el sol, era uno en las Indias como refiere vuestro Calancha, se vio como tres en cierta ocasión el sol. Viéronlo en la encomienda del Porco, siete leguas del Potosí en el Perú y acá vemos a nuestro sol hecho tres, leyendo dos cátedras de Teología prima, vísperas, y la tercera de filosofía. Asimismo le ordenaron que entrase con sus discípulos, las Pascuas y vacaciones, a predicar a la tierra caliente para vivificar con sus rayos aquellas nuevas plantas". "Salía juntamente a predicar a aquellos pobrecitos indios rústicos y bárbaros, un tan gran Maestro, un doctor de Alcalá y Salamanca, sin molestarse de su natural simpleza, antes allí era adonde más eficacia ponía su gran caridad", Escobar, *Americana Thebaida*, 121, 159.

⁴⁷ Quijano Velasco, "Las fuentes del pensamiento político de Alonso de la Veracruz".

second and third editions of the treatise.⁴⁸ The detailed references to these new publications, which can be found throughout the texts, demonstrate that Vera Cruz was quite honest in contrast to other cases in an epoch when writers or printers, driven by lucrative commercial gains, used bombastically to announce new, augmented and revised editions of books that were, in fact, old, and had been only slightly modified.⁴⁹ As an example, reading the different editions of the *Speculum*, one can see that he followed with great attention the various editions of Azpilcueta's *Manual de confesores*⁵⁰, particularly useful for the mitigation of some of his own positions and for the integration of the new normative on clandestine marriage approved by the Council of Trent (XXIV Session, 1563) in the 1572 edition of the *Speculum*⁵¹. Only two years after its publication in Valladolid, Vera Cruz made extensive use of the *Capítulo veynte y ocho de las Addiciones del Manual de Confesores* (1570)⁵² written by Azpilcueta in order to update his *Manual* in accordance with the Tridentine decrees. Confronted with the need to revise his *Speculum*, Vera Cruz drew, then, some inspiration from the adaptations that other Salmantine scholastics were obliged to introduce in their own legal and moral-theological writings.

Moreover, the Salamanca and Alcalá editions contain accurate tables indicating all his sources, properly divided into "orthodox and classic fathers" (46 authors), "scholastic theologians" (38), "civil and canon lawyers" (69), "*summistae*" (10) and "natural and moral philosophers"⁵³ (31). Looking at this kind of proto-academic exhaustive bibliography, including 194 authors⁵⁴ (see figure 8), one can imagine the size and technical completeness of the libraries that Vera Cruz founded, which establishments served as places for him to work. Intellectually, it would also be difficult to find a stronger and more illustrative example of the way in which law, moral theology and philosophy intermingled in the writings of the most prom-

⁴⁸ "Et quidem licet ante plures annos fuerit compositum, sicut illa quae ante ad rem attinentia in diversis tractata doctoribus legimus, et perlegimus, ed adduximus, sic quae postea scripta sunt, antequam opus escuderetur, perlustravimus, doctoribusque ipsis citatis in medium produximus, quando oportuit," Vera Cruz, *Speculum coniugiorum*, Pars III, "Peroratio", 342.

⁴⁹ Blair, *Too much to Know*, 53.

⁵⁰ On the important changes effected to the *Manual de confesores* during Azpilcueta's life, see Bragagnolo, "Managing Legal Knowledge in Early Modern Times: Martín de Azpilcueta's Manual for Confessors" and Bragagnolo, "Les voyages du droit du Portugal à Rome. Le 'Manual de confesores' de Martín de Azpilcueta (1492-1586) et ses traductions".

⁵¹ "Item, et est advertendum, quod etsi clandestina matrimonia modo sint irrita, et penitus, nulla post Concilium Tridentinum, si in aliqua dioecesi, ubi sub excommunicatione est prohibitum contrahere, contrahant: qui impedimentum habent, incidunt in excommunicationem quia ratio, quare excommunicatio posita est manet semper, scilicet, ad vitanda scandala et contentiones, quae oriri solent, ex huiusmodi furtivis contractibus, sic sentit doctissimus Navarro, in additionibus ad Manuale in c. 28. in additione ad c. 22. n. 70," Vera Cruz, *Speculum coniugiorum*, Pars I, Art. 10, 204.

⁵² Azpilcueta, *Capítulo veynte y ocho de las Addiciones del Manual de Confesores*.

⁵³ Vera Cruz, *Speculum coniugiorum*, Pars III, "Peroratio", 652-655.

⁵⁴ It is important to take into account that, given Vera Cruz's mentioning only the authors he had referred to as *auctoritates* without referencing individual books or writings, his bibliography would have been much more extensive if written according to contemporary academic criteria.

	<i>Peroratio.</i>	653
Nicolaus de Lyra.	Monachus.	Cardinalis.
Natal. Beda.	Olchor.	Castillo.
Origenes.	Ocam.	Corasius.
Roffensis.	Paludanus.	Couarruias.
Sedulius.	Petrus de Taran.	Curiel.
Simancas.	Ricardus.	Decius.
Tertulianus.	Rainerius.	Dida. Gonçalez.
Vualdenfis.	Rubion.	Dinus.
Vines.	Supplementum.	Dō. Franciscus.
Viguerius.	Soto.	Felinus.
	Sepulveda.	Fortunius.
<i>¶ Ex Theologis</i>	Tho. de Aquino.	Glossator.
<i>scholasti.</i>	Tho. de Argenti.	Gracianus.
	Vuandelinus.	Gulliel. Bene.
Albertus magnus.	Victoria.	Giraldus.
Alexan. Halensis.		Gūili. de monte.
Aegidius Ro.	<i>¶ Ex iuris vero Pon-</i>	Hofienfis.
Augu. de Anco.	<i>tificij, & Cesa-</i>	Henricus.
Adrianus.	<i>rei sunt.</i>	Hugo.
Adamgodam.		Innocentius.
Almayn.	Abbas.	Imola.
Bonauentura.	Panor.	Ioan. Andreas.
Balleris.	Ancharranus.	Iáson.
Celaya.	Antonius.	Iacob. de bel. vi.
Caietanus.	Archidiaconus.	Ioan. Lupus.
Durandus.	Albertus de Rosa.	Iacob. de conc.
Grego. Arimi.	Alexander.	Ignecus.
Gabriel.	Alua. de planctu.	Laurentius.
Ioannes Scotus.	Asten.	Loazes.
Ioan. Maior.	Alciatus.	Lapus.
Magis. senten.	Baldus.	Matth. de affli.
Maironis.	Barbarius.	Monaldus.
Marsilius.	Bartolus.	Nouellus.
Martinus de Ma.	Bellamera.	Nauario.
Medina.	Butio.	Oldradus.
Mich. de Medina.	Boernus.	Prepositus.
Marti. de Ledef.	Calderinus.	Perusinus.
		Paris.

Figure 8. Alonso de Vera Cruz, *Speculum coniugiorum*, Alcalá 1572: Juan Gracián (Biblioteca de la Universidad de Sevilla, A Res. 59/5/22 (1)), 653.

inent members of the School of Salamanca, even in those written in remote and unknown places such as Tiripetío, Tacámbaro and Atotonilco.

Apart from the long list of classical sources quoted in the *Speculum*, Vera Cruz proves to know contemporary literature very well, for example, many of the treatises that had been

written as a part of the controversy caused by the annulment of the marriage between Henry VIII and Catherine of Aragon in the late 1520s and early 1530s. Interestingly, books on this subject having been published by theologians such as Alonso Ruiz de Virués (*Ulmétanus*) and John Fisher (*episcopus Rossensis*), and jurists such as Jerónimo Curiel and Fernando de Loazes⁵⁵ are quoted at length and interpreted within the American missionary context while dealing with the impediments of affinity and consanguinity.

Vera Cruz's knowledge and use of the Salamanca tradition is also extensive: El Tostado (1400? -1455), Domingo de Soto (1494-1560), Diego de Covarrubias (1512-77) and Martín de Azpilcueta (1492-1586) are the Salamanca masters whom Vera Cruz quoted most. In particular, Soto's *De iustitia et iure*, first printed in Salamanca in 1553 (three years before the *Speculum*), is a reference for many specific points regarding marriage, *debitum*, divorce, adultery and consanguinity.⁵⁶ Soto's masterpiece is also specially taken as authoritative reference with regard to the general philosophical maxims behind the division between first and second principles of natural law – together with the pioneering classification between types of law in Thomas Aquinas⁵⁷ – a division that, as is well known, functions as the School of Salamanca's red line in many discussions on how missionaries, confessors and ecclesiastical judges should proceed with regard to certain problematic indigenous customs. The general perspective of Salamanca authors is that, while second principles of natural law are not self-evident and can, therefore, be ignored, first principles of natural law are inscribed within human reason and self-evident to every rational being. No excuse could, therefore, be given by Indians or by their religious tutors if those first principles were not respected. These criteria applied even to the most barbarous inhabitants of the New World. Soto's considerations with regard to

⁵⁵ Ruiz de Virués, *De matrimonio regis Angliae*; Fisher, *De causa matrimonii Serenissimi Regis Angliae*; Curiel, *Tractatus de Concilio Generali & de matrimonio regis Henrici octavi Anglici*; Loazes, *Tractatus in causa matrimonii Henrici et Catherinae Angliae regum*.

⁵⁶ Some examples of the many passages in which Vera Cruz reproduced without any kind of reservation the positions of Soto: divorce, Pars III, Art. 4, 112; capital punishment for the adulterous women, Pars III, Art. 4, 112; seeking and giving *debitum* in case of doubts and scruples of conscience, Pars III, Art. 13, 248; marriage between blood relatives in direct line as null and void, Pars II, Art. 22, 325.

⁵⁷ See the long explanation given by Alonso de la Vera Cruz when he addresses the theoretical grounds for the distinction between first and second (derivate) principles of natural law and, in general, the difference between various kinds of law. "Prima conclusione. Lex naturalis quantum ad prima sua principia, quae per se sunt nota, est eadem apud omnes gentes: nec aliquam variationem patitur [...]. Ob hoc S. Thomas dicit, quod lex naturalis quantum ad illa, quae sunt de secundis praeceptis, deleri potest a cordibus hominum, vel propter malas persuasiones: vel propter pravas consuetudines, et habitus corruptos, sicut olim apud Germanos latrocinium non reputabatur peccatum, si extra fines civitatis esset", Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 7, 154-158. Both in the main text and *in margine*, Vera Cruz points directly to Aquinas' *Prima Secundae* (q. 94, arts. 2, 6) as the authoritative work in which his readers can find a more detailed explanation of natural law. In these passages of the *Speculum*, Soto's *De iustitia et iure* (in passages such as Book 1, q. 4, art. 4 and Book 2, q. 1, art. 3) was cited as the most up-to-date revision of Aquinas' doctrines and its proper framing in many contemporary legal discussions. Other classical authors, such as Aristotle, Cicero, Isidore of Seville and Lactantius are taken as authorities with regard to this important philosophical differentiation between types of natural law, but their supporting roles are considerably less important than the pride of place extended to Aquinas and Soto.

what belonged to the first principles of natural law were usually followed by Vera Cruz, who considered, for example, masturbation, simple fornication and polygamy as things not intrinsically and evidently bad.⁵⁸ Even so, both Soto and Vera Cruz agreed in their consideration of acts such as homicide and marriage between parents and their own children as absolutely illicit and immoral.

Vera Cruz's perspectives are singular inasmuch as they are more flexible than those of his Salamanca masters and colleagues held where indigenous customs were concerned. The particularity of some of his positions is closely linked to the specific missionary commitments distinguishing Vera Cruz's background from the mainly academic trajectories of Soto, Vitoria and later Iberian members of the School of Salamanca. In some exceptional cases, Vera Cruz even dares to disagree with the much more famous Salamanca masters in order to justify some of the most problematic indigenous customs known to him. An interesting case is that of marriages between siblings, a custom among Incan nobility, which, for Vera Cruz – and against Soto's criteria – could be tolerated to avoid any kind of unrest and violent resistances on the part of the allied indigenous elites still in the process of conversion to Christianity:

Similarly, it is said that, in the province of Peru, although not everywhere, among the so-called Inca princes, twins are joined in marriage, and that this is not considered to be a vice. We do not find this custom or usage in the province of Michoacán or in the province of Mexico. However, if such a case were found in any province, the marriage would be true and the spouses should not be separated if they converted [...]. Indeed, contrary to such precepts of natural law, custom or the law may prevail. It follows, then, that, where this [practice] is a custom, marriage is legitimate [...]. And so, those who say that the [matrimonial] union of siblings was forbidden by natural law, as Soto says (lib. 2. *De Iustitia et iure*, q. 3. art. 1. et 8), must be understood as referring to the second degree of natural law and not to the first. In fact, the same author (*ibid.*, art. 4) maintains with Cajetan and others that Abraham and Sarah were truly siblings and not first cousins. Therefore, since the human race had already multiplied [at this time], if this were so indecent, they should not have married. However, the opposite sentence (i.e., that [this kind of marriage] is forbidden by natural law) is also probable.⁵⁹

⁵⁸ For Vera Cruz – following Soto's *De iustitia et iure* – “pollutione voluntaria”, “concubitus vagus” and other sexual practices deviating from the contemporary normativity were capital sins that could, nevertheless, be ignored in the case of the most rustic Indians because their wickedness was not evident according to the first principles of natural law: “Et quidem quod vagus concubitus mortale sit, potuit ignorari apud barbaros, ut placet Soto lib. 1 De iure et iustitia q. 1. arti. 4. ad primum argumentum et quaestio 4. eiusdem li. arti. 4. idem li. 2. q. 1. art. 3. Et forte vitium contra naturam; nam tam sunt rudes, et ferales aliqui homines, ut invincibiliter potuerit ignorari”, Vera Cruz, *Speculum coniugiorum*, Pars III, Art. 15, 260.

⁵⁹ “Et similiter in provincia del Peru aiunt, apud principes quos Inga vocant, licet non in omni loco, apud quos fratres uterini inter se matrimonio iunguntur. Neque id vitio datur: quam consuetudinem, vel usum non invenimus apud provinciam Michoacanensem: neque apud Mexicanam. Tamem si aliqua de novo inveniretur, verum esset matrimonium, neque essent disiungendi, si converterentur [...], nam contra talia praecepta iuris naturae praevalere potest consuetudo, vel lex. Sequitur ergo, quod vbi consuetudo esset, legitimum esset matrimonium [...] Et sic qui dicunt de iure naturae prohibitum esset fratres coniungi, ut Soto lib. 2. de iure et iustitia q. 3. art. 1. et 8. debent intelligi, quod in secundo gradu, et non in primo gradu iuris naturae. Et quidem argumentum est, quod idem author ibi art. 8 cum Caietano et aliis tenet, Abraham, et Saram vere fuisse fratres, et non fratrueles: ergo cum iam esset multiplicatum genus humanum, si tam indecens esset, fratres non deberent iungi. Contraria tamen sententia, scilicet,

Interestingly, Vera Cruz contradicts Soto on this specific point, but he does so through one of the most characteristic resources of the Salamanca method of argument: the distinction between first and second principles of natural law he had learnt precisely from Soto, Vitoria and other Salamanca masters. When these kinds of exceptional disagreements occur, Vera Cruz would admit that he was only defending a probable opinion – that is to say, that the contrary opinion was also based on sound reasons and authorities favouring his opinion as well as on a certain degree of probability, thus showing himself open to changing his mind if someone gave a better resolution for the case or a superior authority settled the issue.

It is not the purpose of this chapter to enter into a detailed analysis of the points for which the authorities Soto, Azpilcueta and Covarrubias, the contemporary Salamanca masters most quoted in the *Speculum*, are referenced throughout the treatise. An illustrative example in which all of them are mentioned – together with the Salamanca archenemy, Ginés de Sepúlveda⁶⁰ – as relevant authorities can be found in Vera Cruz's resolution of the issue represented by the case of the person who, despite having received the ecclesiastical command of remaining together with his/her current partner, still has some speculative doubts as to the true and valid spouse (given up for dead, missing, ...). Could this person give and seek the conjugal *debitum* without sinning?

If anyone has doubts about the true spouse and, once the Church's mandate to remain together [with the current spouse] arrives (since there is no evidence to the contrary), if [he or she] has no doubt with regard to giving and seeking [the conjugal *debitum*], [he or she] may ask for and give it without sinning [...]. This conclusion, as regards rendering the debit, is expressly supported by a certain doctor [Sepúlveda] in Chapter 9 of the dialogue *De ratione dicendi testimonium*. It is also sustained by Master Soto in the *Relectio de ratione tegendi, et detegendi secretum*, Part 3. q. 2. Covarrubias maintains the same in the epitome (4. Decreta. 2. par. c. 7. 2. num. 9.). The same is held by Soto in *De iustitia et iure*, Lib. 4, quaest. 5, artic. 4, where, in the last words, he says that [even] when [he, she] has doubts concerning the legitimate spouse, [he, she] may render the *debitum*. And this is also very elegantly maintained by Doctor Navarro in his *De poenitentia*, d. 7, c. Si quid, nums. 101 and 102. I add, to conclude, that [he/she] should not only give, but also ask for the *debitum*, once the mandate of the Church has come.⁶¹

The passage is interesting for many reasons. Apart from the above-mentioned presence of important Salamanca authorities, it provides another interesting example of the trend toward a

esse iure naturae prohibitum, suam habet probabilitatem", Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 22, 336-338.

⁶⁰ Vera Cruz quotes here Sepúlveda's dialogue *De ratione dicendi testimonium in causis occultorum criminum* (1538).

⁶¹ "Si quis dubitat de vero coniuge, et adueniente praecepto Ecclesiae de commanendo simul (quia non constat de contrario) si non dubitat quantum ad reddendum, et exigendum, poterit sine peccato exigere, et reddere [...]. Hanc conclusionem quantum ad hoc quod est reddere, expresse asserit quidam doctor [Sepúlveda] in dialogo de ratione dicendi testimonium capit. 9. Eam etiam tenet Magister Soto in relectione, de ratione tegendi, et detegendi secretum, membro. 3. q. 2. Tenet idem Covarrubias in epitome 4. Decreta. 2. par. cap. 7. 2. numer. 9. Et idem Soto De iustitia et iure. lib. 4. quaest. 5. artic. 4. in ultimis verbis ubi dicit, quod quando dubitat de legitimo viro, potest reddere. Et elegantissime doctor Navarro in suo De poenitentia d. 7. cap. Si quis. numer. 101. et 102. Et quidem ego pono in conclusione, quod potest non solum reddere, sed petere, adueniente praecepto Ecclesiae", Vera Cruz, *Speculum coniugiorum*, Pars III, Art. 18, 296-298.

flexible implementation of Christian matrimonial and sexual⁶² normativity in the missionary context. The kind of doubts and scruples of conscience regarding previous cohabitants and sexual partners being discussed could emerge above all in an American context in which divorce and repudiations were frequent and traditionally tolerated, as Vera Cruz himself asserted in his *Speculum*. To search for a first, legitimate spouse seemed more like a wild goose chase in many cases, leading to unsuccessful inquiries, intentional lies and a fierce resistance from the natives. Writing from a realistic perspective, Vera Cruz took stock of the situation and opted for a policy of ecclesiastical decisionism and *tabula rasa*: any doubt and scruple with regard to previous spouses would end once the current relationship was sanctioned by the Church as the legitimate marriage. In the case of impediments of consanguinity, Vera Cruz again went a step further than his masters in Salamanca: in such a situation, not only giving but also seeking *debitum* should not be considered sinful.

It is also interesting to consider that, within the wide constellation of authors having written about marriage or having taught about the sacraments at the University of Salamanca, Vitoria is almost absent from Vera Cruz's *Speculum coniugiorum*. As is well known, Vitoria wrote and delivered a *relectio*, *De matrimonio*, in a period (January 1531) in which the whole Christian world debated the polemic annulment of the marriage between Henry VIII and Catherine of Aragon. Vera Cruz took Vitoria's contribution into account and quoted the *Relectio de matrimonio* five times in the first part of the 1572 edition of the *Speculum* and once in the third part. Vitoria makes his appearance in the treatise as an almost irrefutable authority in terms of very general points such as the necessity of consent of the spouses for any authentic and legitimate marriage⁶³ or the consideration of marriage between parents and children as absolutely contrary to the first principles of natural law.⁶⁴ Then, however, Vitoria almost disappears in the second part of the *Speculum*, the one in which Vera Cruz deals with marriages contracted between the infidels of the New World. In this part, Vitoria is quoted only twice and in a very general way, without an explicit reference to any particular writing or *relectio*.

How can we explain this reduced presence and impact of Vitoria on the writings of Vera Cruz, despite his having written a whole *relectio* (*De matrimonio*) and being considered by the historiography as one of the most cherished disciples of the 'founding father' of the School?⁶⁵

⁶² On Vera Cruz's broad-minded approach to the customary sexual practices of the natives, tolerable as long as they did not contravene the first principles of natural law, see Aspe Armella, "Análisis del placer y la sexualidad matrimonial en Alonso de la Veracruz", 39-40.

⁶³ Vera Cruz, *Speculum coniugiorum*, Pars I, Art. 2, 78, 85; Pars I, Art. 19, 310; Pars I, Art. 29, 396; Pars III, Art. 12, 230. There is also one single reference to another Vitoria's *relectio*: *De potestate ecclesiastica*, quoted by Vera Cruz in Pars III, Art. 20, 332.

⁶⁴ Vera Cruz, *Speculum coniugiorum*, Pars I, Art. 43, 552.

⁶⁵ As in many other cases, it is more a common belief of a very naïve historiography, than a confirmed reality. In any case, we found the affirmation that Vera Cruz was one of the favourite disciples of Vitoria in early Augustinian chronicles, in 19th century bibliographers such as José Mariano Beristáin de Souza and in most of the writings dedicated to Vera Cruz during the 20th century. "Estudió las letras humanas en Alcalá, y la filosofía y teología en Salamanca, donde fué discípulo muy preferido del ilustre dominicano

We should consider, firstly, that all the writings quoted by Vera Cruz – be they important treatises such as the *De sponsalibus ac de matrimonio* (*In librum quartum decretalium epitome*) written by Diego de Covarrubias and Azpilcueta's *De poenitentia* or *opuscula* such as the above-mentioned dialogue of Sepúlveda or Soto's *Relectio de ratione tegendi et detegendi secretum* – had been printed several times in the Iberian Peninsula during the 1540s and 1550s.⁶⁶ The extensive catalogue of authorities used by Vera Cruz well demonstrates that, even if writing in distant Mexico since 1536, he managed to acquire the relevant books he needed for his own treatise on marriage. The Augustinian friar was, in fact, very up to date with regard to the contemporary juridical and theological literature. Even very recent books such as Soto's *De iustitia et iure*, first printed in Salamanca in 1553, were quoted at length in the first edition of the *Speculum*, completely written in Mexico.

Unlike with other books, Vera Cruz could not have read Vitoria's *Relectiones theologicae* (including *De matrimonio*) before the publication of the first edition of his *Speculum* in 1556. The *princeps* of the famous *Relectiones* only appeared a year later in Lyons.⁶⁷ Vera Cruz, always prompt to acquire, read and assimilate new publications, used and quoted this French edition while preparing the second edition of the *Speculum coniugiorum* (1562), in which Vitoria's *De matrimonio* was quoted three times.⁶⁸ It is important to underline that it was only superficially integrated: Vitoria's text is quoted only in the margins, as a supplementary authoritative reference for positions Vera Cruz had already defended in 1556. In fact, as one can see comparing the two editions, the main text was not even reformulated (see figure 9). Vitoria's authority helped, therefore, only to extend the already long list of authorities to

Francisco de Vitoria, quien confirió á nuestro Alonso el grado de maestro, por particular commission de la Universidad”, Beristáin de Souza, *Biblioteca hispano americana setentrional*, Tomo III, 264. “En Alcalá estudió gramática y retórica, y más tarde, en Salamanca, filosofía y teología. En este lugar fue discípulo de Francisco de Vitoria, gloria de la teología escolástica y fundador del derecho internacional moderno. Es de creerse, por lo que adelante se dirá, que entre ambos, y no obstante la diferencia de edades, hubo una estrecha amistad, y que Alonso pudo penetrar en el mensaje más íntimo del magisterio vitoriano”, Gómez Robledo, “El problema de la conquista en Alonso de la Veracruz”, 380. Many of these commonly held positions have been refuted through archival evidence in recent publications. For example, it is now clear that, contrary to the nominalist philosopher Juan Martínez Silíceo, rival of the Salamanca Dominicans, who was, in fact, Vera Cruz's *padrino de grado de bachiller*, Vitoria did not grant any degree to Vera Cruz. See Ramírez González, “Alonso de la Veracruz en la Universidad de Salamanca”, 648. The master's and doctoral degrees were granted to Vera Cruz in Mexico. See Ramírez González, “Fray Pedro de la Peña y la fundación de la Real Universidad”, 19. See also Aspe Armella's chapter in this book.

⁶⁶ Covarrubias, *In librum quartum Decretalium, De sponsalibus, Epitome, ac de Matrimonio*, Salamanca, Juan de Junta, 1545; Azpilcueta, *In tres de poenitentia distinctiones posteriores commentarii*, Coimbra, João Álvares and João de Barreira, 1542; Soto, *Relectio de ratione tegendi et detegendi secretum*, Salamanca, Pedro de Castro, 1541.

⁶⁷ Vitoria, *De matrimonio*, in Francisco de Vitoria, *Relectiones theologicae XII*, Lyon, Jacques Boyer, 1557, Tomus I, 426-487.

⁶⁸ Vera Cruz, *Speculum coniugiorum* (1562), Pars I, Art. 19, 105; Pars I, Art. 29, 136; Pars III, Art. 12, 522. Only the single reference to Vitoria's *Relectio de potestate ecclesiastica* is integrated in the main text, “De quo videndus sit Vitoria in relectione de potestate Ecclesiastica, & alii”, Pars III, Art. 20, 566. Even if few, these quotations prove that Vitoria's *Relectiones* circulated in Spain even before being printed in Salamanca (Juan de Canova) in 1565.

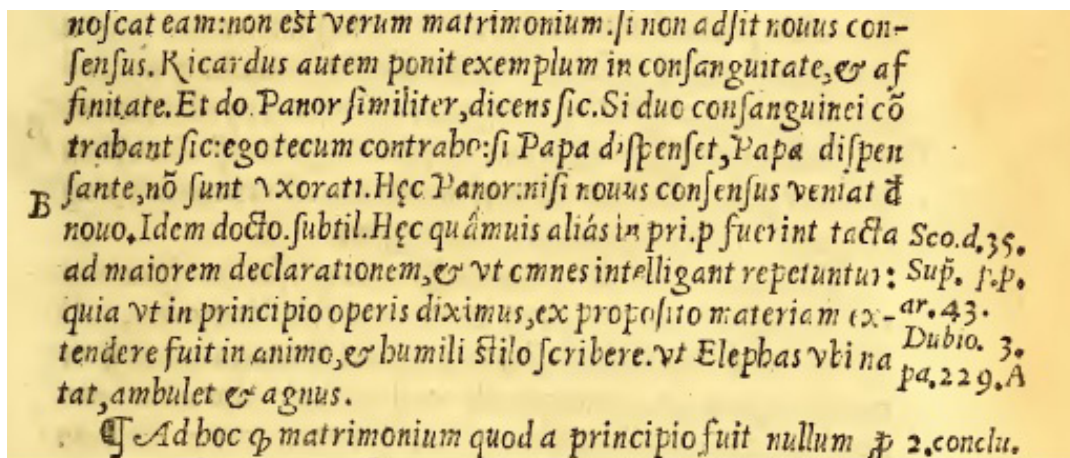


Figure 9. Alonso de Vera Cruz, *Speculum coniugiorum*, México 1556: Juan Pablo Bricense (John Carter Brown Library, BA556.A454s), 601.

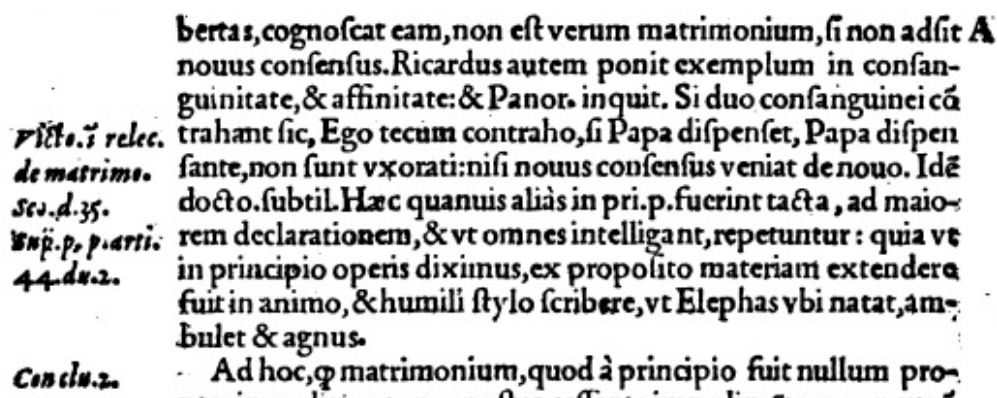


Figure 9 (2). Alonso de Vera Cruz, *Speculum coniugiorum*, Salamanca 1562: Andrea de Portonaris (Università di Roma, La Sapienza, Ilc 55/V 8823), 522.

whom Vera Cruz had referred and did not imply any kind of change in the doctrinal content of the treatise. Obligated to amend his treatise on marriage once again after the Council of Trent, Vera Cruz reread Vitoria's *De matrimonio* and, as mentioned earlier, made two further references to the text in the third and definitive edition. In any case, these last references also played a similar superficial role in the rewriting process.

It is clear that, by the time Vera Cruz could get access to Vitoria's *Relectiones*, the doctrines and text contained in the *Speculum* were already well established. In fact, taken as a whole, the differences between the three editions of the treatise are but minor. Even if obliged to harmonize the *Speculum* with the Tridentine decrees (in particular, with those related to

clandestine marriage), Vera Cruz did it hastily and was reluctant to modify the doctrinal guidelines of the treatise, as some passages of the 1572 edition indicate.⁶⁹

On the other hand, the very general *Relectio de matrimonio* could not offer much help to Vera Cruz when he was finally able to access the text. The first part of Vitoria's text, a very general definition of the essence and ends of marriage, does not contain anything that other Salamanca masters (Soto, Azpilcueta ...) had not explained in a much more detailed manner in previous publications. With regard to the second part of *De matrimonio*, which deals with the various impediments to marriage and the dispensable character of the prohibitions found in *Leviticus* 18 – apart from marriage between parents and children, absolutely prohibited by natural law⁷⁰ – it is important to consider that, by the 1560s, Vera Cruz had at his disposal abundant literature written by other Salamanca masters as well as material occasioned by the English Schism to support these positions. Having somehow magnified the contribution of Vitoria on this issue, the historiography has tended to forget that he was not the only 'intellectual' commissioned by Charles V to come up with juridical and theological reasons to oppose the annulment of his aunt's marriage.⁷¹

⁶⁹ "Verum in istis temporibus usus clandestini matrimonii primo modo, quando sine testibus, non solum damnatus est, sed contractus non tenet, quia in Concilio Tridentino tales clandestine contrahentes sine testibus, inhabiles sunt, ad sic contrahendum, ut diximus, et in fine latius explicandum est, et adverte in sancto Concilio Tridentino, ita fuisse contra verum de clandestino matrimonio inter patres, ut plusquam quinquaginta episcopi ex ibidem congregatis, dicerent non esse irritanda clandestina matrimonia; tandem prevaluit alia pars, et ex consilio omnium diffinitum est", Pars I, Art. 10, 204. Vera Cruz's disagreement with some of the conclusions of the Tridentine Council, inadequate and difficult to apply in the missionary context, is an interesting and wide thema to which I should like to dedicate a specific publication in the future.

⁷⁰ Even if Vitoria, always extraordinarily attentive, was the first to note some of the implications that the pontifical dispensation granted to Henry VIII to marry Catherine of Aragon could have in the missionary context, briefly mentioned at the end of *De matrimonio*: "Manifestum est etiam quòd si talia matrimonia essent irrita iure naturali, non posset pontifex illa concedere, aut approbare, maxime cum lex Moysi, non solum apud Christianos, sed apud omnes mortales prorsus iam nullius sit virtutis, & efficaciae. Quare si nobis iure naturali interdicerentur talia matrimonia, non releuaret ab hoc interdicto vel lex, vel dispensatio Moysi. Quare sine dubio concluditur, tale matrimonium non esse iure naturali prohibitum: vel si est, non ita tamen, ut si attentetur, factum dirimatur. Ex quo sequitur corollarium quòd omnes infideles contrahentes in gradibus ab ecclesia prohibitis, si non constet esse iure naturali prohibitum, vere contrahunt, & est ratum matrimonium. Itaque si quis inter infideles duceret relictam fratris siue cum liberis, siue sine liberis defuncti, dubitandum non est, quin tale matrimonium esset ualidum, nec conuersi ad fidem indigent papae dispensatione, imò neque quacunque autoritate possent separari, scilicet cum solo iure humano, quo infideles non tenentur, huiusmodi matrimonia sint interdicta", Vitoria, *De matrimonio*, in Vitoria, *Relectiones theologicae XII*, Tomus I, 486-487.

⁷¹ As previously noted, even 'outsiders' such as Sepúlveda, writing from Rome, tried to make a reputation for themselves and garner royal favour by weighing in on a dispute shaking the whole Christian *orbe*. A similar massive involvement of 'intellectuals' can be observed in many other debates of the time: the American conquest, the annexations of Navarre and Portugal, the refutation of Luther, Calvin and other reformers, ... Even with regard to quite technical issues such as the fixing of the anti-meridian in the Pacific Ocean, various learned men were commissioned by the Castilian monarchy or offered their services to it, Duve, "Spatial Perceptions, Juridical Practices, and Early International Legal Thought around 1500".

Even if it is important to downplay to some extent and explain within its proper historical context the influence of Vitoria on Vera Cruz, the rare mentions of Vitoria are interesting for many reasons. First of all, these mentions are always very respectful and laudatory. Vitoria is, in fact, the master who receives the most beautiful ‘bouquets’ within the treatise, being qualified as “nostris doctissimus olim magister meus Victoria”, “princeps Theologorum sui temporis”, “gravis auctor, olim praeceptor meus”, “unicus nostri temporis theologus olim magister meus Victoria”.⁷² ... As can be seen, Vera Cruz would not have been bothered at all if someone had referred to him as a disciple of Francisco de Vitoria: it is something that he himself proudly underlines from the first edition of the treatise. In one of the most interesting references to Vitoria, he even points to the emergence of a school of theologians formed by his former disciples, in accordance with the guidelines established by their common master:

If one falsely promised [to marry] a girl whom he deflowered, if he is of equal or inferior condition to her, he is bound, under mortal sin, to take her as his wife. It is proved. He is obliged to offer compensation for the damages he inflicted and to keep his promise, since his condition is equal or inferior [to the one of the girl], but he cannot do otherwise, unless taking her as his wife. Therefore, he is obliged to take her as his wife. This conclusion is expressly supported by Navarrus (c. 16. num. 18. *Manualis*), Saint Antoninus (2. p. tit. 5. c. 6. 1) and Scotus. And the same holds true for Adriano VI (*In quartum sententiarum*) and the most expert among the theologians of his time and undoubtedly the principal, the master Vitoria (who was once my preceptor), together with some of his disciples, who are masters nowadays.⁷³

This reference is important, inasmuch as it demonstrates that, even if “it was only in the later 19th century that the term ‘School of Salamanca’ was coined”,⁷⁴ the concept should not be seen as a purely ideological construct. On the contrary, as the words of Vera Cruz and other disciples of Vitoria make clear, shortly after Vitoria’s death, there was already a remarkable continuity between master and disciples in terms of thought, and a common feeling of belonging was emerging among Vitoria’s disciples.

The *Speculum coniugiorum* is also a good example of the kind of presence that the early Vitoria –preceding the ‘printed Vitoria’ – had in the writings of the first generation of disciples. Interestingly, even if not textually referenced, some of the Salamanca master’s doctrines on marriage (in the example above, the obligation to marry a seduced virgin, imperative for every men of equal or inferior condition to the one of the seduced woman) and methodological principles are evoked as oral memories in the first edition of the *Speculum*, which,

⁷² Vera Cruz, *Speculum coniugiorum*, Pars I, Art. 2, 85 (almost identical in Pars II, Art. 29, 436); Pars I, Art. 43, 552; Pars III, Art. 13, 248; Pars III, Art. 18, 298.

⁷³ “Si quis fecte promisit puellae quam corrupit, si sit ei aequalis, vel inferior conditione, tenetur sub mortali eam ducere. Probatur. Talis tenetur damnum resarcire, et promissum adimplere, cum sit aequa conditio, vel inferior: sed non potest aliter, nisi eam ducendo: ergo tenetur eam ducere. Istam conclusionem tenet expresse Navarro ca. 16. numer. 18. *Manualis* et S. Antoninus 2. p. tit. 5. ca. 6. 1. et Scotus. Idem Adrianus in 4. et sui temporis Theologorum consummatissimus, et facile princeps magister Vitoria olim praeceptor meus, et nonnulli alii subscribunt ex suis discipulis, qui nomen habent magistrorum”, Vera Cruz, *Speculum coniugiorum* (1556), Pars III, Art. 19, 649. In the contemporary critical edition of Vera Cruz’s *Speculum* that I have been following, Pars III, Art. 19, 324.

⁷⁴ Duve, “The School of Salamanca: a case of global knowledge production”.

as previously noted, was printed before any of the writings of Vitoria. They derive from the memories of the young Vera Cruz, student at the Faculty of Theology of the University of Salamanca from 1528 to 1532. Given that he had had not only the opportunity to attend the academic act where Vitoria delivered *De matrimonio*, hearing the *relectio* from the lips of the master in 1531,⁷⁵ but that he had, in all likelihood, also listened to Vitoria's most detailed analysis of matrimonial issues while commenting on Book IV of Peter Lombard's *Sentences* – dedicated, as is well known, to the sacraments – from 1529 to 1531,⁷⁶ Vera Cruz was able to bring to Michoacán the echo of Vitoria's ideas later reflected in the *Speculum coniugiorum*. This is, at least, the impression the reader gets from a treatise that, referencing occasionally in a quite coherent and reliable way different opinions of the master, did not seem to rely on any written support, either in printed or manuscript form.

As noted in the introduction of this chapter, the *Speculum coniugiorum* is not only important in terms of evaluating the influence that Vitoria and other contemporary masters had on the missionary literature written in the Western Indies, but also the late-mediaeval Salamanca masters referred to by a recent historiography as the First School of Salamanca.⁷⁷ Vera Cruz occasionally quoted some of these authors. Juan López de Palacios Rubios (1450-1524) and Juan López de Segovia (1440-96)⁷⁸ are, for example, referred to as learned juridical authorities representing well the Salamanca flexible tradition in relation to clandestine marriage. Moreover, one of the most prominent 'intellectuals' related to this First School of Salamanca, Alonso Fernández de Madrigal, 'El Tostado' (1410?-55) – or *Abulensis*, as Vera Cruz and his contemporaries used to refer to him –, is the most important authority in terms of Vera Cruz's own thinking on marriage.⁷⁹

⁷⁵ As well as the *relectiones De potestate civili* (1528), *De homicidio* (1529) and *De potestate Ecclesiae prior* (1532). Ramírez González, "Alonso de la Veracruz en la Universidad de Salamanca", 641.

⁷⁶ Lanza and Toste, "The Sentences in Sixteenth-Century Iberian Scholasticism", 442-451.

⁷⁷ Aspe Armella offers an account on this new literature in his chapter.

⁷⁸ "Considerandum tamen est matrimonium contractum coram testibus sufficientibus etiam si sine solemnitate, quae in iure positiva est fiat, clandestinum non dici proprie, ut notat Abbas ibi, in ca. Cum inhibitione. Et idem Ioannes Lupus Segoviensis in tractatu de matrimonio. Sic Sylvester in verbo, matrimonium 2. in fine. Et Palacios Rubius in c. Per vestras, notabilia 3. n. 21. Et Paludanus in 4. d. 28. q. 2. art. 3. conclusio 3, quamvis Bartolomaeus in l. fi. decr. de ritu nuptiarum, contrarium dicat. De quo Covarrubias in epitome 4. decretalium 2. p. c. 6. n. 10", Vera Cruz, *Speculum coniugiorum*, Pars I, Art. 10, 200. Vera Cruz referred here to López de Segovia's *Tractatus vere catholicus de matrimonio & legitimatione* and to López de Palacios Rubios' *Commentaria utilissima, insignisque repetitio rubricae & capituli, per vestras. De donationibus inter virum & uxorem*.

⁷⁹ Specially important for marriage are Fernández de Madrigal ('El Tostado'), *Quinta pars Abulensis super Mattheum a decimo octavo usque ad vigesimumprimum capitulum inclusive*, in *Opera praeclarissima beati Alphonsi Tostati*, Venice, Gregorio de Gregori / Peter Liechtenstein, Tomus XI, 1529, Capitulum 19, Quaestiones 17-92, 51v-79v; *Opus aureum beati Alphonsi Thostati episcopi Abulensis super quattuor libros Regum [...] Primus liber: qui in duos thomos divisus est. In primo habetur expositione a Capitulo primo usque ad quartumdecimum inclusive*, in *Opera praeclarissima beati Alphonsi Tostati*, Tomus VII, 1528, 1 Regum, Capitulum 8, Quaestiones 24-236, ff. 59v-98; *Divi Alphonsi episcopi Abulensis fructuosissima repetitio de optima politia in: Opera praeclarissima beati Alphonsi Tostati*, Tomus XIII, 1529.

He is not only the second most quoted author in the *Speculum*, surpassed only by Thomas Aquinas – as Aspe Armella mentions in his chapter –, but also the key authority for the resolution of the most problematic issues related to the marital customs of the infidels.⁸⁰ A detailed analysis of the ideas Vera Cruz owes to El Tostado's biblical commentaries on the *Gospel of Matthew* or *1 Kings*, in which Old-Testament laws and traditional Jewish practices such as repudiation and polygamy were evaluated, would exceed the adequate length of a book chapter. A representative passage demonstrating how, in some parts of the *Speculum*, El Tostado's writings were almost copied verbatim, is the criticism both of them made of polyandry. Admitting the practice of polygamy in extraordinary cases (for example, in the hypothetical situation in which the human race were decimated, and an urgent increase of the population would be needed), both of them coincide in the view that such a plurality of spouses could never and under no circumstance be admitted in the case of women. El Tostado (in his repetitio *De optima politia*) and Vera Cruz also gave the same reasons against polyandry: the collapse of household order (*oikonomia*) that would certainly happen in any society tolerating polyandry, and the harm to the Republic that would be caused by such an anti-natural regime, in which paternity and inheritance would vanish into thin air. Interestingly, both of them also appealed to pseudo-medical classical literature considering the cohabitation of a single women with many men as something impeding procreation.⁸¹ The arguments and the order of exposition followed by El Tostado and Vera Cruz are so close, that it seems plain that either Vera Cruz rewrote El Tostado's arguments, or both followed a common reference opposed to polyandry. The only important difference between both approaches is that the sophisticated juridical and theological division between the first and second principles of natural law, which Vera Cruz inherited from Vitoria and Soto, is not to be found in El Tostado, who differentiates only between practices according to reason and those repugnant to it.⁸²

⁸⁰ See, as an example, the way in which Vera Cruz relies on Fernández de Madrigal ('El Tostado'), *1 Regum* 8, q. 151, to underpin the Pope's *potestas* to grant dispensations in relation to any transversal degree of consanguinity, *Speculum coniugiorum*, Pars II, Art. 27, 396.

⁸¹ "Secunda ratio est quia quod eadem mulier habeat multos viros repugnat intentioni naturae, natura enim invenit coitum: vel Dei voluntas statuit, atque humana ratio dictavit: ut per coitum fieret generatio, & conservaretur natura specifica secundum successionem. Sed si eadem mulier multos viros haberet, impeditur ista intentio: quia numquam gignere posset. Mulier namque quae a pluribus cognoscitur in tempore vicino sibi concipere numquam potest. Sicut patet de meretricibus quae cum a plurimis cognoscantur: a nemine tamen concipiunt", Fernández de Madrigal ('El Tostado'), *De optima politia*, in Fernández de Madrigal ('El Tostado'), *Opera praeclarissima*, Tomus XIII, f. 7v. "At si vna foemina plures habeat maritos, tollitur directe finis principalis, quem intendit natura, in matrimonio: ergo omnino est prohibitum per naturam: et sic contra prima praecepta iuris naturae, quod sic declaratur. Ingeniauit natura coitum, et Diuina voluntas sic declarauit, et dictauit ratio humana, vt per eum fiat generatio, et conseruatio speciei secundum successionem indiuiduorum: sed si mulier vna, plures habeat viros, impeditur generatio. Experientia quippe constat, mulierem quae a pluribus viris successiue, statim ab alio post alium cognoscitur, non concipere: sicut patet in meretricibus, quae publice expositae a pluribus cognoscuntur", Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 17, 268.

⁸² "Sit sexta conclusio. Quamvis in eodem viro conueniens esse possit uxorum pluralitas: in eadem tamen femina toti rationi dissonant virorum diversitas, id est, quod licet unus vir possit habere plures uxores:

Vera Cruz's continuous and very close references to El Tostado bring awareness of the complex and not uniformly linear relationships existing between the writings and ideas of different generations of Salamanca masters. With regard to the specific subject of marriage, it seems that El Tostado's influence was much more important than that of Vitoria, not only for Vera Cruz, but also for Soto⁸³ and other contemporaries, which implies a kind of historical leap from the first half of the 15th century to the mid 16th century, which, as Aspe Armella underlined in his contribution to the book, should be properly explained through further research into the emergence of the School of Salamanca.

4. Building bridges between Europe and the Indies. Native American matrimonial customs studied against the backdrop of the Christian schism

Owing to various reasons, in the decades which precede the writing of the *Speculum coniugiorum*, marriage became the fuse that set all Europe alight and therefore gave rise to an unforeseen wave of debating and publishing.⁸⁴ It is important to bear in mind some important European polemics of this period, inasmuch as they all converge in one way or another in Vera Cruz's *Speculum coniugiorum*. On the one hand, even if the book was specifically conceived as a guide to addressing very specific marital issues that affected infidels and neophytes in the New World, Vera Cruz could not resist the temptation to weigh in on the hot-button issues being discussed in Spain and the rest of Europe at this time. In this way, by times starting his sections with a question arising from a concrete case found by the missionaries in the Purépecha and Nahua regions, Vera Cruz tended to conclude his reasoning with the demonstration of a universal norm, valid for every one of the faithful or neophytes affected by or experiencing the same situation anywhere in the world. On the other hand, the *Speculum coniugiorum* also offers many examples of reasoning going in a reverse direction: starting

& non repugnet hoc rationi: tamen una mulier non potest viros multos habere: quia valde repugnat rationi"; Fernández de Madrigal ('El Tostado'), *De optima politia*, in Fernández de Madrigal ('El Tostado'), *Opera praeclarissima*, Tomus XIII, f. 7v; "6. Conclusio. Licet verum sit in statu legis naturae et scriptae, licuisse tam fidelibus quam infidelibus plures habere uxores sine dispensatio proprie dicta, tamen in nullo tempore licuit mulieri plures habere maritos. Probat. Quod est contra prima praecepta iuris naturae, nunquam licuit, neque licere potest: sed habere vnam vxorem, plures viros est directe contra prima praecepta iuris naturae, ergo nunquam licuit. Primum patet, vt superius dicebamus, quia talia repugnantia primis principijs, sunt de se mala, et nota ab omnibus vt talia, ob id apud omnes sunt reputata mala: quia ius naturale, quod est de primis principijs, et omne illud quod immediate, et directe repugnat eis, est idem apud omnes gentes"; Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 17, 266-268.

⁸³ Also following closely El Tostado's refutation of polyandry and many other arguments while writing about marriage in his commentary on Lombard's *Sentences*. Soto, *Commentariorum fratris Dominici Soto [...] in quartum Sententiarum*, Salamanca, Andrea, de Portonaris, 1560, Distinctiones XXVI-XLII.

⁸⁴ A detailed analysis of which can be found in Witte Jr., *From Sacrament to Contract*, and in Reynolds' more recent book, *How Marriage Became one of the Sacraments*.

with the affirmation of a clear and comprehensible principle of natural law or of a universal doctrine of the Church – framed or consolidated perhaps in the recent debates with the schismatics –, Vera Cruz then proceeds to apply it to a very specific case having come to the attention of the missionaries.

If we look at the Europe of the first half of the 16th century, we can see that marriage was present in all the confessional debates that contributed to splitting the Christian *orbe* at this time. As is well known, juridical and theological issues concerning marriage were behind the English schism (1534). While the English monarchy took the legitimacy of papal dispensation from impediments of affinity as an excuse to call progressively into question the whole pontifical *potestas*, Luther, Calvin and the Reformers of continental Europe attacked clerical celibacy and criticized the centrality that the Roman Church had given to the consent of the spouses as the essence of a legitimate and authentic marriage.⁸⁵ As Reynolds has recently pointed out, not only Protestants and Catholics were divided by the many problematic questions on marriage. The positions of the advisors and conciliar fathers who participated in the discussions leading to the twelve canons and the decree of reformation approved by the XXIV session of the Council of Trent⁸⁶ were far from unanimous on many important issues, something that Vera Cruz, as I previously mentioned, used later as a subterfuge against the canons on clandestine marriage⁸⁷ which hindered the efforts of the missionaries in the rather informal context of the Indies.

Apart from those fierce debates on marriage in the European context, Iberian theologians and jurists had to deal with some specific issues linked to the particular condition of the Iberian kingdoms as one of the last multi-confessional strongholds in Christian Europe. The challenge represented by the assimilation of thousands of Muslims and Jews who had converted to Christianity freely or by force in the Late Mediaeval and Early Modern Periods without completely renouncing their ancestral marriage practices is another one of the historical elements greatly influencing the Iberian literature on marriage and giving it a distinctive character.

For example, while polygamy seemed no longer to be a relevant issue north of the Pyrenees since at least the Late Middle Ages, being unanimously condemned as a practice “against

⁸⁵ In the opinion of late Calvinist divulgators such as Innocent Gentillet, focussing exclusively on the spouses and their will to marry, it could be said that Catholicism was promoting clandestine marriages, disobedience against parents, economic and political chaos and even the rapt of young girls coming from good and noble families, Gentillet, *Le Bureau du Concile de Trente*, 243-255.

⁸⁶ *Concilium Tridentinum: Diariorum, actorum, epistularum, tractatum nova collectio*, Freiburg im Brisgau, Societas Gorresiana, 1901-1961, 13 vols.

⁸⁷ As Reynolds underlined, conciliar fathers and advisors, especially the Spaniards, were divided, above all, with regard to clandestine marriage. While Pedro Guerrero, a disciple of Vitoria and student at the Faculty of Theology of Salamanca in the same period in which Vera Cruz did his studies, “championed” the reforms against “marriages contracted clandestinely or without parental consent” (Reynolds, *How marriage became one of the sacraments*, 952), other Spanish theologians and jurists trained at Salamanca were more loyal to the theological tradition and to Vitoria’s thinking, in which the consent of the spouses is considered as *essentia* and *causa sufficiens* of the marriage (Borobio, *Unción de enfermos, orden y matrimonio en Francisco de Vitoria y Domingo de Soto*, 129-130).

natural law”;⁸⁸ many of the 16th-century Salamanca references to polygamy appear to be clearly distanced from this hypothetically unanimous position.⁸⁹ Not only literature, but also the documents related to the institutional life of the Spanish Church and the main challenges it had to face in the conflictive southern regions of the country then undergoing a process of Christianization, make it plain that polygamy was still an important matter of practical concern⁹⁰ and that Christian monogamy in marriage faced strong resistance among the converts from Islam.⁹¹

Marriage and divorce were also one of the most burning issues in the recurrent polemics against *marranos*, those converted from Judaism to Christianity whose adhesion and loyalty to the Christian faith was always regarded with suspicion. Popular and erudite anti-Semitic writings accused *marranos* of continuing with the traditional practice of repudiation despite its explicit prohibition by Christ.⁹² The echo of this suspicion could still be heard even in the 18th-century writings of later Dominican Thomist epitomists such as Vicente Ferrer de Traiguera⁹³ and Luis Vicente Mas,⁹⁴ still drawing attention to the duty of priests and friars to

⁸⁸ According to John Witte Jr., there was a “strong canonical position of the medieval and early modern Catholic Church that pronounced repeatedly that polygamy was against the natural law properly understood, and that no earthly authority, whether pope or emperor, had power to grant a dispensation to practice it”, Witte Jr., *The Western Case for Monogamy Over Polygamy*, 169.

⁸⁹ Something that Witte recognizes, identifying El Tostado and Tomás Sánchez – together with Gerson, Erasmus, Bellarmine, Mersenne and Cajetan – as “exceptions” to the majority position considering polygamy to be a crime against natural law. Taking into account that El Tostado’s position on polygamy was received as valid by most of the theologians and jurists of the School of Salamanca and that Tomás Sánchez integrated into his *Disputationes de sancti matrimonii sacramento* (1602) most of these Salamanca writings, one might wonder whether not only El Tostado and Sánchez, but also a significant part of the Spanish authors in between, should be considered as having reservations about the anti-natural character of polygamy. A case by case study is still to be done.

⁹⁰ For example, the priests who met at the Synod of Guadix (Andalusia) in 1554, organized by Bishop Martín de Ayala, another former student of Theology at Salamanca and influential disciple of Vitoria, denounced that the morisco neophytes of Granada still conserved “las reliquias de su profana secta, la cual no hace más caso del santo matrimonio que si fuese un dañable concubinato, y así por leves causas pretenden apartarse y hacer divorcios por exquisitas maneras”, *Synodo dela Diocesis de Guadix y de Baça*, f. 20v.

⁹¹ Taking into account the strong foothold of polygamic local customs, Bishop Martín de Ayala urged the priests under his jurisdiction to give special importance to monogamous marriage in their catechetical teachings and to monitor the proper implementation of Christian normativity. See Guardia Guardia, “Doctrina teológica del sínodo de Guadix de 1554”, 34-35; Gallego y Burín, Vincent and Gámir Sandoval, *Los moriscos del reino de Granada según el sínodo de Guadix de 1554*.

⁹² “He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so”, *Matthew*, 19:8.

⁹³ Ferrer de Traiguera studied Theology at the Monastery of San Esteban in Salamanca by the end of the 17th century and published the 18th-century best-seller *Suma moral para examen de curas y confesores* (1736). The attack on the legal excuse of the authorization of repudiation in the Mosaic laws, in Tratado VII, Cap. IV, 169.

⁹⁴ The Dominican Luis Vicente Mas, *catedrático de prima de Santo Tomás* at the University of Valencia, continued to work on the text of Ferrer and published an extended and updated edition in 1770. In this edition, Mas reproduced a recent Benedict XIV position which “prohibe à los Neofitos, que con ritus Rabinicos diessen libelo de repudio à su muger, ò ésta à su marido, que no quieren convertirse; y manda

ascertain whether the neophytes converted from Judaism in their dioceses still maintained the practice of repudiating their wives.

While the polemic references to the doctrines of the Reformers and the echo of mediaeval debates with Jews and Muslims are elements that distinguish the whole Early-Modern Salamanca literature on marriage, a third contextual element differentiates what could be called the contributions of ‘colonial scholasticism’⁹⁵ to those global debates. Confronted with the great diversity of marital and family customs and practices that Iberian missionaries encountered after their arrival in the New World, by the middle of 16th century, the period in which the *Speculum coniugiorum* was written, confusion prevailed on many important issues related to marriage. On some specific matters, ‘American’ and ‘Asian’ theologians, jurists and the missionaries, working on site, had only conflicting probable opinions. With regard to the viceroyalty of New Spain, a look through historical sources such as the decrees of the First Mexican Council,⁹⁶ held at Ciudad de México in 1555 – only one year before the first publication of the *Speculum* – and the letters addressed by missionaries to their superiors in Europe, who had the *potestas* to solve the most problematic and dubious cases, reflect a widespread sense of bewilderment.

The frequent disagreements among evangelizers could have pernicious effects, especially if the impossibility of reaching basic agreements persisted and missionaries contaminated the infidels and neophytes being instructed with their own divergences and disorientation. While a spirit of consensus about the need to draw clear red lines to root out clandestine cohabitations, polygamous practices and parent-child relations prevailed among the secular and regular clergy, some of the most prudent and mindful missionaries insisted on the fact that many social and political issues could not be obviated, and considered that a quick, brutal and unequal imposition of the European-Christian matrimonial and family normativity could offend the natives sensibilities, pushing them to feel themselves mistreated by tyrannical lords who arbitrarily interfered in their most intimate relationships and practices.

proceder contra ellos como Judaizantes”, *Suma moral para examen de curas y confesores* (1770), Parte I, Tratado VII, Cap. IV, §. 4, 410. Both books were published many times in Spain and Mexico.

⁹⁵ On this newly framed historiographical concept, see Hofmeister Pich and Culleton, “Introduction: The Challenge of Investigating Latin American Colonial Scholasticism”.

⁹⁶ See Chapter XXXII, against spiritual cognation, and Chapter XXXVIII, against clandestine marriages as a practice contributing to unions “en grados prohibidos de consanguinidad, y afinidad, de que Dios es ofendido, y la República escandalizada”, Montúfar and Lorenzana, *Concilios Provinciales primero, y segundo*, 88-89, 98-99. See also Chapters XXXIX-XLII, with special dispositions with regard to marriage of foreigners, those who married twice, etc., 100-105. Chapter LXIV appeals for a systematic registration of marriages among the *indios* in order to avoid any kind of “duda en alguna causa Matrimonial”, 140. On their own, according to the instructions of Chapter LXXI, “Indios con título de mercaderes, y tratantes” who “andan vagabundos por muchos Pueblos” should be compelled to make a regular and sedentary marital life in order to avoid the frequent repudiations and second marriages, 147. Martínez-Cano demonstrated that many of these problematic situations persisted throughout the century and were still a matter of concern for the conciliar fathers of the Third Mexican Council, who reiterated previous positions and offered new rules in Book 4, Titles I, § VI, VIII, X, XIII and Title II, § V. Martínez López-Cano, “Estudio introductorio, Tercer concilio provincial mexicano (1585)”, 12.

It is, then, under the enormous pressure of these circumstances that Vera Cruz decided to lay down a detailed plan of action, aimed at guiding the Mexican and American missionaries in the difficult task of translating Christian matrimonial normativity into the unforeseen contexts of the Western Indies.

The three above-mentioned important focal points of debate – European discussions between Catholics and Protestants, the long tradition of combatting Muslim polygamy and Jewish repudiation and specific American and Asian evangelization challenges – converged in the *Speculum coniugiorum*. As a result, while trying to characterize the process, in which Vera Cruz engaged, of translating Western Christian normativity into Mexico, it is important to define it, first of all, as a translation to those American regions of the European and Iberian polemics of the era. That, in his treatise, Vera Cruz covers every burning controversy in the Europe of his time is, in fact, relevant in terms of specific American issues to which it can be applied. For example, trying to support the sacramentality of the marriages contracted by the Indian infidels before and after the Spanish conquest as having a “sign of a sacred thing”⁹⁷, Vera Cruz related this problematic issue – is it, in fact, imaginable and admissible to speak of sacraments outside the Church? – with Luther’s and Calvin’s doctrines denying the general sacramental character of marriage. Interestingly enough, in the translation and localization of this anti-Reformation polemic into the Mexican context, Vera Cruz clearly forced his argumentation, trying to make gains from the Catholic front in support of the sacramental nature of marriage to defend the sacramental and grace-conferring character of marriages contracted between Native-American infidels. That was, in fact, one of the main goals of Vera Cruz’s treatise, which underlined the intrinsic value of native marriages against the hard line supported by other missionaries who completely despised Nahua and Purépecha matrimonial rites and customs and who were in favour of compelling every converted infidels to remarry *in facie Ecclesiae*:

In this, Aperilius made a big mistake, and also the singularly fierce Luther (as well as in many other things), who says that marriage is not a sacrament. And previously the Armenians had fallen into this error that followed in our times Calvin, who said that no one had recognized marriage as a sacrament, until the time of Gregory. And in this they erred gravely, since, before Gregory, Ambrose, Augustine, and other classical authors asserted that marriage is a sacrament. And about this, see our *Resolutiones*

⁹⁷ For Vera Cruz, in a certain sense, those marriages could be considered as a sign of a sacred thing (“sacrae rei signum”), *Speculum coniugiorum*, Pars II, Art. 35, “Utrum matrimonium inter infidels sit sacramentum”, 482. In other words: the marriages contracted by the Indian infidels, even if not completely pleasing to God, were not offensive and unpleasant to Him and could, therefore, be somehow considered sacramental. “Et hoc modo capiendo, sacramentum matrimonii inter infideles gratiam confert: nam facit quod per istum actum conmixtionis maris et foeminae qui sic coniunguntur, non displiceant Deo, et non offendant Deum (...). Si tamen quis neget hanc dici gratiam, non contendo, quia quaestio est de nomine. Sed tamen dicitur sacramentum, ut sacrae rei signum est, ut dicit Adrianus prima quaestione de matrimonio”, *Speculum coniugiorum*, Pars II, Art. 35, 488. In this theological position, Vera Cruz is quite isolated, as he himself recognizes, mentioning the contrary opinion of the Franciscan Miguel de Medina (in *De sacrorum hominum continentia*, Venice, Giordano Ziletti, 1569, Lib. V, Cap. 66, 485-487), an author usually in agreement with his positions.

Theologicae in quattuor libros sententiarum. Contrary to the above objection, I say that, just as the marriage of unbelievers is a sacrament, it also confers grace.⁹⁸

The refutation of some Lutheran ideas is also important throughout the treatise to specify the character of infidel marriages, which, for Vera Cruz, were legitimate but not equivalent to the exclusively Christian *matrimonium ratum*.⁹⁹ In problematic issues such as the contemporary validity of the prescriptions against consanguinity and affinity contained in *Leviticus* 18 (verse 24) and the pontifical *potestas* to grant dispensations for some degrees of consanguinity and affinity, Luther is also used as a scapegoat.¹⁰⁰ His spectral appearance helps Vera Cruz to disqualify opinions that were not exclusively Lutheran, but relatively widespread among Catholic theologians and jurists who, against the criteria of Vera Cruz, considered the prohibitions mentioned in *Leviticus* 18 to be still in force.¹⁰¹

It was also dealing with the topic of consanguinity, that the debates about the marriage of Henry VIII and Catherine of Aragon were translated into the American context by Vera Cruz. The general line of the Augustinian's argumentation on this issue was the following: the Pope could legitimately grant Henry VIII and Catherine of Aragon a dispensation regarding the second degree of affinity laid out in the specific prohibition of *Leviticus* 18 – a legitimate dispensation on which only heretics might cast doubt – because Old-Testament prohibitions were no longer in force as an essential part of divine law. Modern prohibitions concerning affinity were, in fact, derived from positive laws given by this or that Pope and could therefore be abrogated or dispensed with according to the will of another high ecclesiastical authority.

Within his general aim of establishing flexible criteria for the delicate process of the cultural translation of the Christian matrimonial normativity into the usage of the Indies, Vera

⁹⁸ "In quo graviter erravit Aperillo, et singularis ferus Lutherus, sicut in aliis multis, negans matrimonium sacramentum esse. In quo errore fuerunt lapsi prius Armeni. Quem sequutus est nostris temporibus Calvinus, dicens nullum cognovisse matrimonium sacramentum esse, usque ad tempora Gregorii: in quo pessime erravit, cum ante Gregorium, Ambrosius, Augustinus, et alii classici viri asseruere matrimonium esse sacramentum. De quo in nostris Resolutionibus Theologicis in 4. ad obiectionem autem allatam dico, quod matrimonium infidelium eo modo quo est sacramentum, et gratiam confert", Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 35, 486.

⁹⁹ Given that, under certain circumstances, every non-Christian marriage may be dissolved after the conversion of one of the spouses to the Christian faith, a traditional position of the Church also attacked by Luther: "In quo erravit pestilentissimus Lutherus, qui adaequavit infidelium matrimonium, fidelium matrimonio, cum longe distent, ut patebit inferius. Quod bene probat Castro in suo de haeresi, libro 2. verbo nuptiae, haeresis 3", Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 1, 90.

¹⁰⁰ "Et in hoc erravit Lutherus, qui dixit, gradus illos esse iuris Divini, et non posse Papa dispensare. Nec obstat dicere tales gradus esse de iure Divino veteri, quia (ut supra diximus) illud non obligat, neque lex, nec ius Divinum proprie dici potest: ad sensum quem modo loquimur de iure Divino obligante", Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 27, 390.

¹⁰¹ Vera Cruz is obliged to recognize that eminent mediaeval theologians such as Ricardus de Mediavilla, Alexander Hales, Saint Bonaventure, Hugh of Saint Victor, Francis of Mayrone and Thomas Valdensis had considered the prescriptions of *Leviticus* 18 to remain in force. That position was also defended by contemporaries of Vera Cruz, such as theologians Jean Viguier, John Major and Sylvester Prierias and jurist Fernando de Loazes, Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 25, 364, 369; Pars II, Art. 27, 392.

Cruz also tried to take advantage of the very recent English Schism, another open wound allowing him to stretch his own petitions for extraordinary dispensation faculties for the missionaries working in America and Asia. Taking things a step further, Vera Cruz insisted on the idea that not only positive laws against affinity, but also the ones concerning transversal consanguinity should fall under the same criteria. If *Leviticus* 18, as the debates on England had shown, was no longer in force and could not be considered a part of the current divine law, only marriage between parents and children – clearly contrary to natural and divine law – could fall under an absolute prohibition¹⁰² such that, other degrees of affinity and consanguinity could be permissible through dispensations from the Pope if, in his view, a greater good, or important and urgent reasons – just as the ones present in the American context – motivated the granting of a dispensation.¹⁰³

Driven by this practically oriented philosophy, the *Speculum coniugiorum* connects the Old and the New World, England and America, and Michoacán with Trent and Rome in many illuminating passages:

And that a dispensation could be made in that case of the king of England is proved by Clement VII against the Parisienses – see Castro, *De lege poenali*, lib. I, cap. 12-. And given that this is a great concession and very necessary *in foro conscientiae* for the most serious cases, even after the Tridentine Council – since all the privileges of the religious orders in regard of those things which are opposed to the definitions of the Council have been confirmed *motu proprio* by the most holy Pope Pius V, and considering also that this dispensation with regard to the internal forum is not eliminated by the Council –, the friars will be able to use it, especially in the New World, where certain things that in the Old World are not permitted and are not so necessary, are given and granted.¹⁰⁴

Assuming, therefore, that the validity of some of these marriages between relations (by affinity or blood) would hardly be admitted in the Old World,¹⁰⁵ Vera Cruz underlined the

¹⁰² “Item. Neque aliquis graduum, in linea transversali est de iure Divino. Probatur. Non de iure Divino Evangelico, quod obligat omnes: nam (ut nos in primera parte diximus, quando loquebamur de consanguinitate) nullus gradus a Christo fuit in evangelio sacro prohibitus, qui non fuisset de iure naturali: ob quod solum ibi reperitur gradus primus ascendentium, descendentium prohibitus, dicente Christo. Propter hanc relinquet homo patrem, et matrem, et adhaerebit uxori suae,” Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 27, 388.

¹⁰³ “1. Conclusio. Summus Pontifex, in omni gradu tam affinitatis, quam consanguinitatis, in linea transversali dispensare potest de plenitudine suae potestatis, licet id non expediat facere absque magna, et urgenti causa,” Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 27, 388.

¹⁰⁴ “Et quod potuit fieri dispensatio in casu illo regis Angliae, a Clemente 7. diffinitum est contra Parisienses, quam vide in Castro, de lege poenali, lib. 1. ca. 12. Haec est magna concessio et quoad forum conscientiae in casibus gravissimis multum necessaria est post concilium Tridentinum, quia cum omnia religiosorum privilegia sint confirmata a sanctissimo Papa Pio Quinto per proprium motum in illis quae contradicunt diffinitionibus concilii, et haec dispensatio quoad animae forum non est ablata per concilium, poterunt religiosi ea uti maxime in novo orbe, ubi specialiter data sunt et concessa quaedam quae in antique orbe non sunt permissa, neque sunt ita necessaria,” Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 27, 404.

¹⁰⁵ In Canon III, Session XXIV of the Council of Trent, it was determined that the Church could dispense with some of the degrees of affinity and consanguinity mentioned in *Leviticus*. Vera Cruz went much further in his *Speculum* than the Council, denying any contemporary validity of the prescriptions of *Leviticus* and giving the Pope the *potestas* to grant dispensations for almost any degree of affinity and consanguinity, with the exception of vertical consanguinity between parents and children.

specificity of the missionary contexts and pointed to “necessity” as the criterion justifying a special accommodation of some of the classical prescriptions in canon law concerning marriage. His aim was not to create a new canon law for the New World, but rather to exploit all the possibilities contemplated in traditional canon law to integrate the American and Asian diversity within the bounds of what the legal and moral paradigms of his time could tolerate, while, at the same time, granting missionary agents a certain room for manoeuvre in new and different contexts.¹⁰⁶

5. From opinions to norms. Vera Cruz’s fight for the transformation of his doctrines into pontifical bulls and *reales cédulas*

As Vera Cruz stated in the different editions of the *Speculum*, his, in many aspects, unorthodox positions had been warmly supported by the Roman Church since the Middle Ages.¹⁰⁷ In the early decades of the 16th century, popes such as Leo X (1513-21), Adrian VI (1522-23) and Paul III (1534-49) had confirmed and even augmented the Late-Mediaeval privileges of the Augustinians and other mendicant orders with many bulls specifically addressing the New World missionaries.¹⁰⁸ Concerning marriage, those privileges allowed friars to administer the sacrament to neophytes, intervene in matrimonial cases and grant dispensations in the case of various impediments.¹⁰⁹

¹⁰⁶ That does not in any case make of Alonso de la Vera Cruz a kind of pioneer of multiculturalism, as some anachronistic interpretations of his writings suggest. See Méndez Alonzo, “Poder civil y derechos naturales de los indios americanos según Fray Alonso de la Veracruz”; Beuchot, “Multiculturalismo republicano en Alonso de la Vera Cruz”; Velasco Gómez, *Republicanism and multiculturalism*. In fact, it was only because of necessity, that is to say, due to the practical impossibility of rapidly imposing a Christian normative framework, that a certain degree of flexibility and special adaptations had to be contemplated.

¹⁰⁷ Popes such as Alexander IV and Boniface VIII had granted the Augustinian order the same missionary privileges held by Dominicans and Franciscans. An overview of these historical privileges and a brief perspective of their translation into Early Modern America can be found in Campo del Pozo, *Los Agustinos en la evangelización de Venezuela*, 199-205.

¹⁰⁸ Leo X, Bulls *Superioribus diebus* (1517), *Dudum per nos* (1519), *Alias felicitis* (1521); Adrian IV, Bull *Exponi nobis*, better known as the *Omnimoda*, see Campo del Pozo, *Los Agustinos en la evangelización de Venezuela*, 202-203. Vera Cruz mentioned those privileges in different parts of his *Speculum*, claiming the right of the missionaries to intervene in marriage cases: “Quod patet per bullam expressam concessam ordini praedicatorum per Nicolaum 4. ut illi qui ad terras infidelium transirent, possint iudicare de causis matrimonialibus. Idem per Adrianum 6. et Paulum 3. ut in ipsis privilegiis est manifestum”, Vera Cruz, *Speculum coniugiorum*, Pars III, Art. 8, 156.

¹⁰⁹ The privileges made clear that friars could, at least, grant dispensations for impediments related to affinity: “Et hoc confirmatur expressa concessione Leonis 10. qui dedit fratribus ordinis sancti Augustini quod cum his, qui in primo affinitatis gradu scienter, aut ignoranter contraxerunt, modo notorium id non fuerit, neque iudicium productum, dispensare valeant ut de novo contrahant, et eodem item contracto matrimonio remaneant, prole quin etiam legitima”, Vera Cruz, *Speculum coniugiorum*, Pars II, Art. 27, 404.

The situation prevailing during the first half of the 16th century, characterized by the great room for manoeuvre given to missionaries in still unknown areas, became more complicated just after the writing and publication of the first edition of the *Speculum coniugiorum*. According to Chapter 11 of the *Decretum de regularibus et monialibus* approved by the Council of Trent, monasteries “in charge of the pastoral care of secular persons” were put under the authority of the local bishop. With regard to the administration of the sacraments, Trent also subjected the friars to the “jurisdiction, visit and correction of the Bishop.” An explicit revocation of the missionary privileges that had been granted to the friars by Pius IV in 1564¹¹⁰ made their situation even more difficult.

Within this adverse context, Alonso de la Vera Cruz, who, after twenty-six years in Mexico, was obliged to return to Spain in 1562 in order to defend himself against the denunciations that the archbishop of Mexico, Alonso de Montúfar, had submitted against him to the Spanish Inquisition,¹¹¹ had to engage in additional rows with the secular clergy for the renewal and confirmation of previous pontifical privileges and for the autonomy of the Augustinian province in Mexico, still dependent on Castile.¹¹² It was a long series of legal disputes in which Vera Cruz obtained some provisory but important victories. The patient but tireless pressure of Vera Cruz at the court of Felipe II and at the Roman curia, which continued until 1568, resulted in an apostolic brief (*Exponi nobis nuper* in March of 1567) revoking previous abolitions of the historical privileges of the orders. Vera Cruz not only obtained this revocation from Pius V, but also a later and even clearer bull (*Etsi Mendicantes Ordines* in June of 1567) in which the Pope, referring explicitly to the American and Asian missions, augmented even *motu proprio* previous privileges. A supplementary and extraordinary *potestas* to grant dispensations from impediments of affinity and consanguinity, in line with Vera Cruz’s arguments, was given to the friars in 1571,¹¹³ a year in which Pius V also conceded to neophytes of the New World the right to marry their current wife, even if she were not the first one.¹¹⁴ Additionally, the royal authority firmly supported the pontifical decisions with two *reales cédulas*, dictated by Felipe II in September of 1567 and January of 1568. The president and *oidores* of the Real Audiencia of Mexico were ordered to promulgate and enforce the bulls dictated by Pius V, removing any obstacles the bishops could find to impede the friars who

¹¹⁰ Pius IV, Bull *In Principis Apostolorum sede* (1564), see Campo del Pozo, *Los Agustinos en la evangelización de Venezuela*, 205.

¹¹¹ Lazcano, *Fray Alonso de Veracruz*, 68-71. The denunciations of Alonso de Montúfar (1558) and his secretary, Gonzalo de Alarcón (undated) can be found in the Archivo Histórico Nacional (Spain), AHN, Inquisición, 4427, n. 5; AHN, Inquisición, 4442, n. 41.

¹¹² The conflictive issues in these disputes were many. Two interesting general perspectives are found in Rubial García, “Fray Alonso de la Veracruz, agustino” and González González, “Fray Alonso de la Veracruz, contra las reformas tridentinas”.

¹¹³ Vera Cruz included the matrimonial privileges granted by Pius V in 1571 in his *Compendium privilegiorum*. They also appear in the index of its epitomized version, elaborated by the Dominican Alonso de Noreña under the title *Compilatio privilegiorum*, f. 84v. The manuscripts of both, ready to print, can be found in the Biblioteca Real de El Escorial, Madrid (Spain), MS III-K-6.

¹¹⁴ Bull *Romani Pontificis*, 2nd August, 1571. See Lisi, *El Tercer Concilio Limense y la aculturación de indígenas sudamericanos*, 251.

“administren en los pueblos de los indios de esa tierra los santos sacramentos, como lo solían hacer antes del concilio tridentino, con licencia de sus preladados, y sin otra licencia”.¹¹⁵

For Vera Cruz, the main specialist on marriage in the New World, the pontifical and royal support also represented a provisional triumph of his doctrines in favour of a flexible translation of Christian normativity on marriage into the American continent. The privileges for which he had fought so hard, gave friars, above all, a certain margin of time and experience in order to make Indians perfect Christians in the medium term.

Given the importance of pontifical privileges for the administration of sacraments, Vera Cruz’s aim was to accompany his *Speculum coniugiorum* from its first edition with a *compendium aliquorum privilegiorum* granted by popes to the missionaries in the New World. The title page of the 1556 edition includes a reference in this sense (see figure 1).¹¹⁶ It is unknown exactly why this initial intention was not or could not be finally accomplished by Vera Cruz. According to Juan de Grijalva, the first chronicler of the Augustinian order in Mexico, the “forçossa contradiccion que avia de tener” that *compendium*,¹¹⁷ was the reason why Vera Cruz prudently refrained from his initial intention. In any case, as the same Grijalva stated, from the mid 1550s onward, Vera Cruz’s compilation of privileges would have circulated widely among the friars of various orders in manuscript form.¹¹⁸ Modern archival findings have confirmed this point, locating different copies of the *compendium*¹¹⁹ and proving it to be only a section of a wider *Apologia pro religiosis trium ordinum mendicantium, habitantibus in Nova Hispania et pro indigenis*¹²⁰ on which Vera Cruz worked throughout his life, waiting for an appropriate moment to publish it, which moment apparently never arrived.

¹¹⁵ *Cédula del rey Nuestro Señor para que se haga guardar un breve de Pío V, a pedimento de S. M. concedido a los religiosos de las Indias*, in Mendieta, *Historia eclesiástica indiana*, 483. Mendieta’s *Historia*, written at the end of the 16th century (but first published only in 1870) also reproduces the brief *Exponi nobis super* and a later *cédula real* of January of 1568, 483-487.

¹¹⁶ “Accessit in fine compendium breve aliquorum privilegiorum, praecipue concessorum ministris sancti evangelii huius novi orbis”, Vera Cruz, *Speculum coniugiorum*, Title page.

¹¹⁷ Grijalva, *Crónica de la orden de N. P. S. Agustín en las provincias de Nueva España*, ff. 188v-199r.

¹¹⁸ “Escribió un Compendio de todos los privilegios concedidos a las Religiones, y los concedidos a la conversión de los Indios, que fue la obra mas util que auido para esta tierra: no la imprimió, por la forçossa contradicción que avia de tener, pero son muy pocos los Religiosos que no los tienen manu scriptos. En fin el fue el que interpretò y defendió las doctrinas, que particularmente corren en el que llamamos nuevo mundo”, Grijalva, *Crónica de la orden de N. P. S. Agustín en las provincias de Nueva España*, f. 188v.

¹¹⁹ John Carter Brown Library, Providence, Rhode Island (USA), MS Codex Lat 4; Biblioteca Pública del Estado, Guadalajara, Jalisco (Mexico), MS 142. See González González, “Fray Alonso de la Veracruz, contra las reformas tridentinas”; Sánchez Gázquez, “Fray Alonso de la Veracruz (1507-1584) y su *Compendium privilegiorum*: estado de la cuestión manuscrita”.

¹²⁰ Vera Cruz, Alonso de la, *Apologia pro religiosis trium ordinum mendicantium, habitantibus in Nova Hispania, in partibus Indiarum maris Oceani et pro indigenis*, Biblioteca Real de El Escorial, Madrid (Spain), MS III-K-6: De decimis (ff. 1r-78v); Compilatio privilegiorum (ff. 83r-147r); Compendium privilegiorum (ff. 155r-175r); Expositio privilegii Leonis decimi (ff. 176r-234r); Declaratio seu expositio Clementinae (ff. 269r-345r). See Campo del Pozo, “Fray Alonso de Veracruz y el compendio de todos los privilegios de los religiosos”.

Even after the clear victories obtained in the period 1567-71, Vera Cruz was not allowed to publish his many manuscripts on mendicant privileges. He did, however, obtain permission to print the bulls and *cédulas reales* for which he himself had fought so hard. The apostolic brief of March, 1567 and a brief table of the privileges granted by Pius V was quickly published in Spain¹²¹ and Mexico.¹²² In a second step, those privileges were then republished in the 'Old'¹²³ and New Spains (see figure 10)¹²⁴ together with the second bull dictated by the Pope *motu proprio* and the *real cédula* of September, 1567. Vera Cruz republished those materials again, together with previous bulls of Leo X, Adrian VI and the *real cédula* of January, 1568 in the second part of the *Appendix ad Speculum coniugiorum* (Alcalá, 1571).¹²⁵

A deep and exhaustive study of this part of the juridical production of Alonso de la Vera Cruz has yet to be undertaken. Given its extent, it would be, in fact, a herculean task, and it is something far from the scope of this book chapter. What I wanted to underline with this *excursus* about such a juridical and printing *imbroglio* is that the *Speculum coniugiorum* is far from being a mere piece of erudition written in a state of ataraxia and reflection. It goes beyond the kind of dialogue between classical authorities, masters and students that can be found in the most theoretical commentaries on Aquinas or Peter Lombard which were written at Salamanca.

In close connection with the practical American missionary context in which the *Speculum* was written, it appears to be a masterpiece of erudition and the perfect guide for friars dealing with matrimonial issues in the Western Indies being as well a weapon in the never-ending struggle between secular and regular clergy. That is why Vera Cruz was so attentive in integrating recently published juridical and theological writings such as those of Soto and Azpilcueta and in carefully and skillfully including the related legislation in support of his points of view for which he himself had fiercely fought during his long forced stay in Spain (1562-72). Looking closely at the different editions of the *Speculum*, one can see that every new edition was strengthened by the approval of new canon and civil laws, and that the ones obtained *in situ* after his direct involvement played a very important role in its third and final edition.¹²⁶

¹²¹ [Vera Cruz], *Letras apostolicas de la bulla de la confirmacion y nueva concession, de los preuilegios y gracias concedidas, por los summos pontifices a todas y cada una de las ordenes de los mendicantes; con ciertas declaraciones, decretos, vedamientos, e inbibiciones de nuestro muy sancto padre Papa Pio quinto*, [Alcalá?], [s.n.], [1567].

¹²² [Vera Cruz], *Tabula privilegiorum, quae sanctissimus Papa pius quintus, concessit fratribus mendicantibus: in bulla confirmationis, & novae concessionis privilegiorum, ordinum mendicantium*, México, Antonio de Espinosa, 1567.

¹²³ [Vera Cruz], *Confirmatio et nova concessio privilegiorum omnium ordinum mendicantium*, Sevilla, Juan Gutiérrez, 1568.

¹²⁴ [Vera Cruz], *Bulla confirmationis et novae concessionis privilegiorum omnium ordinum Mendicantium. Cum certis declarationibus decretis et Inhibitionibus. S. D. N. D. Pii Papae V. Motu proprio*, México, Antonio de Espinosa, 1568.

¹²⁵ Vera Cruz, *Appendix ad Speculum coniugiorum* [...]. *Iuxta diffinita in sacro universali Concilio Tridentino, circa matrimonia clandestina*, Alcalá, Pedro Cosin, 1571, 132-144.

¹²⁶ "In diebus nostris pro religiosis in novo orbe, S. S. Papa noster Pius quintus ad petitionem potentissimi regis Hispaniarum Philippi secundi, concessit omnia qua ante Concilium Tridentinum religiosis concessa erant, ad ministerium conversorum, et convertendorum ex Indis. Et per Leonem 10. Et Adrianum 6.

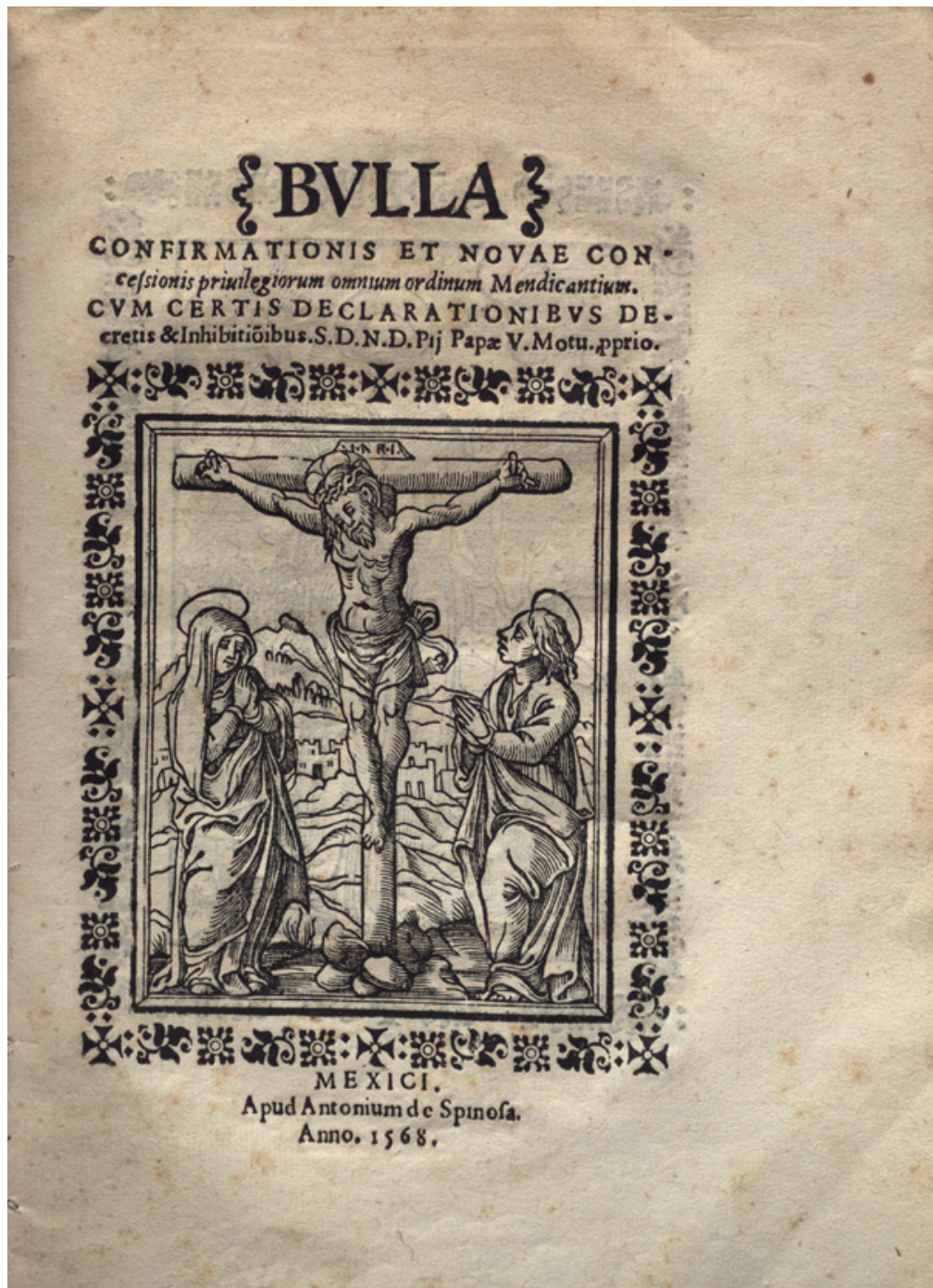


Figure 10. [Alonso de Vera Cruz], *Bulla confirmationis et novae concessionis privilegiorum omnium ordinum Mendicantium*, México 1568: Antonio de Espinosa (Benemérita Universidad Autónoma de Puebla, Biblioteca Histórica José María Lafragua), Title page.

To conclude, the different elements mentioned above demonstrate that the *Speculum coniugiorum* corresponds well to the kind of “deliberations on practical issues” that, as Duve states in the introductory chapter, made Salamanca “famous”. Inasmuch as its main aim was not to become the most systematic presenter of all the erudite nuances that could appear in matrimonial cases or had been addressed in previous treatises, but rather to respond “to specific and concrete individual questions” – even urgent ones, one could say, as a complement to Duve’s remarks – Vera Cruz well represents, these double practical and theoretical dimensions that distinguished the life and works of other key figures of the School of Salamanca (Matías de Paz, Domingo de Soto, Francisco de Vitoria, Bartolomé de Las Casas, Melchor Cano, ...).

It is important to take into account, in this sense, that Vera Cruz did not limit himself to proposing to his students solutions for some difficult matrimonial cases, expecting that his opinions would reach, through the mere circulation of his book, the political centres and prominent individuals who had the *potestas* enabling them to take binding decisions regarding the most problematic of these cases. Instead, he travelled personally to the places where normative knowledge and legal provisions were produced in the Spain of that time: Salamanca and Madrid. He revised and republished his book on marriage in those strategic cities and fought for the transformation of his doctrines into bulls and *reales cédulas*. Consequently, in Vera Cruz’s life and work there converged different practical dimensions: the resolution of cases *in foro interno et externo* as confessor and ecclesiastical judge *de facto* of the doctrines where he lived with other Augustinian friars;¹²⁷ the guidance he offered to students and fellow friars in his pragmatically oriented writings and the decisive influence that, as procurator of his order, Vera Cruz had on different legislative processes taking place in Madrid and Rome. In light of what has been said, and of what Cobo and Moutin show in their contributions to this book, it seems even that the kind of direct relationship between speculative knowledge and normative production that Duve underlines as an essential feature of the School of Salamanca’s juridical and theological production, becomes even more radical during the first century of Iberian presence in the American and Asian contexts, when new regulatory frameworks were elaborated and implemented thanks to the substantial effort of many Salamanca-trained agents.

Sub istis verbis in quibus dioecesanibus interdicat Pontifex, ut in loco ubi sunt monasteria, vel in loco ubi de licentia praelati manent religiosi, tam in signatis locis, quam in signandis, nihil innovent: sed de licentia suorum praelatorum, sine alicuius alterius licentia, possint sacramenta ministrare sicut ante. Et ad executionem huius diplomatis rex suas dedit litteras. Quibus omnibus suis ministris iniungit publice hoc indultum in novo orbe denunciare, ut neophyte ad religiosos recurrant in novo orbe ut olim ante Concilium Tridentinum, ut supra diximus, quod privilegium ad litteram in fine in appendice appositum est”, Vera Cruz, *Speculum coniugiorum*, Pars III, art. 8, 156.

¹²⁷ Rodolfo Aguirre has shown how during the 16th century friars exercised *de facto* the “potestates de orden y de jurisdicción” in the doctrines under their supervision. According to Aguirre “las limitaciones para el clero secular eran grandes, al punto que los religiosos ejercían en los hechos la justicia eclesiástica con el apoyo mismo de las autoridades civiles”. It was only during the first half of the 18th century that the figure of the local ecclesiastical judge was consolidated in the Mexican context. See Aguirre Salvador, “El establecimiento de jueces eclesiásticos en las doctrinas de indios”, 15-17.

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