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THEOLOGY, POLITICAL THEORY, AND JUSTIFICATION IN THE JESUIT
MISSIONS TO BRAZIL, 1549-1610

by

JOSÉ EISENBERG

A dissertation submitted to the Graduate Faculty in
Political Science in partial fulfillment of the
requirements for the degree of Doctor in Philosophy, The
City University of New York

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Abstract

THEOLOGY, POLITICAL THEORY AND JUSTIFICATION IN THE JESUIT MISSIONS TO BRAZIL, 1549-1610

by

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Advisor: Professor Melvin Richter

The principal aim of this study is to show the power of a new twist on an established method for interpreting political thought. The secondary aim is to establish a novel set of historical insights made possible by the methodological innovation. The method goes beyond historicism and the subject covers the first generation of Jesuit missionaries in Brazil (1549-1610). An interpretation of the practical political ideas of the missionaries attentive to their strategies of justification will reveal their thought to have been a root of influential political theories subsequently refined and systematized by the influential metropolitan Jesuit theorists in the universities of Portugal and Spain, most notably the elevation of consent to a constitutive factor in legitimacy and the rise of subjective rights as a property of individuals. Such concepts are often traced either to rarified philosophical currents alone or, no less

abstractly, to some supposed correlation with social interests or political trends. The method employed in this study, in contrast, focuses on concrete practices in historically specified institutional settings.

Skinner and Pocock's contextualist method for the study of the languages of political theory is a valuable point of departure for a history of political theory. They nevertheless fall short of explaining the conceptual changes that transform the languages of political theory. Through an analysis of the institutional correspondence between the missionaries and their superiors in Europe over the first sixty years of the Brazilian missions, I show how conceptual changes systematized into doctrine by theorists already lived in prior justifications uttered by political actors.

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This dissertation is dedicated to my parents and to Viviane.

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List of Abbreviations

The following abbreviations identify primary sources throughout the study:

- MBII-45 Monumenta Brasiliae, four volumes, ed. by Serafim Leite, S.J., Monumenta Historica Societatis Iesu, 1938-1950. MBII-45 indicates volume II, letter number 45.
- Lus.32* Manuscripts at the Archivum Romanum Societatis Iesu (ARSI), books containing the letters from Portugal (Lusitania). The number indicates the volume of the book.
- Bras.5* Manuscripts at the Archivum Romanum Societatis Iesu (ARSI), books containing the letters from Brazil. The number indicates the volume of the book.
- AN-XXX Anchieta, José de, Cartas, Informações, Fragmentos Históricos e Sermões (1554-1594), Alcântara Machado (ed.), Civilização Brasileira S.A., Rio de Janeiro, 1933.

Chapter One
Languages, Justification and Conceptual Change in the
History of Political Theory

The principal aim of this study is to show the power of a new twist on an established method for interpreting political thought. The secondary aim is to establish a novel set of historical insights made possible by the methodological innovation. The method goes beyond historicism and the subject covers the first generation of Jesuit missionaries in Brazil (1549-1610). An interpretation of the practical political ideas of the missionaries attentive to their strategies of justification will reveal their thought to have been a root of influential political theories subsequently refined and systematized by the influential metropolitan Jesuit theorists in the universities of Portugal and Spain, most notably the elevation of consent to a constitutive factor in legitimacy and the rise of subjective rights as a property of individuals. Such concepts are often traced either to rarified philosophical currents alone or, no less abstractly, to some supposed correlation with social interests or political trends. The method employed in this study, in contrast, focuses on concrete practices in historically specified institutional settings.

In the last three decades, a new historicist approach to the study of political theory has developed around the expression "the languages of political theory." Centered

on the methodological writings of Quentin Skinner and J.G.A. Pocock, this approach has become widely accepted as an effective way of grounding political theory treatises in the historical context in which they were written, and in the rhetorical practices from which they emerge.¹

The meanings of arguments advanced in political theory books, Skinner and Pocock contend, cannot be understood apart from the context of the performance they entail. On the one hand, political theory texts are written at a certain moment of the author's life, and thus one's theorizing cannot be understood apart from authorial intent. On the other hand, theorizing cannot be understood apart from an interpretation of the authors' social positions and their relations to their audiences and the historical events surrounding them. The result of this dual historical awareness is a contextualism that focuses on the performative dimension of political theories and concepts, leading to a valuable emphasis on the connections between the political languages that surround political theorists in context, and the conceptual changes they

¹ See, for instance, the extensive list of publications under Cambridge University Press' series 'Ideas in Context.'

carry out in their writings.²

Many critics of Skinner's method have nevertheless pointed to its limitations for understanding the works of political theorists in their historical context. Some attack Skinner for lacking historical specificity in conveying the context of theorists; others attack him for his Whiggism, treating past theories as anticipations of present ones.³ The most stringent attacks, however, have come from those who criticize Skinner for diverting the methodological debate away from the concrete problems of how to write the "history of ideas in context" to the remote domains of speech-act theory, as witness the central place assigned to the conception of theorizing as performative speech.⁴

² Quentin Skinner, "Meaning and Understanding in the History of Ideas" in History and Theory, 8, 1969; and J.G.A. Pocock, Politics, Language and Time, Atheneum, New York, 1971.

³ For critiques of Skinner and Pocock's method, cf. the articles collected in James Tully, ed., Meaning and Context: Quentin Skinner and his critics, Princeton University Press, Princeton, NJ, 1988. For the Whiggism of Skinner's method, cf. Nancy S. Struever, Theory as Practice: Ethical Inquiry in the Renaissance, University of Chicago Press, Chicago, 1992. A more recent discussion of this method can be found in Terence Ball, James Farr, and R.L.Hanson, eds., Political Innovation and Conceptual Change, Cambridge University Press, Cambridge, 1989.

⁴ Cf. Kenneth Minogue, "Method in intellectual history: Quentin Skinner's *Foundations*" in James Tully, op.cit.

Skinner's attempt to answer questions about the foundations of his neo-historicist approach through an appropriation of Austin's philosophy of language has no doubt created more confusion than clarity concerning his methodological position. Yet this does not mean that we can disregard the questions he has posed: If we are to write a history of how social and political concepts change, we must have an interpretation of where in the concrete world these changes take place and how the language articulating the theories can be understood to work.

Skinner resorts to Austin's concept of the speech-act, and makes every utterance a potential site where these conceptual changes may take place. In his actual studies in intellectual history, however, he rushes to the grandiloquent and systematic discourses of theorists writing treatises. Pocock's earlier work in the same direction is more focused than Skinner's because he posits a distinction between primary and secondary political texts, avoiding the confusion between systematized theoretical utterance and practical political talk.⁵ Yet

⁵ J.G.A. Pocock defines this connection as the one between first and second order political discourses. Cf. J.G.A. Pocock, Politics, Language and Time, pp.17ff..

Pocock, like Skinner, ends up neglecting primary political texts in favor of the treatises of the Florentine and American political theory traditions.⁶

Skinner and Pocock's neo-historicist method is a valuable point of departure for a method for the history of political theory. Scholars using this approach have provided excellent accounts of academic and political disputes, and meritorious intellectual histories of particular concepts or theorists. But in their works, the transformation of social institutions, the key to political change, and the transformation in the justifications for social institutions, the core of conceptual change, are parallel lines that meet, if at all, in a political theorist's participation in the political events of his times. History unravels as a background narrative to the life history of the political theorists, and the conceptual changes systematized in his treatises are interpreted as creative strokes, authorial intent, by which political theorists mirror the epochs they experienced and the languages they spoke. Skinner and Pocock's preference for early-modern republicanism is not without a methodological underpinning. They prefer it

⁶ Cf. J.G.A.Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*,

because republican authors were often political theorists as well as practitioners, engaged in the politics of their historical context. This non-accidental coincidence obscures the methodological shortcomings of their approach.

My methodological thesis is that the history of political theory is not only the history of the languages of political theory, as suggested by Skinner and Pocock; it is also a history of the conceptual changes that transform these languages in history. Skinner and Pocock's contextualist method can give us the former; but it cannot provide the latter. The history of the "languages of political theory" has stopped short of providing an explanation for conceptual change. Understanding conceptual change entails finding a way of showing how concepts are replaced or altered before these changes appear in the political theories that systematize those "practical and speculative problems" into formalized doctrine. An astute critic writes:

[C]onceptual change might be understood as one rather strikingly imaginative outcome of the process of political actors attempting to solve the problems they encounter as they try to understand and change the world around them ... Theories, in turn, may be understood as intentional and rational attempts to solve practical and speculative problems generated in

Princeton University Press, Princeton, 1975.

or between political beliefs, actions and practices.⁷

Political actors, acting within certain institutional settings, must explain why they chose to proceed in one way or another; in the process, they justify why they depart from previous theories, or at least adapt their rationales to the actions appropriate to the practical problems before them. If theories are to be understood as social practices themselves, then we must comprehend their connection to the discursive social practices where conceptual changes take place, namely, justificatory practices.

In order to understand conceptual change historically, therefore, we must first distinguish between systematic political thought, and the justificatory practices that precede it. The units of justificatory practices are motives attributed by actors to their political actions. In politics, rarely can actors choose to remain silent: they must provide justifications for their actions. Sometimes, these justifications take the form of blunt excuses for furthering one's interests; other times, they may become moralizing maxims derived from a particular

⁷ James Farr, "Understanding conceptual change politically," in T. Ball, J. Farr, and R. L. Hanson, eds., Political Innovation and Conceptual Change, p.33.

religious worldview. In either case, what separates political action from other forms of social action, is the imperative of justification. Justifications are the utterances through which every political actor must attribute motives for his or her institutional actions and decisions, especially when they are new departures from established ways.⁸

The units of systematic political theories are also justifications. They provide actors with rhetorically efficient ways of expressing their motives for actions or decisions. Although the creativity of theorists can be the source of important conceptual changes to the languages of political theory, more often theorists are engaged in efforts to systematize already existing justifications into coherent doctrine. The works of a political theorist, accordingly, cannot be understood out of the context of the languages of justification articulated by political agents before and during the theorist's times. The new ways of

⁸ Cf. Kenneth Burke, The Grammar of Motives, Univ. of California Press, Berkeley, 1945, p.xv: "The basic forms of thought... in accordance with the nature of the world as all men necessarily experience it, are exemplified in the attributing of motives. These forms of thought can be embodied profoundly or trivially, truthfully or falsely. They are equally present in elaborated metaphysical structures, in legal judgements, in poetry and fiction, in political and scientific works, in news and in bits of gossip offered at random."

speaking about politics later systematized by theorists are born in this intermediary level of political reflection. We must deviate, therefore, from Skinner and Pocock's exclusive focus on political theorists and their writings and search for conceptual change in the writings of those who must justify their practices in institutional settings.⁹

Through an analysis of the institutional correspondence between Jesuit missionaries and their superiors in Europe over the first sixty years of the Brazilian missions (1549-1610), I will show that the two conceptual changes introduced by Jesuit political theorists at the turn of the seventeenth century had already taken place decades earlier, in the writings of the missionaries who had to justify the politics of their conversion enterprise.

First, long before the Jesuit theologian Juan de Mariana wrote his De Rege et Regibus Institutione (1599), the missionaries in Brazil articulated the consent theory

⁹ As Melvin Richter has recently noted, the methodological approach developed in Germany by Reinhart Koselleck and his followers (*Begriffesgeschichte*, or history of concepts) would add much to the methods developed by Skinner and Pocock in the English speaking world. According to this approach, concepts should be taken as social-cultural formations which have a history of their own. Cf. Melvin Richter, The History of Political and Social Concepts, Oxford University Press, New York, 1995.

of the legitimate origins of political authority (*dominium*) in the context of justifying their rule over the Indians. Like Mariana decades later, the Jesuits in Brazil substituted consent for nature as the source of the legitimacy of political rulers.

Second, long before the Jesuit theologian Luis de Molina wrote his De Iustitia et Iure (1592-3), the Jesuits in Brazil articulated the subjective concept of rights (*ius*) in the context of justifying when the slavery of the Indians was legitimate.¹⁰ Like Molina decades later, the

¹⁰ The terms "objective" and "subjective" as qualifiers to the concept of right (*ius*) were coined by Michel Villey, "L'idée de droit subjectif et les systèmes juridique romains," in Revue historique de droit, Series 4V 24-5, 1946, pp.201-28. They were first used in English by Richard Tuck, Natural Rights Theories, Cambridge University Press, Cambridge, 1979. I agree with Tuck that this Continental terminology is better than the English corresponding terms "passive" and "active" rights, coined by David Lyons, "The Correlativity of Rights and Duties," in Nous, vol.4, 1970. Lyons' terminology can be confusing because every active right can always be rephrased as a passive one. Above all, in the case of property (*dominium*), the active right to use and dispose of one's possessions always produces a corresponding duty imposed on others to allow the exercise of that right. One's active right to private property, for instance, is also one's passive right to be allowed by others to do so. The subjective/objective qualifiers circumvent this ambiguity and go to the core of the semantic dilemmas in Latin that occupied medieval and early-modern natural law theorists. Jurists in this period had to decide whether rights (*ius*) were rightful relations in an objectively defined and particular context, or capacities (*facultas*) one held as a possession (*dominium*). Thus "subjective" and "objective"

Jesuits in Brazil replaced the Dominicans' objective interpretation of natural rights as inalienable gifts from God, with a subjective concept of rights, defined as human faculties (*facultas*) that can be disposed of at will.

Both conceptual changes developed during the institutional building of the Jesuit order in its early days, decade before they were systematized into doctrine by Mariana and Molina, in a period when the Jesuit missionaries were trying to turn the theology of their leader, Ignatius of Loyola, into formalized institutional practices of conversion. As we shall see in the next chapter, when the Jesuits developed the voluntarist elements of Ignatius of Loyola's spirituality into an institution organized for the collective charitable action of his followers, the Society of Jesus, Ignatius' voluntarist interpretation of Christian action and devotion translated into what the Jesuits called "the way of proceeding of our Institute." That self-description of the Jesuit institutional identity comprised a dual agenda of

are better hermeneutical tools for they disclose the medieval and early-modern quandaries concerning people's mastery and control over the rights they held, regardless of the corresponding duties these rights produce. On the revival of Thomism in the sixteenth century and the development of those two concepts, see Quentin Skinner, The Foundations of Modern Political Thought, vol.II, Cambridge University Press, Cambridge, 1978, chapter 5.

personal sanctification and apostolic activity, oriented by the Jesuit concept of prudence.¹¹

Originating in Ignatius' Spiritual Exercises (1521), the Jesuit concept of prudence was an interpretation of what comprised the good management of their religious institution. It was centered on the epistolary institution, a massive periodical correspondence amongst the dispersed Jesuits throughout the 16th century world. It was in this epistolary institution that the Brothers of the Society of Jesus were asked to provide good justifications for their missionary strategies and political activities.

Manuel da Nóbrega and the first Jesuit missionaries to the New World arrived in Brazil in 1549, and immediately experienced what is known in the literature as the New World encounters. The activities of the first Jesuits in Brazil were centered on the conversion of the Tupi Indians they encountered in Brazil. In these "New World encounters," the Jesuit missionaries discovered that the only way to convert the Indians was adapting their own

¹¹ The term "voluntarism" is used here in its theological meaning, to denote a stress on human free will rather than divine direction and determination. This meaning is in contrast with its use in legal philosophy, where it denotes a stress on law as the expression of the will of the

religion and its ritual display to the customs and cultures of the natives they wanted to persuade.

Anthony Pagden's The Fall of Natural Man opened the way for political theory students interested in the New World missionaries' encounters with the pagan Indians and the political ideas that developed therefrom.¹² However, most students of the political theory of the Jesuit missions to the New World have neglected the *Aldeias* of the sixteenth century missions to Brazil, focusing instead on the missions to Paraguay in the early seventeenth century. The Paraguay *reducciones*, as they became known, were the most famous Jesuit missionary experience in the early-modern period. Like the *Aldeias*, they consisted of large communities of native Guarany Indians, ruled by Jesuit

lawgiver.

¹² Anthony Pagden, The Fall of Natural Man: the American Indian and the origins of comparative ethnology, Cambridge University Press, Cambridge, 1982. Especially after 1992 and the celebration of the 500 years of Columbus arrival in America, the term New World encounters has become a widely used term to interpret the events that had earlier been described as the discovery and conquest of America. The assumption embodied in this term is that the first American experience was the one by which the arriving culture - the Europeans - and the indigenous culture of the Americas encountered one another. The precursors to the literature on the New World Encounters were Lewis Hanke, Aristotle and the American Indians. Indiana University Press, Bloomington, 1959; and J.H.Elliott, The Old World and the New, 1492-1650, Cambridge University Press, Cambridge, 1970.

priests under a unique political and economic system that has been characterized as "democratic" and "communist." Even Marx and Bakunin, in the heat of their 1870s debates, were caught up in this mystification of the Jesuit missions to Paraguay. Mocking the plans of Bakunin and his supporters, Marx wrote:

If the society of the future were organized according to the model of the Russian section of the Alliance, it would supersede by far the Paraguay of the revered Jesuit Fathers, which are so dear to Bakunin.¹³

While there was no doubt something unique about the political theory of the Paraguay *reducciones*, there was nothing "democratic" or "communist" about them, in the sense of either Bakunin or Marx. The system of rule in the settlements was more similar to a paternalistic and benevolent despotism by the Jesuits. The economy of the settlements, moreover, was anything but "communist," even if organized for the benefit of the natives. The land was used and shared by all, but the Church owned it, not the

¹³ Marx, Engels and Paul Lafargue, "De L'Alliance de la Democratie Socialiste et l'Association Internationale des Travailleurs," written in 1873 and published and translated into German by Engels in 1874, in "Marx Engels Werke," t.XVIII, p.438. Cited in Karl Marx and Friedrich Engels, Contribuição para uma História da América Latina, ed. by Pedro Scoron, Edições Populares, São Paulo, 1982, p.140.

Indians. The Jesuit activities in the New World resonate through much later political thought, but the reality is more interesting than the myth. The mystical view of the Jesuit missions to Paraguay scorned by Marx has survived over the centuries because the *reducciones* have usually been analyzed out of their context. That context was the Jesuit missions to Brazil in the sixteenth century, and the political institutions stemming therefrom.¹⁴

As we shall see in chapter three, the Jesuits in Brazil wrote ethnographies of the Tupi Indians in order to justify their missionary practices, and in these they described when and how they succeeded in converting the Indians. Learning the native language, and healing the Indians from diseases, the Jesuits narrated, were the two most efficacious ways of persuading the natives to convert. But the Indians "returned to their old ways," the Jesuits realized, and the settlers' attacks on the Indians made them suspicious of Europeans with more noble causes, such

¹⁴ For the context of the Paraguay missions in depth is Arthur Rabuske, S.I., "O Modelo das Reduções Guaranis: Brasileiro ou Peruano?" in Anais do II Simpósio Nacional de Estudos Missionários, Faculdade de Filosofia, Ciências e Letras Dom Bosco, Santa Rosa, 1977. The question in that article is whether the Brazilian missions or the missions to Juli in Peru were the model for the Paraguay *reducciones*.

as the Jesuits.

The encounter between those first Jesuits and the Tupi Indians in Brazil, and the failure in converting them to Christianity, was the historical experience that shaped the institutionalization of the Jesuit missions to the New World. When searching for new ways of converting the pagans through persuasion, as prescribed by Thomist moral theology, Nóbrega and his peers founded a new institution and justified them by adapting Thomism through the two conceptual changes which are addressed next.

Chapter four discusses the first of these conceptual changes: the development of the consent theory of the legitimate origins of political authority (*dominium*). In the Brazilian context, this conceptual change was carried out by Manuel da Nóbrega in two practical texts written in the late 1550s. In the Dialogue on the Conversion of the Pagans (1556), Nóbrega argued some political ideas about the Tupi's natural condition and the role of civility in making the pagans become Christians. His theological and ethnographic inquiry into the prospects of converting the Tupi prompted him to find more efficient strategies for converting the pagans, and this search generated the set of Jesuit justifications that gave birth to the main institution the Jesuits devised for their missionary

enterprise: the *Aldeias*.

The *Aldeias* were the new institutions Nóbrega proposed for the missions in his Civilizing Plan of 1559. They were large settlements of Indians who had consented to submit to the Jesuits' authority in exchange for protection. In the Spanish world, the Dominicans found a way of reconciling the interest of the settlers in the labor of the native with the papal determination that the pagans of the New World were free human beings, through the *encomienda* institution, through which the Indians rented their labor to the settlers. In the *Aldeia* system devised by Nóbrega, however, he articulated a different solution to that same dilemma. He argued that the Indians who refused the Jesuits' protection could actually be taken as slaves through a just war by the colonial authorities. For Nóbrega, the immanent threat of just violence did not coerce the Indians to convert; on the contrary, he argued, the Indians would "consent out of fear."

Nóbrega's justification for the *Aldeias* in the Civilizing Plan, became the model for the Jesuit missions at Juli, in Peru, only a few years later, and it became a model for the Paraguay *reducciones* as well. Most important, Nóbrega's justification for the *Aldeias* gave birth to the consent theory of the legitimate origins of

political authority (*dominium*) later developed by Juan de Mariana.

In justifying the *Aldeias*, Nóbrega effected the conceptual substitution Mariana enunciated three decades later in his De Rege. Thomas Aquinas had already defined consent as a material cause of political authority (*dominium*).

Sixteenth century Dominicans such as Francisco Vitória went as far as arguing consent was an efficient cause of political authority. But Nóbrega and Mariana distanced themselves even more from Aristotelian doctrine, moving beyond the Dominicans and their interpretation of Thomism. Nóbrega and Mariana argued the Indians (natural man) had "consented out of fear" to live in the *Aldeias* (political society), and this consent, not nature, was the legitimate source of the Jesuits' (sovereign) authority over the Indians in the *Aldeias* (citizens).

While this first conceptual change in Jesuit political theory was a substitution of concepts (consent taking the place of nature), the second conceptual change carried out by the Jesuit missionaries was a shift in the meaning of the concept of rights. As we shall see in chapter five, the institutionalization of the missions and the implementation of the *Aldeia* system led to the development of a new generation of Jesuit missionaries that was more

interested in the budding Jesuit schools in the colonial towns, and in educating the settler laity.

In 1567, when Nóbrega debated a law on voluntary slavery with the Jesuit Quirício Caxa, a member of that younger generation, Nóbrega's opponent proved less inclined to missionary fervor. In Caxa's interpretation of the law, the Indians could sell their liberty if they were over twenty-one years old, for liberty is a right (*ius*) one possesses as property (*dominium*). The settlers claimed the Indians they held as slaves had actually sold their liberty to them. Caxa provided a justification for the voluntary slavery claims of the settlers; therein, he articulated the subjective concept of rights decades before Molina wrote the same argument out in his De Iustitia et Iure.

The Jesuit missions to Brazil in the sixteenth century have been studied by many scholars with different agendas. But the only one to have analyzed the political theory of the missionaries in Brazil was Sérgio Buarque de Holanda, in Vision of Paradise.¹⁵ In that book, however, Buarque

¹⁵ Sérgio Buarque de Holanda, Visão do Paraíso, Editora Brasiliense, São Paulo, 1959. Serafim Leite's ten volume history of those missions, História da Companhia de Jesus no Brasil, v.1-10, Livraria Portugalia, Lisboa, 1938-50, is still the most important historiographical reference on the sixteenth century Jesuit missions to Brazil. See also, Luiz Felipe Baêta Neves, O Combate dos Soldados de Cristo na Terra dos Paraguaiois (Colonialismo e Repressão

focuses on the Edenic motives contained in the Jesuit letters, and the political theory of the missions is reduced to sparse comments on the Thomist natural law theory that justified the missions. Upon his encounter with the Caxa v. Nóbrega Debate, Buarque de Holanda dismisses Caxa's opinion, and claims all "conquest" issues had already been settled by the Dominicans in the Spanish debates of the first half of the sixteenth century.

Sérgio Buarque de Holanda was wrong, however. There were many political theory issues that remained unsettled when the Jesuits arrived in Brazil, and those first missionaries discussed several of them. In the process, as we shall see in what follows, they carried out the conceptual changes later systematized by Jesuit political theorists. De Holanda's error was due not to a failure of erudition, but to a weakness in method. An adequate structural analysis of Jesuit political thought requires close attention to the strategies of justification developed in concrete controversies and given voice through the peculiar institutions of the order.

Cultural), Forense Universitária, Rio de Janeiro, 1978; and José Maria Paiva, Colonização e Catequese, 1549-1600, Cortez Editores, São Paulo, 1982.

Chapter Two
The Jesuit "Way of Proceeding" and the Epistolary
Institution

Reading and writing letters was such an important activity in the daily life of the Jesuits in the sixteenth century that it becomes impossible to understand the development of Jesuit political theory without first understanding how the Jesuit letters participated in that development. Moreover, the conceptual changes fostered by Jesuit political theory at the turn of the seventeenth century cannot be understood apart from the justifications produced by the Jesuits in the institution-building process that took place in the first two decades of the Society of Jesus.

The Jesuit epistolary institution originated in the Jesuits' self-interpretation of their vocation, first expressed by Ignatius of Loyola, the founder of the order, in the Spiritual Exercises, written in 1522 and published in print for the first time in 1548. Ignatius' only religious writing, the Spiritual Exercises provided a guide for devotion based on the performance of prayer exercises that helped the exercitant purify his heart. After the foundation of the Society of Jesus in 1540, Ignatius and his companions transformed this method of Christian devotion into a method for religious action in the world. Ignatius devised an institution that required from the Jesuits that they constantly justify their deliberations,

their practices and their commands to superiors. The instrument Ignatius created for this purpose was the epistolary institution. The Jesuit letters were the sites of all Jesuit justifications, and it was therein that Jesuit political theory was born.

In this chapter, I will examine the development of the Jesuit epistolary institution, its practices, rhetoric and justificatory procedures, and show how that institution developed from what the first Jesuits called "the way of proceeding of our Institute." When Ignatius and his companions decided to create a new religious order in 1539, it was upon that "way of proceeding" that they erected the basic organizational principles of their new institution. It was that "way of proceeding," furthermore, which shaped the formalized set of norms of The Constitutions of the Society of Jesus.

First published two years after Ignatius' death, The Constitutions (1558-59) were the consolidation of almost two decades of reflection and debate within the Jesuit order on the best way to organize the institution. The detailed rules it contained for the organization of the Jesuit educational system and their apostolic activities, as we shall see, translated the language of religious devotion articulated by Ignatius in the Spiritual

Exercises, into a language of institutional organization that departed, in many ways, from prior models of Church organizations. Its most important departure was undoubtedly the epistolary institution, the instrument through which Ignatius and his peers put their "way of proceeding" into practice.

1. The Jesuit "Way of Proceeding"

First laid out in the Formula of the Institute (1540) the key concepts of the Society of Jesus were charity, obedience, poverty, and freedom from monasticism.¹⁶ These concepts were not necessarily new, as the Jesuits inherited all of them from previous forms of religious organization within Christianity. The specificity of the Jesuit organization resided instead in a less formalized but far more important concept orienting the practices of the members of the Society. In the sixteenth century, the

¹⁶ The Formula of the Institute consists of the "five chapters" (*Quinque capitula*) found in paragraphs [3-8] of the bull of Pope Paul III, *Regimini militantis Ecclesiae* (1540) which sanctioned the Jesuit order. It reappeared later, in slightly revised form, in Pope Julius III's bull that confirmed the Jesuit order, the *Exposcit debitum* (1551). Cf. Ignatius of Loyola, The Constitutions of the Society of Jesus, ed. by George E. Ganss, S.J., Institute of Jesuit Sources, St. Louis, 1970, p.36ff.

Jesuits referred to this concept as the "way of proceeding of our Institute" (*noster modus procedendi; nuestro modo de proceder*). The Jesuit "way of proceeding" defined the institutional ethos of the Jesuit order and its members' self-understanding of their institutional identity. The first Jesuits believed that what made them "Jesuits" was that they all proceeded in the same way.¹⁷

The Jesuit "way of proceeding" encompassed a moral as well as an institutional self-interpretation of the Brothers' vocation. From a moral standpoint, the Jesuits sought personal sanctification through the disciplined method prescribed by Ignatius of Loyola in his Spiritual Exercises. From an institutional standpoint, the Jesuits sought primarily apostolic activities that were oriented by the Thomist soteriological precept that performing charitable works helps save one's soul.¹⁸

¹⁷ As O'Malley notes, the expression probably originated with Ignatius, and it is present throughout the Jesuit correspondence. In the circular letters the secretary of the order, Fr. Juan de Polanco, wrote to the Brothers, he explained, among other things, what it meant to be a Jesuit and how their "way of proceeding" was to be converted into practices. Cf. O'Malley, The First Jesuits, pp.8-11.

¹⁸ The terms 'personal sanctification' and 'apostolic activity' to define Ignatius' project were first introduced by George E. Ganss in the introduction of The Constitutions of the Society of Jesus.

Ignatius' dual agenda of personal sanctification and apostolic activity originated in the mendicant approach invented by the Franciscans and adopted by the Dominicans. As Ignatius himself noted in his Autobiography (c.1557), he wanted to proceed as St. Francis and St. Dominic had proceeded:

"What if I should do what St. Francis did, and what St. Dominic did?" ... "St. Dominic did this, therefore I have to do it; St. Francis did this, therefore I have to do it."¹⁹

But while the mendicant approach to devotion was based upon withdrawal into the monastery, obedience to its rules, and participation in its activities (prayer, fasting, good works, recital of divine office in choir, and studies), Ignatius' proposal for personal sanctification freed the devotee from the monastic institution. Ignatius' project replaced the monasticism of the mendicant orders with a private method of personal sanctification, achieved by the devotee through private prayer exercises.

When Ignatius decided to create an institution to carry out his religious project, he and his peers set out to transform this dual agenda of personal sanctification

¹⁹ Ignatius of Loyola, "The Autobiography," in George E. Ganss, editor, Ignatius of Loyola: Spiritual Exercises and Selected Works, Paulist Press, New York, 1991.

and apostolic activity into a method for the good administration of the institution and into a program for its organized activities. From Ignatius' concept of personal sanctification, the Jesuits developed a method for the good administration of the Society based on the concept of prudence. From Ignatius' concept of apostolic activity, the Jesuits developed their missionary institution.

The Jesuit concept of prudence developed out of the method of personal sanctification prescribed by Ignatius of Loyola in the Spiritual Exercises. Written at Manresa in Spain, a year after Ignatius was injured as a knight battling the French at Pamplona, the Spiritual Exercises were a distillation of Ignatius' own process of conversion from knight to priest. As he notes in his autobiography,

... He [Ignatius] told me that he had not composed the Exercises all at once, but that when he noticed some things in his soul and found them useful, he thought they might also be useful to others, and so he put them in writing, for example, the examination of conscience with that arrangement of lines, and so forth. He told me that he derived the elections in particular from that diversity of spirits and thoughts which he had at Loyola when he was still suffering in the leg.²⁰

Ignatius was not alone in believing that his personal

²⁰ Ignatius' Autobiography, p.110-111. This is the account by the ghost writer of Ignatius' autobiography, Luis Gonçalves da Câmara.

experience of "conversion" was the source of the Jesuit "way of proceeding." Some of his contemporaries went as far as to suggest that "the whole life of the Society is contained in germ and expressed in Ignatius' story."²¹

For the Dominicans, personal sanctification required the mediation of monastic institutions. For Ignatius, however, the devotee achieved that sanctification alone, privately exercising his soul to prepare it for the infusion of Grace. Comparing spiritual with bodily exercises such as walking and running, Ignatius defined the purpose of the Spiritual Exercises as

...preparing and disposing our soul to rid itself of all its disordered affections, and then, after their removal, of seeking and finding God's will in the ordering of our life for the salvation of the soul.²²

Ignatius was strongly influenced by the late medieval Flemish pious movement known as the *devotio moderna*. He read the main spiritual reading coming out of that movement, Thomas à Kempis' The Imitation of Christ

²¹ Jeronimo Nadal, during a 1567 visit to the Jesuit house in Cologne. Cited in O'Malley, The First Jesuits, p.65.

²² Ignatius of Loyola, Spiritual Exercises, first explanation, p.121. Citations from the Spiritual Exercises are from in George E. Ganss (ed.), Ignatius of Loyola: The Spiritual Exercises and Selected Works, Paulist Press, New York, 1991.

(c.1427), immediately before he wrote the Spiritual Exercises.²³ Like Kempis, Ignatius was also centered on private meditations on the life of Christ.

In structure, however, the book that most influenced Ignatius' Spiritual Exercises was Abbot Garcia de Cisneros' Book of Exercises for the Spiritual Life (1515). Head of the Montserrat monastery Ignatius visited before he arrived in Manresa, Garcia de Cisneros was also influenced by *devotio moderna*. Ignatius followed Garcia de Cisneros in organizing his book around daily prayer exercises.

As in the *devotio moderna*, Cisneros' and Ignatius' concept of personal sanctification was also based on practicing exercises (*exercitium*) in order to achieve purity of heart (*puritas cordis*). For Ignatius, the soul converted to the good life was the one prepared to be infused with grace, and the cleansing of the soul from sin was a process similar to conversion. The soul began the process in a state of desolation:

By desolation I mean everything which is the contrary ... for example, darkness of soul, turmoil within it, an impulsive motion toward low and earthly things, or disquiet from various agitations and temptations... One is completely listless, tepid, unhappy, and feels separated

²³ Thomas à Kempis, The Imitation of Christ, Image Books, Garden City, 1955.

from our Creator and Lord.²⁴

And gradually arrived at a state of consolation:

Under the word consolation I include every increase in hope, faith and charity, and every interior joy which calls and attracts one toward heavenly things and to the salvation of one's soul...

Consolation was the sign to the exercitant that his heart was in the process of being purified. Reaching that state comprised a diligent process of exercising the soul in preparation for the infusion of grace.

But Ignatius' book also departed from the *devotio moderna* spirituality of Kempis' Imitatio Christi.

While the latter was intended for the solitary contemplation of the devotee, Ignatius copied Garcia de Cisneros' Book of Exercises: he offered practical instructions directed simultaneously to the one doing the exercises and to the one who will direct the exercitant through the exercises.

Ignatius defined the relationship between the director and the exercitant in the first part of the Spiritual Exercises, the "Introductory Explanations." The director was not to transmit any substantive knowledge to the

²⁴ Ignatius of Loyola, Spiritual Exercises, "Rules for the Discernment of Spirits," third and fourth rules, p.202.

novice, he instructed, but to 'guide' the student in the performance of the exercises. For Ignatius, there was a middle road between blind enthusiasm and blind ignorance that the exercitant had to find. The director's role was to keep the exercitant as close as possible to that road:

The one giving the Exercises should not urge the one receiving them toward poverty or any other promise more than toward their opposites, or to one state or way of life more than to another... But during the Spiritual Exercises, when a person is seeking God's will, it is more appropriate and far better that the Creator and Lord Himself should communicate Himself to the devout soul, embracing it with love, inciting it to praise of himself, and disposing it for the way which will most enable the soul to serve Him in the future. Accordingly, the one giving the Exercises ought not to lean or incline in either direction but rather, while standing by like the pointer of a scale in equilibrium, to allow the Creator to deal immediately with the creature and the creature with its Creator and Lord.²⁵

The exercitant will learn only from his "dialogue" with God, and the role of the director is only to indicate the manner of that learning process.

The director's intervention is neither corrective nor prescriptive; it is either inquisitive or consolatory. The mystical propaedeutics of Ignatius' Spiritual Exercises thus prescribed a director who does not instruct but

²⁵ Idem, "Introductory Explanations...", explanation 15, p.125.

guides. He is a therapeutic guide, a doctor of the exercitant's soul monitoring the therapy of the exercises to heal the spirit of the devotee. When the patient deviates from the prescribed therapy, the director warns him and shows the right path; when he seems unaffected by the treatment, he inquires whether the novice has taken the remedies as prescribed. When the exercitant shows progress and seems "with consolation and with much fervor", the director ought to "warn the person not to make some promise or vow which is unconsidered and hasty."²⁶

The Jesuit design of the institutional hierarchy of their religious order mirrored this mystical propaedeutics of the Spiritual Exercises. In Ignatius' conception of

²⁶ Idem, explanation 14, p.124. It is likely that both Cisneros and Ignatius ultimately borrowed this pedagogic method of devotion from the Spanish popular mystics, who since the 13th century had incorporated much of Arab mysticism. The similarities between Ignatius' method and the methods of Sufism -- also based upon a relationship between a spiritual director and a pupil focused on the latter's self-learning -- suggest that the appropriate genealogy runs from Ignatius to earlier mystics such as Ramon Lull (1235-1315), who was heavily influenced by Sufi thinkers in the Iberia peninsula such as Abenmasarra. Garcia de Cisneros' uncle, the Cardinal Ximenes Cisneros was a great admirer of Lulian mysticism. Cf. Francisco Rodrigues, S.J., História da Companhia de Jesus na Assistência de Portugal, Tomes I and II, Empresa Editora, Porto, 1931, pp.178ff. On the similarities between Ignatius and Ramon Lull, see Alison Peers, Studies of the Spanish Mystics, vol.1, 2nd ed., Macmillan Co., New York, 1951, p.4ff.

the Society of Jesus, the role of the superiors within the institution was similar to the therapeutic role ascribed to the director in the Spiritual Exercises:

...he ought to be endowed with great understanding and judgment, in order that this talent may not fail him either in the speculative or the practical matters which may arise. And although learning is highly necessary for one who will have so many learned men in his charge, still more necessary is prudence along with experience in spiritual and interior matters, that he may be able to give counsel and remedies to so many who will have spiritual necessities.²⁷

In fact, the Jesuit superiors retained many of the religious functions originally ascribed to the director by Ignatius: they would guide the Brothers in the Jesuit houses, confess them, and help them make good decisions in their religious activities.

The transformation of Ignatius' concept of obedience from the Spiritual Exercises to The Constitutions played an even larger role than this mystical propaedeutics in shaping the Jesuit organization. Written only a year after Ignatius' injury forced him to abandon his career as a knight, the Spiritual Exercises reproduced the medieval military orders' concept of obedience to the Church. Like the Templars and the Hospitallers, the Jesuits at first

²⁷ Ignatius of Loyola, The Constitutions of the Society of Jesus, [729], p.310.

envisioned themselves as "soldiers" of Christ and of his vicar on earth, the Pope:

To keep ourselves right in all things, we ought to hold fast to this principle: What I see as white, I will believe to be black if the hierarchical Church thus determines it. For we believe that between Christ our Lord, the Bridegroom, and the Church, his Spouse, there is the one same Spirit who governs and guides us for the salvation of our souls.²⁸

In the Formula, this concept of blind obedience to the Church translated into a novel religious concept: the Jesuits added a special vow of obedience to the Pope along with the three traditional religious vows of poverty, chastity and obedience. According to the Formula,

In addition to that ordinary bond of the three vows, we are to be obliged by a special vow to carry out whatever present and future Roman pontiffs may order which pertains to the progress of souls and the propagation of the faith; and to go without subterfuge or excuse, as far as in us lies, to whatsoever provinces they may choose to send us - whether they are pleased to send us among the Turks or any other infidels, even those who live in the region called the Indies, or among any heretics whatever, or schismatics, or any of the faithful.²⁹

As O'Malley has reminded us, this vow was not in fact a vow

²⁸ Ignatius of Loyola, The Spiritual Exercises, "To have the true sentiment which we ought to have in the Church militant," 13th rule, p.213.

²⁹ The Formula of the Institute, in Ignatius of Loyola, The Constitutions of the Society of Jesus, ed. by George E. Ganss, p.68.

to the Pope or even about him.³⁰ It was a vow to God about missionary activities. Through it, the members of the Jesuit order promised God to carry out missions wherever the Pope told them to. In contrast with the vow to enter monastic life of the medieval cloistered orders, this vow represented a vow of mobility: the Jesuits promised not to become attached to any locality and to be always available to do good works where the authorities found fit.

Besides mobility, however, this vow of obedience to the pope also allowed the new religious order to remain autonomous from and outside the jurisdiction of Christian kings. Owing allegiance only to the pope and to their superiors within the order, the members of the Society of Jesus were also, most important, outside the jurisdiction of local religious authorities. The special vow of obedience to the pope was the main difference between the Jesuit and the Dominican concepts of obedience. The Dominicans were bound to the local secular clerical hierarchy. The Jesuits, in contrast, by being placed under the direct authority of the Pope, often deemed themselves free of obligations towards these authorities.³¹

³⁰ Cf. John O'Malley, The First Jesuits, pp.299ff.

³¹ For the Dominican concept of obedience see Hinnebusch,

The experience of the first years of managing the Jesuits' international enterprise taught Ignatius, however, that blind obedience to one's superiors was not the best way of managing his religious institution. In a famous 1553 letter to the Brothers at the Coimbra school, Ignatius revised his concept of obedience:

We cannot say, therefore, that obedience embraces only the execution to carry out the command, and a will to feel good about it, but that it also carries the judgment to see things the way the Superior orders them, in so far ... as one's understanding may be swayed by the will.³²

The blind obedience Ignatius prescribed in the Spiritual Exercises was of little use in the institution-building context in which the Jesuits found themselves in 1553. The missionary fervor of the Brothers in the East, in America, and throughout Europe, depended on having them believe the decisions they took were good ones, and on having them obey the orders from their superiors as if they had resulted from decisions of their own.

In Ignatius' view, the missions depended on this revised concept of obedience in order to prosper. He later

History of the Dominican Order, vol.1, Alba House, NY, 1966, pp.129-132.

³² "Letter on Obedience" (1553), translation from Antônio T. de Nicholas, Powers of Imagining: Ignatius of Loyola, SUNY Press, Albany, 1986, p.303.

formalized the concept in the Jesuit Constitutions:

The command of obedience is fulfilled in regard to the execution when the thing commanded is done; in regard to the willing when the one who obeys wills the same thing as the one who commands; in regard to the understanding when he forms the same judgment as the one commanding and regards what he is commanded as good. And that obedience is imperfect in which there does not exist, in addition to the execution, also that agreement in willing and judging between him who commands and him who obeys.³³

Movements in one's will to obey blindly the orders of superiors were to no avail if they were not accompanied by movements of one's reason to understand the reasons to obey. Ignatius' revised concept of obedience thus required the consent of the one who obeys. And manufacturing this consent required that superiors justify their command so that the Brothers understand why they obey, and required

³³ The Jesuit Constitutions, par.[550], p.249. There is only one passage in the Constitutions where Ignatius' language is reminiscent of the concept of blind obedience expressed in the Spiritual Exercises. In that passage, however, he utilizes the metaphor of a dead body: the one who obeys should make his will into the will of a corpse, a "lifeless body which allows itself to be carried to any place and to be treated in any manner desired..." Cf. The Constitutions, par. [547], p.248. This concept of a lifeless body, however, seems to speak more to the vow of mobility that characterizes the special vow to the Pope, than to the problem of carrying out commands. Everytime Ignatius speaks of carrying out commands in the The Constitutions, he speaks of compliance depending on consent. For a discussion of Ignatius' concept of obedience, see Manuel M. Espinosa Pólit, S.J., Perfect Obedience, Westminster, Md., 1947.

that the Brothers justify how indeed they were persuaded by the righteousness and utility of the command. Obedience involved a reenactment of the superior's decision, and that required a going-along-with the reasoning of the authority unachievable by passive acceptance.

The centrality of justificatory practices in the Jesuit "way of proceeding" entailed that obedience had to be complemented with prudence on the part of those who gave orders and/or obeyed. Thus, the Jesuit organization had to be complemented with institutions that educated the Brothers into becoming prudent Jesuits.

The development of the Jesuit concept of prudence is intertwined with the development of Jesuit casuistry. Jesuit casuistry was a comprehensive method for training the Jesuits in the virtue of prudence. Its purpose was to insure that the Brothers would virtuously and efficiently exercise religious functions of authority, such as confessing the laity and acting as superiors in the order. Casuistry encompassed an education in rhetoric and the skills of persuasion as well as in practical reasoning and the skill of making good decisions.³⁴

³⁴ Jesuit casuistry became a popular theme in the seventeenth century. Cf. Margaret Sampson, "Laxity and Liberty in Seventeenth-Century English Political Thought"

Like the Jesuit concept of obedience, the Jesuit concept of prudence also originated in the Spiritual Exercises. In the daily examinations of conscience Ignatius prescribed in that book, the exercitant learned to distinguish the movements in his soul that were prompted by the Lord from the movements prompted by His enemy, Lucifer. Ignatius also determined that the exercitant should also keep a daily accounting of his sins, writing down each time he falls into a particular defect or sin. This remembrance of sin through accounting fulfilled the function of penance.

Ignatius' stress on penance through remembrance of sin was not unusual in his times. The confessional - the main Church institution associated with penance - experienced a revival in the early-modern period, and manuals of confession were increasingly used throughout religious schools to train the clergy in the functions of the

in Edmund Leites, ed., Conscience and Casuistry in Early-Modern Europe, Cambridge University Press, 1988. The pivotal work that popularized that Jesuit concept was Blaise Pascal's famous Lettres Provinciales (1656-7), a stringent attack on the Pelagianism of the Jesuits. See also Albert Jonsen and Stephen Toumlin, The Abuse of Casuistry: A History of Moral Reasoning, Univ. of California Press, Berkeley, 1988, where the authors analyze the history of the concept from antiquity to the present, and identify the Jesuit period from the mid-sixteenth century to the mid-seventeenth century as the high period of casuistry.

confessor. Developed in the medieval period in the midst of the elaboration of Canon Law, the sacrament of confession was conceived as a therapy as well as a tribunal for the judgment of sins.

In The Constitutions, Ignatius' stress on penance translated into periodic confessional practices prescribed for the order's members. Like much of the late-medieval literature on the topic, Ignatius also stressed the therapeutic and consolatory features of the sacrament. The confessor should be "sometimes encouraging with kind words like a father, sometimes expostulating and reprehending like a judge, sometimes applying remedies for sickness like a doctor."³⁵ Like a judge, the Jesuits were to develop their moral discernment and learn how to distribute penance; like a father, they should develop a sense of moral responsibility and know when to forgive; like a doctor, they had to be practical in striving to heal the soul of the penitent.

Ignatius' examination of conscience and daily accounting of sins in the Spiritual Exercises did not substitute for the confessional, but complemented that institution by allowing the Jesuits to exercise penance

³⁵ Cited in John O'Malley, The First Jesuits, 140-1.

between confessions. Whether the devotee was examining his conscience and writing down his sins, or confessing to a priest, he sought the virtue of humility that arose out of the realization of guilt.

In the organization devised by Ignatius, his stress on penance and confession translated into the development of a new course of studies in the curriculum of the Jesuit schools that was called "Cases of Conscience." In these courses, the Brothers were trained in casuistry and the skills of the confessor. The sessions of these new courses consisted of analysis of concrete or hypothetical cases that, for some given reason, were difficult to decide on the basis of the prevailing Church dogma and its interpretation of Christianity.

Casuistry also encompassed a proceduralist ethics that grounded the decisions made by the virtuous Jesuit. This ethics also originated in the Spiritual Exercises. In particular, it originated in Ignatius' discussion about making important elections in life, such as taking the habit or getting married. In the first week of the exercises, the exercitant learned the sentiment of fear and developed the virtue of obedience; in the second week, the exercitant effects exercises in the virtue of hope. Before the beginning of the third week, however, Ignatius

introduced the exercitant into a method for making good elections (*hacer buenas elecciones*.)³⁶

Ignatius defines three "times" (ways) for making a sound and good election. The first time is when the Lord moves and attracts the will so that the devout soul has no choice but to follow the divine path that has been shown to him. In this case, the exercitant's good election is actually no election at all; God moves his soul in the right direction regardless of his will.

The second time is when "sufficient clarity and knowledge are received from the experience of consolations and desolations, and from experience in the discernment of various spirits."³⁷ The difficulty, Ignatius warns, is that the enemy acts through different methods with different souls. When a person is living in sin, the enemy foments his pleasures and sensual delights; the Lord, conversely, "pricks" and "bites" his conscience through reason. While

³⁶ Ignatius of Loyola, Spiritual Exercises, "Three Times Suitable for Making a Sound and Good Election," pp.161-166. Although unusual, the translation of the Spanish *elecciones* into "elections" in English has become the standard translation of Ignatius' concept throughout the centuries. In contemporary English, the term that best describes this concept is "choice," the act of free will demonstrating preference for one of several available options.

³⁷ idem, second time, p.163.

in the first time for making good elections, the exercitant discovered the will of God through some sign and proceeded to make God's will his own, in the second time the exercitant should not trust his reason. For when the person is cleansing his sins and rising to the good service of God, the enemy bites, saddens and puts obstacles, "disquieting with false reasons." The exercitant should reach a higher discernment by which he knows whether reasons and wishes are true or false.³⁸

In both of the two first times, however, Ignatius method for making good elections entailed the active participation of God. In the first time, God moved the exercitant's will towards the good election without any help from the latter's reason. In the second time, God either moved the desolate soul of the devotee through "pricking" and "biting" his reason, or moved his consoled soul through the *synderesis voluntatis*, which helps us distinguish good reasons from evil ones.

Ignatius defines the third time for making good

³⁸ This higher discernment is reached by exercitant through the using what Thomas Aquinas called *synderesis voluntatis*: "a special natural disposition that impels us to good and to opposing evil when we proceed to investigation on the basis of principles and make judgments about what we have discovered." Thomas Aquinas, *Summa I, I, q.79*, in *St. Thomas Aquinas on Politics and Ethics*, ed. by Paul Sigmund, Norton Critical Editions, New York, 1988, pp.35-6.

elections as a "time of tranquility":

By a time of tranquility I mean one when the soul is not being moved one way and the other by various spirits and uses its natural faculties in freedom and peace.³⁹

While in the second time the exercitant needs only to distinguish the movements caused by the Lord and his enemy, in the "time of tranquility" the soul is not acted on by either spirit, and the exercitant must therefore use his natural powers freely in order to reach a good election.

According to Ignatius, there are two ways of making this kind of election. In the first way, the devotee places the election before him, and contemplates it in light of the end for which he was created, namely, to praise God and save his soul. He should find himself indifferent to the election, "as in the middle of a balance," and ask God to move his will. He should then contemplate the advantages and disadvantages to the praise of the Lord that are brought about by making that election, and "look where reason more inclines." He should avoid the inclination of the senses, rationally deliberate on the matter, and present his election before God, so that He may

³⁹ Ignatius of Loyola, Spiritual Exercises, p.163.

confirm the virtue of the election through some sign.⁴⁰

In the second way of making good elections in the "time of tranquility," the exercitant should set before him three hypothetical situations. First, he should imagine a man he has never seen or known and, desiring all his perfection, contemplate what to tell him so that his election is in conformity to the glory of the Lord and to the perfection of his soul. Second, the exercitant should imagine that he is at the point of death, where no self-interest intervenes, and imagines the decision he would make if he were about to die. Third, the exercitant should imagine himself on Judgment Day, and think what he would determine then.⁴¹

As O'Malley notes, Ignatius and the first Jesuits believed the second time was better than the third time because, in it, the person was guided "by a better light than human reason."⁴² Actually, the three methods were to be used in the order presented. The first way was the best, for God acted directly on the one making the election. Only in last instance, furthermore, was the

⁴⁰ Ignatius of Loyola, The Spiritual Exercises, p.163.

⁴¹ idem, pp. 164ff.

⁴² Letter written by Fr. Juan de Polanco, cited in O'Malley, p.42.

devotee to rely only on his natural powers.

But while in the first and second times, God intervened in the decision-making process, the third time was characterized by a silence in the soul. In the first way of making elections in this "time of tranquility," the devotee used his reason to infer which election was to the advantage of the highest good, namely praise and glory to the Lord. The second way applied only after the person had realized that he could not even intuit God's intentions or the logic of his creation. The devotee then placed himself in three hypothetical positions in which self-interest was absent (anonymity, death and Final Judgment day), thus stripping himself of all possible self-interest involved in the election in case.

This method for making good elections, one should notice, is not about free will making free choices, but about reason taking distance from the subject in order to distinguish the best vocational choice amongst equally good options. Such self-distanciation is a characteristically modern move in ethics, exhibited especially clearly several centuries later in Adam Smith's theoretical concept of the impartial spectator.

The proceduralist component of Ignatius' ethics, however, does not apply to cases in which one is choosing

whether to commit a sin, for under the second time, if an action is a sin, it is prompted by the enemy and thus not an option in choosing the good election. Ignatius' method of making good elections applies only when the election in the case was already defined as a choice among statuses that are intrinsically good.

Ignatius' method of making good elections was based on the hierarchy of the three times described above. And because Ignatius and his peers believed the first time seldom occurred - for it depended on a miraculous event, i.e., God illuminating one's soul - the first Jesuits indeed stressed, as O'Malley notes, the second way of making important religious elections. Yet the second time also required divine intervention, for in order to reach the good election the devotee had to ascertain which of his thoughts had been prompted by the Lord. What was the devotee to do when he could not determine whether the Lord or the enemy had prompted his actions or thoughts?

While Ignatius' method for good elections in the Spiritual Exercises was geared towards vocational religious choices, the "taking distance" strategy recommended in the third way became a method for practical reasoning through which the Jesuits exercised their prudence. As we shall see in this study, even though the Jesuits believed the

second method was better than the third, in the last instance, when the Brothers engaged in missionary work were stranded for years without communications with Jesuit interlocutors, it was the third time of making good elections that came to their rescue.

And in this "time of tranquility," the Jesuits had to rely on their natural powers. The third method of making good elections in the Spiritual Exercises - pondering utility according to a Christian hierarchy of good ends, and stripping oneself of self-interest - thus became the ethical core of the Jesuit concept of prudence that developed over the first twenty years of the Society of Jesus.

Nowhere is this Jesuit concept of prudence better expressed than in the structure of the organization the Jesuits consolidated with the publication of The Constitutions of the Society of Jesus in 1558-9. In the Formula of the Institute, Ignatius had already determined that its instructions should be later formalized into a detailed set of rules for the religious order.

While Ignatius' Letter on Obedience was concerned with the problem of obedience to commands from superiors, the project of The Constitutions was devised to formally lay out the norms that had to be obeyed. In this way, it

demarcated the space properly left to the exercise of Jesuit prudence. The substance of The Constitutions comprised instructions on how to obey, how to be prudent, and on how to organize the Jesuit missions, schools and houses.

Although Dominicans, Theatines and Franciscan Capuchins all produced documents called "Constitutions", the substance of these documents did not have any of the detailed organizational concerns of the Jesuit document. In spite of their homonymous name, these sixteenth century contemporaries of the Jesuit Constitutions were more akin to the medieval rules, briefer and offering only general guidance.⁴³

The institutional organization of the Dominican order developed out of the Franciscans' mendicant approach. Its originality lay in its adaptation of the monastic life to the ruling purpose of the friars, namely, doctrinal preaching. In the Second Distinction (1228), the Dominicans established a hierarchical government and a representation system based upon democratic principles of electing officials. The order was divided into provinces,

⁴³ Cf. John C. Olin, The Catholic Reformation: Savonarola to Ignatius, Harper & Row, Pub., New York, 1969.

and the provinces into priories.⁴⁴

Despite the establishment of an organizational structure binding the Dominicans to their superiors, the confederalist principles of its representational system dispersed control over its priories and provinces. Life in Dominican houses, therefore, continued to bear many traces of earlier monastic forms. As Hinnebusch notes, throughout the late middle ages, the Dominicans' reliance on the monastic institution led to an increasing shift away from their original democratic principles towards a more monarchical structure, especially after 1500.⁴⁵

When composing The Constitutions, Ignatius of Loyola explicitly borrowed from passages of the Dominicans' document with the same name.⁴⁶ But while the Dominicans' institutional organization remained tied to the principles of monasticism, Ignatius of Loyola freed the members of his institution from any monastic duties.

In contrast to the Dominican order - whose confederalist organization was structured on few written

⁴⁴ The most comprehensive study of the Dominican organization is William A. Hinnebusch, History of the Dominican Order, 2 vols., Alba House, NY, 1966. See in particular vol. I, pp.170ff.

⁴⁵ idem, vol.1, p. 242.

⁴⁶ Cf. George E. Ganss' footnote 10, in Ignatius of Loyola,

norms and blind obedience to the many commands from superiors within the institution - the Jesuit order was designed so as to have a long and detailed set of norms (The Constitutions), so that the Brothers of the Society dispersed throughout the world did not have to wait for commands from their superiors in Europe. While the axis of the Dominicans' institution was the dialectics between the few written norms that bound the Friars, and the many detailed commands of the hierarchy of the institution, the core of the Jesuit organization was the dialectics between the many detailed norms contained in The Constitutions, and the commands that sporadically reached the Brothers dispersed throughout the world. The Dominicans stressed the blind obedience the Friars should pay to the commands from their superiors; the Jesuits stressed the prudence the Brothers should apply when adapting the manifold norms of their institution to their practices.

When Ignatius converted apostolic activity into an organized, collective and international missionary enterprise, his concept of religious prudence thus transmuted into a lessening of dependence of the emerging Jesuit institution on purely exegetical methods of norm-production derived from the natural law *ratio* of the

The Constitutions of the Society of Jesus, p.250.

Dominicans. While the Dominicans applied norms and used their confederalism to produce legitimate procedures for autonomous decision-making, the Jesuits sought to adapt norms and used their spirit of tolerance to decide when to forgive violations against those norms.⁴⁷

Thus, two concepts constituted the method of practical reasoning in which the Jesuits trained the Brothers: adaptation of norms, and tolerance towards violations of those norms that were not too offensive. It was in those two concepts that the Brothers were being trained in the classes of Cases of Conscience the Jesuits introduced into their schools, and which became the core of Jesuit casuistry as it developed in subsequent decades. Together, these two rules became the axis of the institutional organization devised by Ignatius and his peers.

In the institution-building phase of the Jesuit order (1547-1559), the Jesuits throughout the world were frequently forced to produce and adapt norms for their new religious houses, schools and missions, for until the promulgation of the Jesuit Constitution in 1558, the

⁴⁷ It would be interesting to see a study that compared the Jesuit concept of prudence to the concept of prudence coming out of the Italian Renaissance. Richard Tuck's discussion of the alternatives to Tacitism in Philosophy and Government, 1572-1651, Cambridge University Press, Cambridge, 1994, is perhaps the only one.

Jesuits' only binding norms were those laid out in the Formula of the Institute.⁴⁸

During this phase of the history of the Society of Jesus, therefore, many of the norms regulating Jesuit activities throughout the world were produced locally, and justified by those who produced them in the periodical letters they wrote: letters sent by the Roman hierarchy to the numerous provinces of the expanding Jesuit enterprise and letters sent from those provinces to the hierarchy in Europe. It was from within the Jesuits' epistolary institution that the Jesuit "way of proceeding" developed into the justificatory practices that later were systematized in Jesuit political theory.

2. The Jesuit Epistolary Institution

I have experienced the letters of the brothers, and found them to be bread of much substance and a fire that much heats those who are cold ...In this letter, my Father, I will speak coldly of many things, but if they chill you, warm yourself with the virtue of obedience that orders me to write it.

⁴⁸ For this periodization of the history of the formative years of the Society of Jesus, see John O'Malley, The First Jesuits, pp.364ff. A copy of The Constitutions arrived in Brazil sometime in 1556; cf. Fr. Antônio Blásquez, letter to Fathers and Brothers at S.Roque, 4 August 1556, MBII-47, p.297.

(Br. Pero Correia, letter to Fr. Brás Lourenço, 18 July 1554)

The spread of literacy and of the trade economy, the overseas explorations, and the geographic expansion of religious and secular organizations all contributed to the increasing importance of letter exchanges during the early-modern period. As individuals and institutions found reason to communicate with people in distant lands, they were compelled to communicate in writing. This expanding demand for written communication also accounted for the increasing reliability of mail services in the European continent. In the Middle Ages, courts, guilds and universities were responsible for the makeshift postal services; in the early-modern period, however, merchants and bankers also maintained regular and reliable mail services. Even though national post office departments were not instituted until the mid-nineteenth century, by the sixteenth century mail delivery was already a reliable institution upon which all European *literati* could rely.

The epistolary institution developed by the Jesuits in the early-days of their religious order was centered on periodic letter-writing routines, through which the Brothers in the field were checked on and aided in their ministry. The Jesuits created instruments to ensure the

reproduction and conformity of their missionary practices to institutional norms, as well as the accountability of the order's members. Accountability, in this pre-bureaucratic form, did not mean institutional efficiency. It meant demonstrating obedience and prudence in the letters they periodically wrote.

Between 1549 and 1610, more than six hundred letters were sent from the Brazilian missions to Portugal or Rome, an average of ten letters a year. Approximately four hundred of these missives have been preserved. Over one hundred different missionaries wrote letters from Brazil. Half of the missives were sent from the settlements in Bahia and São Vicente. Pernambuco, Ilhéus, Porto Seguro, Rio de Janeiro and Espírito Santo were the other coastal settlements from which the Jesuits wrote.⁴⁹

For the most part, the frequency of this correspondence was determined neither by the Jesuits' impetus to communicate with Europe, nor by the letter-

⁴⁹ The letters from 1549 to 1568 have been published by Serafim Leite in the five volumes of the Monumenta Brasiliae (MB), vol. I-IV, Monumenta Historica Societatis Iesu, Rome, 1958. Most of the correspondence from 1568 to 1610 can be found in manuscript at the Archivum Romanum Societatis Iesu (ARSI), under the books cataloged as *Bras.* and *Lus.* Some other letters are distributed between Portuguese public archives and the Arquivo Nacional in Rio de Janeiro, Brazil.

writing norms of the Jesuit order. Instead, it was determined by the frequency of the ships that sailed to and from the Brazilian coast and by the long time required to complete the journey across the Atlantic. It was not uncommon for a missive to take over a year to travel from the missions to its destination. And the overseas trip was often preceded by difficult ground transport: many different carriers traveled with the missive before it reached its addressee. A full-circle exchange of letters - a missive to Europe, a reply, and a second missive commenting on the reply -- could take as long as half a decade to be completed.⁵⁰

The Jesuit order was an international enterprise not only with regard to the destination of the missionaries, but also with regard to their origins. Jesuits who traveled to Brazil came from different places in Europe and spoke different vernacular languages: most were fluent in either Spanish or Portuguese, but there were some whose native tongue was another European language such as

⁵⁰ For the Jesuits' discussions of these delays in correspondence, see Fr. Diego Mirón, letter to Ignatius of Loyola, 17 September 1554, MBII-24, p.124; Br. Antônio Blásquez, letter to the Fathers and Brothers at Coimbra, 8 July 1555, MBII-40, p.250; and Fr. Francisco de Borja, letter to Fr. Luis de Grã, 10 January 1566, MBIV-27, p.289.

Italian, Gallician, or Catalan. Many had a reading knowledge of Latin, but most did not know it well enough to write. Aware of this, Ignatius ordered that all letters be written in vernacular languages -- that most Jesuits spoke Neolatin (Romance) languages evidently helped.

Even though letter writing was not a frequent activity in the daily life of the Jesuits in Brazil, it was still an extremely important one. Letters were carefully crafted (some of them were as long as forty manuscript pages) and for many missionaries they constituted the only open line of communication with people who shared some interest in their pastoral activities. Letters arriving from Europe also caused commotion among the Brazilian Jesuits, and long periods without news produced much frustration. Arrival of correspondence at a Jesuit house was usually followed by someone reading it aloud to his peers; these reading sessions were special occasions:

... according to my estimate, it was two hours after midnight when he brought [the letters]; the Brothers could not contain their joy and pleasure, seeing all that the Lord did for his creatures by means of the members of the Company in so many and so diverse parts of the world. From that time until the morning, no one could sleep because the Father Provincial started to read the letters...⁵¹

⁵¹ Fr. Antônio Blásquez, letter to Fr. Deigo Mirón, 31 May 1564, MBIV-6, p.62.

The epistolary institution was the backbone of the Jesuit missionary enterprise in the sixteenth century. It was the site of all institutional communication, and every event that happened in a Jesuit house somehow translated into a few lines on the pages of their institutional correspondence -- even silences in these letters spoke about the Jesuit enterprise. Through the letters, the missionaries were kept in check and aided in the process of improving their ministry. But institutional practices were controlled only to a certain degree, for a strictly bureaucratic chain of control would hamper the development of the emerging institution. There was no social technology, moreover, by which it could have been achieved across the great reaches of time and distance. The Jesuits sought a more flexible relationship between superiors and subordinates: one that would allow them to adapt institutional practices and the norms that shaped them to the diversity of situations. The epistolary institution and the ensuing letter-writing routines were introduced for that purpose.

Immediately after the founding of the Society of Jesus, the members of the order were kept informed about important matters by a *hebdomadarius*, a weekly-letter

writer residing in Rome with the Superior General. This post was rotated among the brethren, Francis Xavier being the first one to hold the office for an extended period. When the missionary enterprise spread to Asia and the Americas in the 1540s, epistolary practices became even more important for the management of the institution's internal affairs. European activities could be periodically checked through visits to the houses, but the need to supervise the overseas activities led the Jesuits to extend the obligation of writing periodical letters to all members.

Insofar as the reproduction and expansion of the missionary enterprise largely depended on the financial and political support of the Holy See and of the Catholic kings of Europe, the Jesuits needed to publicize their activities to people outside the institution. Because some letters were crafted for a larger audience to read, it became important to control what information became public.

With this problem in mind, Ignatius instituted the *hijuela* in 1541. Jesuits would write letters containing only the edifying news of their mission, and deal with internal institutional matters on a separate sheet, the

hijuela.⁵² Half of the more than six hundred letters from Brazil from 1549 to 1610 were *hijuelas*; the other half was edifying reports.

In 1547, Fr. Juan de Polanco, the perennial secretary of the Jesuit order, sent a lengthy circular letter to all members of the order in which he explained twenty different reasons why the Jesuits should maintain a diligent correspondence. His reasons fell into three groups: (1) letter-writing was for the internal good of the Society, for it promoted the union of hearts, and helped to govern well the Society; (2) it was for the external good of the Society, as it helped attract prospective members and allowed people outside of the order to become acquainted with and support its work; (3) it was for the private good of each correspondent as writing letters strengthened their vocation, and knowledge of other members' activities increased their humility and diligence towards their own ministry.⁵³ The exhortative tone of Polanco's letter

⁵² Ignatius of Loyola, letter to Fr. Peter Faber, 12 October 1542. Cited in John Correia-Afonso, Jesuit Letters and Indian History, Indian Historical Research Institute, Bombay, 1955. Ignatius also gave the Jesuits the option of writing the private matters on the same letter, but in code or in Latin.

⁵³ Monumenta Ignatiana, Series Prima. Epistolae et Instructiones (Madrid, 1903-1911), I, 536-541. See also John

evinces the growing importance the superiors of the emerging institution attributed to the letter-writing routines of the Jesuits. Every Jesuit was to be convinced of the importance of writing periodically to his superiors.

The Jesuit Constitutions introduced a definitive structure for the epistolary institution. First, in the General Examen the novices entering the order were asked whether they would allow their private correspondence with the outside world to be controlled and curtailed:

Since communications from friends or relatives, whether oral or written, generally tend to disturb rather than help those who attend to the spiritual life, especially in the beginning, the candidates should be asked whether they will be content not to communicate with such persons and not to receive or write letters, unless the superior judges otherwise in some cases; also whether, during all the time they will be in the house, they will be willing to have all their letters seen, both those which are written to them and those which they send, thus leaving to him who holds this charge the care of delivering them or not, as he will judge to be more expedient in our Lord.⁵⁴

Even though the Jesuits turned away from the monasticism of the regular orders, they wanted to isolate their members from contact with the outside world. The Jesuits believed that the first step in achieving the desired level of

Correia-Afonso, Jesuit Letters and Indian History, pp.4-6.

⁵⁴ "General Examen and its Declarations", ch.4, par.[60], in

institutional control was to regulate the Brothers' private correspondence.

In the Constitutions, the obligation to write letters was twofold. On the one hand, every month (where possible, every week), Jesuits had to write letters to those immediately above or under them in the order's hierarchy; these were the letters Ignatius had earlier named *hijuelas*.⁵⁵ On the other hand, the Constitutions prescribed reports that every member of the order had to produce about his pastoral activities. In a letter Polanco wrote to Brazil in 1553, he defined what should be reported in the "edifying" reports:

In the public letters one should report in what places the Jesuits live, how many live in each house, and whatever they believe edifies their enterprise; also report how they dress, what they eat and drink, the beds in which they sleep, and what each missionary does. About the region where one is living, report the climate, temperature, who are the neighboring peoples, how they dress and what they eat, etc.; what kind of houses they have, how many, and what are their customs; how many Christians live there, how many gentiles and mores; finally, write the same curiosities to our Father [the Superior General], so that he can better know how to provide for you; this would also satisfy many devoted secular authorities, who want to see in writing what we

The Constitutions of the Society of Jesus, p.94.

⁵⁵ idem, par.[674], p.292.

tell them.⁵⁶

The Constitutions prescribed that these letters should be written every four months, and copies should be sent to one's immediate superior and forwarded to the Superior General of the order in Rome.⁵⁷

While the Jesuit letter-writing practices were limited by and constituted through the institutional norms they created around those practices, they were also conditioned by the rhetorical norms of the epistolary form and its tradition in the early-modern period. In the sixteenth century, the humanist art of letter-writing (*ars epistolandi*) was a flexible system that allowed authors to write according to their audience. When writing to friends, they utilized the colloquial style of classical antiquity; when writing to religious or secular authorities, they adopted the medieval *ars dictaminis*.

Classical letters had a familiar and intimate overtone. They were used primarily as a private instrument among friends and they were often contrasted to the public speech of the orator. The medieval letter of the dictator,

⁵⁶ Fr. Juan de Polanco, commissioned by Ignatius of Loyola, letter to Fr. Manuel da Nóbrega, 13 August 1553, MBI-74, p.520.

⁵⁷ The Jesuit Constitutions, par.[675], p.292.

in contrast, was a formal letter written in approximation to public speech, governed by the religious and political purposes of its author. While the classical tradition usually freed the letter from formal rhetorical devices, the medieval *dictator* utilized many features of the art of preaching (*ars praedicandi*).⁵⁸

When Francisco Petrarca and Coluccio Salutati discovered Cicero's letters in the mid-fourteenth century, they inspired a vogue of imitation of classical letter-writing among the humanists. But the medieval *ars dictaminis* was not simply put aside by the revival of the classical familiar letter. The humanists were the professional successors to the medieval *dictatores* and, like them, the humanists' reputation also depended upon their skills in letter-writing.⁵⁹ Renaissance letter-

⁵⁸ This approximation to oratory rhetoric led to the prominent role of the *cursus* in the medieval *ars dictaminis*. The *cursus* was a rhythmical prose style developed in the Papal Curia, and consistently discussed in handbooks on letter-writing since the twelfth century. See Judith Henderson, "Erasmus and the Art of Letter-Writing", in Renaissance Eloquence, ed. by J. Murphy, Univ. of California Press, Berkeley, 1983; see also Joseph Murphy, Rhetoric in the Middle Ages, Univ. of California Press, Berkeley, 1974.

⁵⁹ Paul Oskar Kristeller, Renaissance Thought: The Classic, Scholastic and Humanist Strains, New York, 1961, pp.11-12. See also his "Rhetoric in Medieval and Renaissance Culture" in Renaissance Eloquence, ed. by J. Murphy, Univ. of California Press, Berkeley, 1983.

writing was therefore a dual genre, encompassing the classical formula of intimacy, privacy and brevity, as well as the eloquent, public and oratorical formulae of the medieval *ars dictaminis*.⁶⁰

The Jesuit epistolary institution appropriated this flexible system of the humanist *ars epistolandi*: on the one hand, the *hijuelas* dealing with the internal affairs of the order were written in the rhetorical style of the classical letter; on the other hand, the more public edifying reports directed to a wider Jesuit and secular audience were written in the rhetorical style of the medieval *ars dictaminis*. Like the rhetoric of the Renaissance letters, the rhetoric of the Jesuit letters became a dual genre encompassing both the classical informal style and the medieval formal one.

Jesuits wrote *hijuelas* as a conversation among friends, even though sometimes they had never actually met

⁶⁰ Erasmus, for instance, opened his treatise on letter-writing, Brevissima formula (1536), with Libanius' classical definition of the epistle as *colloquium*. But the oral properties of the letter, Erasmus claimed, did not mean ignoring formal rhetoric in composing it, for any form of speech required art and method. Even though a letter written to a friend should not take refuge in formal rhetorical devices, there were occasions in which it was necessary to use these devices. Cf. Henderson, "Erasmus and the Art of Letter-Writing."

their interlocutors. In place of the 'personal' loyalty and privacy of the rhetoric of the classical letter, an 'institutional' loyalty and privacy is imprinted on the *hijuelas*. Striving to be succinct and clear, the Jesuits secured the good-will of their audience ("May the love and grace of Our Lord Jesus Christ always favor and help you"), swiftly stated the purpose of the missive, and proceeded to discuss their institutional affairs.⁶¹

In these *hijuelas*, the missionaries wrote about a wide array of internal affairs of the Jesuit order: financial support for the Jesuit houses or for building churches, bureaucratic nominations, lists of the Jesuit population, and miscellaneous requests ranging from more missionaries to carry out their enterprise, to objects such as ceremonial apparatus, books, and clothing. The Jesuits also described their missionary accomplishments and failures. They reported on conversion, baptism, and marriage ceremonies, discussed successful and unsuccessful strategy decisions, and complained about the hurdles created by both natives and Christians.

⁶¹ In a 1554 letter to Fr. Helmi, Juan de Polanco had explicitly requested that these *hijuelas* be brief and to the point, avoiding lengthy preambles, useless details and bombastic language. Cf. John Correia-Afonso, Jesuit Letters and Indian History, p.5.

When the Jesuits wrote edifying reports, on the other hand, they used a systematic, almost formulary presentation of their activities:

In Baía... live Fr. Luis de Grã along with Brother João Gonçalves and Fr. Antônio Pires, who just arrived there from Pernambuco, a city 300 miles away from Baía. They preach and the brother teaches the children. Another brother, Domingos Pecorella, interpreter of the Indians and who was admitted to the Company here in Brazil, died and joined the Lord not long ago...In another province called Porto Seguro, 180 miles away from Baía, live Fr. Ambrósio Pires and brother Antônio Blasquez...⁶²

In these edifying reports, the institutional demands placed on the *hijuelas* addressed to the hierarchy gave way to the need to seduce their peers and people outside the order about the virtues of their enterprise.

Because there were public readings of the edifying reports in the European Jesuit houses, writers of those letters appropriated many features of oral preaching, not hesitating to include emotional appeals, to give their impressions, and to portray the missionary experience as an attractive way of living:

For the love of Christ, I beg that you forget the bad opinion that you had up to now about Brazil, because I tell you the truth when I say that, if

⁶² Br. José de Anchieta, letter to Fr. Ignatius of Loyola, 1 September 1554, MBII-22, p.102.

there were a paradise on earth, it is in Brazil... There is no melancholy, unless one wants to excavate and discover it ... There is no place healthier than here: fresh air, happy land, and nothing else. If Portugal has chickens, here they are cheaper and more abundant. If Portugal has lamb, here so many different animals are hunted in the jungles, that I constantly laugh about Portugal... If we speak about recreations, the ones over here and those over there are incomparable: these recreations I will not describe, however, leaving them for those who wish to come here to discover. In sum,...one cannot live but in Brazil if he desires to live in the earthly paradise. At least I am of this opinion. And whoever does not believe me, come here and experience it.⁶³

In the edifying reports, the Brazilian Jesuits also attempted to motivate prospective missionaries by conveying the missions as an understaffed enterprise. They narrated stories about the Indians' life that stressed their wickedness and sinful customs, thus reinforcing the image of the New World as a land inhabited by pagans who desperately needed noble souls to come to their rescue:

[The Indians] pleasures are to war, to drink and dance all day and all night, ... , to kill their enemies and make new weapons for the killings, to prepare their drinks and cannibal meals; and their religious leaders say that old women will become young again, and many other things that brother André de Campo has told you. But there are no grapes in this vine because there is no one to trim them and cut away the weeds. You are the ones we miss here, and I am sure you feel the

⁶³ Fr. Rui Pereira, letter to the Fathers and Brothers in Portugal, 15 September 1560, MBIII-40, p.297.

same.⁶⁴

Most of the Jesuits in Brazil came from one of the Jesuit houses in Portugal, and had personal ties to those who resided there. Consequently, in the letters they wrote to these houses, the descriptions about each missionary's activities included information about their health, illnesses, and state of mind. Frequently, these letters included a request for the Portuguese brethren to pray for their well being, saluting particular members of the metropolitan houses whom the missionary had known before departing to Brazil:

I beg that all always pray for this poor Fr. Joseph. To my dearest Fathers Francisco Rodrigues, Miguel de Sousa, Antônio de Quadros, Don Lião, Manuel Godinho, and my dearest Fr. Antônio Correa, who were and still are my parents, I beg and ask that you always remember this poor son that you created and nurtured in Christ. To them, and all the others, especially my dearest Jorge Rijo and Marcus Pereira,..., I wish to write, but it seems to me that I satisfy them with the general letters that are written to the entire Company. I hope, dearest Fathers, that you are always in the favor of Christ.⁶⁵

When edifying reports were going to be circulated among a wider European audience, the Jesuits abandoned many

⁶⁴ Br. Diogo Jácome, letter to the Fathers and Brothers at Coimbra, June 1551, MBI-28, p.242.

⁶⁵ Br. José de Anchieta, letter to the sick Brothers at Coimbra, 20 March 1555, MBII-30, p.163.

of the oral qualities of the epistolary form. Addressed to no particular addressee, the form of these letters did not contain any of the usual components of the sixteenth century epistolary tradition: no salutation, no petition, and no securing the good-will of the addressee:

The first Portuguese that came to Brazil were Pedro Álvares Cabral with some others in a ship that was sailing to the East Indies in the year of 1500, and it is anchored in Porto Seguro, thus named because he thought the port called Santa Cruz very safe and good for the ships. At first, the whole province was called Santa Cruz; afterwards, the name Brazil prevailed because of the wood they found there that serves to make pigments. There are seven captaincies in the province of Brazil, namely: Pernambuco, Baía, ...⁶⁶

These letters were lengthy descriptions of some particular aspect of the colonial experience such as the natural surroundings, the culture of the natives, or a history of the missions up to the date of the correspondence. The rhetoric of these letters approximated the narrative style of early-modern travelers' literature. Based upon the authority of the eyewitness, these descriptive essays insisted on their own documentary candor, as well as on the

⁶⁶ Fr. José de Anchieta, "Information from Brazil and its Provinces" (1584), in Cartas, Informações, Fragmentos Históricos e Sermões, (1554-1594), Alcantara Machado (ed.), Civilização Brasileira S.A., Rio de Janeiro, 1933, p.301.

historicity of the narrative they mediated as witnesses.⁶⁷

As instruments for publicizing and legitimizing the Jesuit order within the Church and the European courts, these narratives also served an institutional function: they helped the Jesuit order create an idealized image of their activities. As such, they were early-modern instruments of propaganda, by which the Jesuit order sold its missionary enterprise to those that financed it, and insulated their inefficiencies and malfunctioning from public knowledge.⁶⁸

The most striking characteristic of the edifying reports, however, was the extensive ethnographic information they conveyed about the culture of the Tupi Indians of Brazil. The Brazilian Jesuits were forced to conceive conversion strategies that were suited to their

⁶⁷ On the rhetoric of the travellers literature of the early-modern period, see Michael McKeon, The Origins of the English Novel, 1600-1740, John Hopkins University Press, Baltimore, 1987, p.105.

⁶⁸ Publications of missionary letters in Europe originate as early as 1552. Cf. "Avisi particolari delle Indie di Portugallo riceuti in questi doi anni del 1551 & 1552 da li Reuredi Padri de la cōpagnia de Iesu, doue fra molte cose mirabili, si uede delli Paesi, delle genti, & costumi loro & la grande cōuersiōe di molti populi, che cominciano a riceuere il lume della sãta fede & Relligione Christiana", published by Valerio Dorico & Luigi Fratelli Bressani in Rome, 1552.

engagement with the native cultures; after all, the strategies Francis Xavier adopted in the encounters with the cultures in Asia were of little use in dealing with the native people of Brazil. Although the Jesuits were aware of the cultural boundaries of their missionary practices, they did not articulate a theory of conversion in their institutional correspondence. Instead, they spoke about their conversion strategies as necessities imposed upon them by the religion and customs of the natives. If the cultural specificity of the Indians justified these strategies, they had to describe the native cultures in their letters to Europe.

Ethnography, therefore, functioned as a way to legitimize conversion strategies and adaptations of norms to that purpose. The Jesuits' descriptions of the culture of the Indians were not only curious reports from a New World traveler, but the basis for the justification of their missionary practices. Insofar as this correspondence functioned to legitimize the missionary enterprise, ethnographic descriptions at times--as when it described the stubborn and sinful nature of the Indians--excused failure, and at other times--as when it described instead the Indians' virtues and innocence--sanctioned successful methods.

Jesuit letters were either *hijuelas* or edifying reports, and this functional division of the epistolary institution was present throughout the correspondence of the order during the sixteenth century. When reporting on their activities to public audiences in courts, at the Papal Curia or in their houses, the Jesuits conveyed to these audiences the virtues and importance of their enterprise; when writing to the Jesuit hierarchy about their institutional affairs, the Jesuits secretively explained their decisions and asked for advice.

The Jesuit hierarchy insisted on being kept informed about all that happened in the order's houses throughout the world. This constant supervision allowed them to evaluate periodically the overall performance of the missionary enterprise, and to make judgments about its expansion and organization. Constant remittance of this information to Europe allowed the Jesuits to maintain a record of their institutional practices and to monitor closely the otherwise distant activities of the order's members.

Born in the conversion of Ignatius of Loyola's spirituality into an institution organized for apostolic activities throughout the world, the Jesuit letters were a new technique of institutional administration in the

sixteenth century. The Jesuit letters were still not a standard form in a modern bureaucracy, but they were no longer confessional or biographical accounts of personal activities. As administrative tools, they combined the hierarchy's demand for institutional control with feedback from the Brothers' prudent interpretations of their concrete experience in the field. And it was in the first Jesuit missionaries' prudent interpretation of their apostolic activities that the conceptual changes furthered by Jesuit political theory began to take shape.

Chapter Three
The New World Encounters in Brazil

The events known as the "New World encounters" revolutionized the way Europeans thought about their world in the early-modern period. Upon their arrival in the American continent, the peoples of the Old World discovered cultures that were not adequately described by the religious and political languages spoken in Europe in the sixteenth century. The New World encounters, in this way, led to a major revision of those languages and the concepts upon which they were based.

While the recent introduction of the term "New World encounters" has played an important role in shifting academic discourse away from the terms "discovery" and "conquest" that dominated the prior literature, its slightly didactic aura tends to obfuscate the multiplicity of different experiences that defined the encounters between Europeans and native Americans. Although reports from the New World encounters agreed in expressing wonder or horror with the cultural difference of the inhabitants of the new continent, the manifold motivations of those who traveled there, as well as the diverse cultures of the peoples they encountered, produced divergent views about the significance of that experience.

For those who migrated to exploit the riches of the newly discovered lands, the New World inhabitants were all

alike in status: they were either means or obstacles to their economic objectives. For those who arrived in America as travelers, it was the curious novelty of the peoples that gave meaning to the New World encounters. The reports of these early-modern "tourists" sought to classify and differentiate the new cultures they encountered.⁶⁹

It was for Christian missionaries, however, that the New World Encounters were most significant. For them, the native inhabitants were "pagans," and the problem of how to convert them to Christianity led to deeper inquiries into the particular culture of each people they encountered. For the Catholic missionaries in the New World, the different kinds of pagans they encountered had varying prospects of being converted to the Faith. In thus comparing the peoples they discovered, the missionaries produced a new comparative ethnology that displaced the meanings of medieval categories such as "barbarian".⁷⁰

⁶⁹ The role of these travellers' reports in the development of the modern novel has been the subject of a few studies in comparative literature. Cf. Michael McKeon, The Origins of the English Novel, 1600-1740, John Hopkins University Press, Baltimore, 1987. One of the better studies of a Brazilian traveller is Michel de Certeau's study of Jean de Léry, the French Calvinist in Brazil with De Villegaignon in the late 1550s. Cf. Michel de Certeau, The writing of history, Columbia University Press, New York, 1988.

⁷⁰ Cf. Anthony Pagden, The Fall of Natural Man: the American Indian and the origins of comparative ethnology, Cambridge

Like elsewhere in America, the key European figures in the Brazilian encounters were missionaries, not simply travelers. More importantly, they happened to be "Jesuit" missionaries who encountered a particular kind of New World culture, the Tupi Indians of the Brazilian coast. As "missionaries," the Brothers of the Society of Jesus conveyed more than wonder at the novelty of the New World inhabitants; they had a vested interest in converting the pagans to Christianity. As "Jesuits," moreover, they applied the "way of proceeding" of their Institute to organize the institutions of their conversion enterprise.

The Jesuit letters are undoubtedly the most valuable resource available for interpreting the New World Encounters in Brazil. Travelers to the colony wrote only sporadic reports about their encounters with the natives; the Indians, on the other hand, did not have a literate culture. Every Jesuit, however, was under the institutional obligation of periodically writing a letter to his superiors. The Brothers of the Society of Jesus wrote thousands of pages reporting on their missionary activities, on the colony's affairs, and on the native

University Press, Cambridge, 1982. See also Lewis Hanke, Aristotle and the American Indian, Indiana University Press, Bloomington, 1959.

cultures they encountered.

The following description of the encounter between the Jesuits and the Tupi is not meant as a political judgment on the relationship between the two sides of that encounter. The purpose of this chapter is to show how the Jesuit missionaries in Brazil translated their Thomist theory of unbelief into concrete strategies for converting the Tupi Indians, and how these strategies were adapted to their objectives.

At first, the Jesuits learned the native language and produced an ethnography of the Tupi culture. Understanding the culture of the Brazilian pagans allowed the Jesuits to find ways of prudently adapting the language, customs and norms of Christianity to the higher purpose of saving the souls of the Tupi Indians. Yet, the Jesuits discovered that their success in converting the Tupi Indians was limited. After a third levy of Jesuits arrived from Portugal in 1552, the Jesuits began to devise new conversion strategies that went beyond the ministry of the Word. In particular, once they discovered that the Tupi ascribed religious authority to their medicine men, the Jesuits began to attempt to persuade the Indians to substitute the Jesuits for those healers.

Charitable healing activities and adaptation of the

ritual display of the Christian sacraments, the Brothers discovered, were the keys to their success in this competition with the native religious authorities.

1. The Foundation of the Brazilian Missions

Fifty years before Brazil was discovered in 1500, Pope Calixtus II had granted all lands to the west of the Bojador cape to the Order of Christ. These patronage rights were granted as a reward for the order's role in the victory against Mohammed II in eastern Europe. Ecclesiastic law determined, therefore, that Brazil was a possession of the Order of Christ.

Founded in Portugal in the fourteenth century, the Order of Christ was created to replace the Order of the Templars, extinguished in 1312 by Pope Clement V. The pope determined that all members and possessions of the Templars were to be incorporated into its rival military order, the Hospitallers. But the intense rivalry between the two chivalric orders created much resistance from within the Templars against that papal order. In Portugal, the stronghold of the Templars and home to their main monastery (in the city of Tomar), the knights of the extinct order decided not to join the rival Hospitallers. Instead, King

D. Dinis founded the Order of Christ.⁷¹

Manuel I was the king of Portugal when Brazil was discovered in 1500. Traditionally, the king of Portugal held some hierarchical post within the Order of Christ. Unlike his predecessors, however, Manuel I refused to join the Order of Christ. Until his death in 1521, he ignored Brazil and the other possessions of the Order, which became a haven for pirates and corsairs. When King João III replaced Manuel I in 1521, he immediately joined the Order of Christ, and became its Governor and Administrator. His renewed interest in the New World led to a more systematic colonization of Brazil.

In 1532, King João III instituted the Board of Conscience and Orders (*Mesa de Consciência e Ordens*), an institution to manage the affairs of the three main Portuguese religious orders: the Order of Christ, the Order of Santiago, and the Order of Avis. The Board had deliberative as well as consultative powers over issues that usually fell under the jurisdiction of ecclesiastic authorities, and its potential conflicts with papal

⁷¹ Cf. Renato Pereira Brandão, "O militar e o religioso sob a mesma cruz: a estratégia do Regimento na conquista da terra Tupi" in Missionação Portuguesa e Encontro de Culturas, Actas, vol.II, Universidade Católica Portuguesa, Braga, 1993, p.716ff.

jurisdiction produced many suspicions in Rome about its true purposes. These purposes became clearer five years later, when King João III carried out the union of the Masters (*união dos mestrados*), an ordinance declaring the king of Portugal the Grand Master of all three military orders, and subjecting them to the secular authority of the monarch.⁷² Royal policy towards Brazil thus became a function, at least in part, of an important stage in Portuguese state building.

The systematic colonization of Brazil began in 1534, when King João III established the captaincy system to administer the colony. A captaincy (*capitania*) was a strip of land running inland from the coast into the backlands. The rights to exploit the natural riches of each strip were donated to a captain (*capitão*), who administered and protected the land.

But no mineral riches were discovered in the thirteen captaincies that were established in Brazil, and only two became economically viable: Pernambuco in the north and São Vicente in the south. Settlements in those two captaincies rapidly became small villages, and a modest

⁷² See Waldemar Martins Ferreira, História do Direito Brasileiro, Tomo II, Livraria Freitas Bastos S.A., Rio de Janeiro, 1951, p.140.

local economy gradually developed around the main economic activity in the colony: the export of Brazilwood.

The failure of the captaincy system prompted João III to reform the colonial system once again. In 1548, he ordered that a central government for the colony be established at Bahia, a small settlement equidistant from the two successful captaincies, Pernambuco and São Vicente. This central government (*governo-geral*) was comprised of three offices: a governor (*governador-geral*), who held all executive and military powers in the colony, a judge (*ouvidor*) responsible for the judicial functions, and a procurator (*procurador*), who administered the finances of the colony.

Two years after the establishment of the central colonial government, Pope Julius III named King João III the Grand Master of the Order of Christ, thus settling some of the unrest the Board of Conscience and Orders had caused in the Roman Curia. Under his new ecclesiastic authority, the Portuguese monarch could appoint the judges of the Board, thus giving him total control over the management of the New World possessions.

King João III appointed Tomé de Sousa the first governor of the New World possessions. According to the orders of the king, Tomé de Sousa was to establish a city

in Bahia, to fight the corsairs and enemy Indians on the coast, and to establish a centralized system for collecting what was due to the crown from the beneficiaries of the export of Brazilwood. Along with these military and economic objectives, King João III ordered Tomé de Sousa to convert the pagans:

...because the principal thing that moved me to order the occupation of the lands of Brazil was the conversion of its inhabitants to the holy Catholic faith, I order that you and the captains and officials of the land find out the best way to further this goal, and tell them on my behalf that I will be very thankful for their special care in converting the natives to Christianity. In order to entice them to the faith, treat well those who are peaceful, favoring them and protecting them against any oppression or aggravation, and if anyone does something against them, correct and amend them so that the Indians are satisfied and the people who committed the offense are punished with justice.⁷³

The task of converting the Brazilian pagans to the Faith was assigned to the Jesuits who accompanied the expedition of the first governor.

The negotiations leading to the establishment of the first Jesuit missions began while Ignatius of Loyola was still in Rome negotiating the foundation of the Society of Jesus. In 1539, King João III of Portugal ordered Pedro

⁷³ Regiment of Tomé de Sousa, appendix to História da Colonização Portuguesa no Brasil, vol.3, ed. Carlos Malheiros Dias, Litografia Nacional, Porto, 1924.

Mascarenhas, his ambassador to the Holy See, to investigate whether Ignatius of Loyola and his companions were interested in participating in the occupation of his overseas conquests.⁷⁴ Ignatius told Mascarenhas that they "did not have a will of their own," and would only travel if the Pope thus ordered. Mascarenhas consulted with Pope Paul III and requested four men for the king's conquests. The Pope told Mascarenhas to ask the *religiosi* themselves, for it would be better if they voluntarily took on the mission. The group accepted the challenge, and Simão Rodrigues and Francis Xavier were sent to Portugal. In 1541, Xavier left Lisbon to establish missions in Goa, the Portuguese stronghold on the coast of India.⁷⁵

Simão Rodrigues was to accompany Francis Xavier, but Ignatius ordered that he remain in Lisbon as the Jesuit Provincial. He continued pressuring Ignatius for a missionary assignment overseas, and when King João III decided to reform the administration of his New World possessions in 1548, Rodrigues was assigned to accompany Tomé de Sousa to Brazil. He informed Ignatius that he

⁷⁴ D. João III, King of Portugal, letter to D. Pedro Mascarenhas, 4 August 1539, MBI-3, pp.101ff.

⁷⁵ D. Pedro Mascarenhas, letter to D. João III, King of Portugal, 10 March 1540, MBI-4, pp.104ff.

would depart for Brazil with a dozen companions in January 1549. But in October 1548, Fr. Santa Cruz, Rodrigues' replacement in Portugal, died. Ignatius once again ordered Rodrigues to remain in Portugal, and the responsibility for heading the Brazilian enterprise was transferred to Fr. Manuel da Nóbrega.

Xavier's mission to the East and Nóbrega's mission to the New World were the first Jesuit missions overseas after the foundation of the order. Both were conducted under the auspices of the Portuguese crown. As Ignatius often noted, King João III was the most loyal of Pope Paul III's allies.⁷⁶

When Manuel da Nóbrega arrived in Brazil in 1549, he was thirty-two years old. He had studied at Salamanca, and graduated in Canon Law at Coimbra in 1541. When he entered the Jesuit order in 1544, he had already been ordained a priest. Prior to his departure for Brazil, he participated in several rural missions of the Society of Jesus in Portugal, and monitored the legal proceedings for the annexation of ecclesiastical goods to the recently founded Jesuit school in Coimbra. Nóbrega had also applied for the

⁷⁶ On the special relationship between the first Jesuits and King John III of Portugal, see John O'Malley, The First Jesuits, p.300.

position of Prima Professor in Canon Law at the University of Coimbra. Despite the support of Martin Azpicuelta Navarro, the Prima Professor of Theology and most influential theologian in Portugal at the time, he did not get the position.⁷⁷

Until his death in 1570, Nóbrega was undoubtedly the most important Jesuit in Brazil. He was the leader of the first missions, became the first provincial of the Brazilian Province of the Jesuit order, and had a lasting influence on the colonial administration of Brazil. Even after his insufficiently explained removal from the provincial post--for reasons of health or politics--Nóbrega continued to play an important role in the Jesuit colonial enterprise. Most important, as we shall see in this study, Nóbrega was the most important Jesuit writer in Brazil during this period.

2. Converting the Tupi Indians I: the Ministry of the Word

Nóbrega arrived in Brazil with five other Jesuits on March 29, 1549, accompanying Tomé de Sousa's thousand-man expedition. The other five Jesuits were brothers Vicente

⁷⁷ Cf. Serafim Leite, História da Companhia de Jesus no Brasil, vol.I, Livraria Portugalia, Lisboa, 1938-50, pp.17ff.

Rodrigues and Diogo Jácome, Fr. Leonardo Nunes, Fr. Antônio Pires, and Fr. João de Azpicuelta Navarro, the nephew of Martin de Azpicuelta Navarro. Two weeks after the Jesuits' arrival in Brazil, Nóbrega wrote his first letter to the Provincial Simão Rodrigues in Portugal:

I had written you a brief letter, but the ship did not leave that day, giving me the chance to write you this one. I will explain to you why I believe we will convert many souls in this land.⁷⁸

Until 1549, all contacts between missionaries and natives in the New World had been established by members of the Franciscan and Dominican orders. Because the Franciscans registered these encounters in unsystematic fashion, the experience of the Dominicans comprised the main source of institutional information about missions in the New World available to the Jesuits upon their arrival in Brazil. The approach adopted by the Jesuits towards the Indians in Brazil followed the steps of their Dominican counterparts. They defended the Indians against the settlers' eager desire to enslave the natives, and concentrated their first efforts on learning the native languages and explaining the Faith and its tenets to the Indians.

⁷⁸ Fr. Manuel da Nóbrega, letter to Fr. Simão Rodrigues, 15 April 1549, MBI-6, p.116.

Nóbrega and his companions were determined to convert the Tupi Indians of Brazil through the ministry of the Word, as prescribed by the bull Sublimus Dei, issued in 1537 by Pope Paul III:

...the said Indians and other peoples should be converted to the faith of Jesus Christ by preaching the word of God and by the example of good and holy living.⁷⁹

The bull applied the Thomist interpretation of unbelief to the case of the New World inhabitants. According to Thomas Aquinas, there are two kinds of humans who sin other than Christians: heretics and pagans. The heretic turns his back on Christianity, while the pagan is ignorant of the Faith. Thomas Aquinas argued that heretics are subject to punishment for their sins, but that pagans must be converted through persuasion.⁸⁰

Thomas Aquinas derived this argument from his position on the source of faith. According to him, faith is a virtue of the will, but lack of it is a vice of reason.

⁷⁹ Pope Paul III, Sublimus Dei. An English translation of the bull is found at the internet address: <http://listserv.american.edu/catholic/church/papal/boniface/paul3.slavery.html>.

⁸⁰ Thomas Aquinas, Summa Theologiae, II, II, q.10. Unless marked otherwise, citations from Thomas Aquinas' Summa are taken from Summa Theologiae, Latin and English texts, Blackfriars, McGraw-Hill, New York, 1964.

Even though faith's cause is still in the will, unbelief is an attribute of reason. From this rational source of unbelief, Thomas Aquinas arrived at his dual interpretation of its nature: While there are those who simply do not have faith, viz., unbelief as absence of faith, there are those who are contrary to it, viz., unbelief as rejection of the faith. While the latter, the heretics, may be compelled to retreat from their error and punished if they do not, the former, the pagans, do not sin by being ignorant of the faith. Their ignorance resulted from the sin of their ancestors, and they may not be forcibly converted to the faith, only persuaded to do so.⁸¹

Nóbrega and his companions encountered forty Portuguese settlers living in Bahia, the new capital of the colony. Most of the settlers were relatives of Diogo Álvares Caramuru, the patriarch of the community. Those settlers lived in peace with the Tupiniquin Indians of the region. Those Indians were the first natives the Jesuits encountered in Brazil.

Like the Tupiniquin, most Indian tribes on the coast of Brazil were part of the Tupi linguistic group. Their dialects differed little from one another, and they shared

⁸¹ idem, II, II, q.6.

a similar form of social organization: semi-sedentary communities, with up to a few hundred members, living from an economy comprised of agriculture, hunting, fishing and gathering. The main groups within the Tupi lineage were the Tupiniquin around Bahia, the Tamoio in the Rio de Janeiro region and the Tupinambá to the south. There were also small bands of Indians who lived in the jungles of the Atlantic ridge and who did not speak a Tupi dialect, for example, the Caetés in the northeast of Brazil. The Jesuits considered these Indians the most dangerous, and rarely attempted to convert them.

Some missionaries sent from Europe encountered great urban civilizations in the New World, such as the Incas of Peru and the Aztecs of Mexico. Other missionaries, however, encountered smaller social organizations. The Caribs of the islands, encountered by Bartolomé de Las Casas, and the Tupi of Brazil, encountered by the Jesuits, were of this second kind. In his 1550-1 Valladolid debates with Juan Gines de Sepúlveda, Bartolomé de Las Casas defined them as *simpliciter*:

...people who, through impious or perverse understanding, or on account of the miserable regions they inhabit, are savage, ferocious, slow-witted and alien to all reason. Such peoples are not governed by laws, nor have they

any understanding of justice.⁸²

This description appears as a harsh characterization of the Caribs, especially in light of the widely accepted view that Las Casas was an "advocate" for the Indians and their rights. Yet it must be interpreted in light of the arguments it was intended to refute. Las Casas was arguing against Sepúlveda's argument that the natives of the American continent were like the natural slaves described by Aristotle. He wanted to show that there was no evidence to suggest that they were naturally incapable of action, as was the case with Aristotle's "natural" slaves. The situation was simply too unformed to permit such judgments.

When the Jesuits spoke about the Tupi Indians, they used terms similar to those chosen by Las Casas. They referred, for instance, to the curious fact that the Tupi language lacked three letters (R, L, and F), and used this fact to explain why the Tupi had no king (*Rei*), no law (*Lei*) and no faith (*Fé*).⁸³ Still, even if nothing in Tupi

⁸² Bartolomé de Las Casas, *Argumentum apologiae*, ed. Angel Losada, Madrid, 1975. Also cited in Anthony Pagden, *The Fall of Natural Man*, p.132.

⁸³ Cf. Br. Antônio Blásquez, letter to the Fathers and Brothers at Coimbra, 8 July 1555, MBII-40, pp.250ff. See also Fernão Cardim, S.J., *Tratados da Terra e Gente do Brasil*, J.Leite & Cia., Rio de Janeiro, 1925; and Pero Magalhães de Gândavo, *Tratado da Província do Brasil*,

societies resembled the civilizations in Peru and Mexico, the Jesuits distinguished those coastal tribes that spoke the Tupi language from what they considered to be the more "savage" and "beastly" Indians that lived in the coastal jungles.

The Jesuits discovered that Tupi societies were erected upon three institutionalized forms of authority: chiefs, medicine men (*pajés*) and councils of the elders. The organization of these authorities arose from the Indians' constant wars against one another. As Florestan Fernandes showed in his study of the culture of the Tupinambá Indians, war was highly ritualized in Tupi societies, and they warred primarily to avenge the deaths of ancestors. Once the enemy had been captured, he had to be converted into a symbol of their vengeance. Cannibalism was a ritual practice associated with war, as the Tupi ate only captive enemies. This primacy of war entailed, furthermore, that the Tupi delegated much authority to their chief, usually someone with great warring and hunting skills that led them into battles. Inside the community, the council of elders adjudicated internal conflicts and

Instituto Nacional do Livro, Rio de Janeiro, 1965. Both Jesuit treatises used this linguistically inspired interpretation of the natives' simplicity.

decided when to wage war against another tribe.⁸⁴

The Tupi Indians also recognized the authority of their medicine men, the *pajés*. These *pajés* rose to positions of authority when they demonstrated magical skills and the capacity to communicate with the spirits. This was a social role that anyone demonstrating the necessary skills could occupy. The first skill one demonstrated to become a *pajé* was the art of sucking, the Indians' primary medical technique, and a practical method for coping with jungle diseases contracted through contact with animals or plants. The *pajé* could also have recourse to less material techniques such as magic and chants. The *maracas*, for instance, were sacred ceramic pots with healing and magical powers that these medicine men also used to predict the weather and the future. If the *pajé* utilized the *maracas* successfully, he was believed to have the power of communicating with the spirits, something he usually manifested through chants.

⁸⁴ Florestan Fernandes, Organização Social dos Tupinambá, 2nd edition, Difusão Européia do Livro, São Paulo, 1963; and A Função Social da Guerra na Sociedade Tupinambá, second edition, Livraria Pioneira Editora - EDUSP, São Paulo, 1970. See also Alfred Mettraux's ethnology of the Tupi, La Religion des Tupinambá et ses Rapports avec des autres tribus Tupí-Guarani, Bibliothèque de l'Ecole des Hautes Études, Science Religieuses, XLV, 1928.

At times, the reputation of the *pajés* as magicians reached neighboring tribes and they became identified as "great" medicine men, or *pajé-guaçú*. These great *pajés* were also called *caraíbas*, and were often treated as prophets by different Tupi tribes in a given region. They lived apart from the communities, and healed people throughout several tribes. There are also accounts of *caraíbas* leading mass migrations of Tupi Indians seeking their earthly paradise, the land-without-evil (*ywy mara ey*).⁸⁵

Power in Tupi societies was therefore divided but not stratified. The functions of the chief, the council of elders, and the medicine men were differentiated but not in hierarchical order. Only in times of war did the power of the chief in the Tupi's social organization approach kingship. By separating the war functions of the chief, the adjudicatory functions of the council of the elders, and the religious functions of the medicine men, the Tupi Indians were deemed to have created mechanisms to curtail any member of the community from abusing powers transferred

⁸⁵ Curiously, Florestan Fernandes makes no mention of these *caraíbas*. For their role in Tupi societies, cf. Hélène Clastres, The Land-Without-Evil: Tupi-Guaraní Prophetism, University of Illinois Press, Urbana, 1995.

to him. Chiefs were accountable to the elders, the elders deferred to the chief in times of war, and the medicine man's powers always depended upon demonstrating efficacy in producing physical healing.

Initially, Nóbrega and his companions communicated with the Tupi Indians through Diogo Álvares *Caramuru*, one of the few people in the Portuguese settlement in Bahia who knew the native language. The Jesuits knew that this was only a temporary solution for their linguistic problems, and soon thereafter, they set about learning the Tupi language and teaching Portuguese to the natives. The Jesuits learned Tupi by going to live with the Indians in their communities. The Jesuits were prepared for the language study. The humanist approach to the education for novices in the Jesuit order already comprised becoming fluent in at least a second language, Latin; the Jesuit Constitutions actually prescribed that students in the colleges also be taught Greek and Hebrew.

The Jesuits found in such learning processes not only necessity but also beauty. They praised the native language for its musicality and rich structures, and often compared the native language with European ones:

It seems to me that professor João would profit a

lot from this land, because his language [Catalan] is similar to this one, and we could also profit from his theology.⁸⁶

...[the provincial] ordered that there be one hour of lessons in the Brazilian language [*língua brasílica*], which here we call Greek.⁸⁷

They have neither writing nor characters ... their language is delicate, copious and elegant; it has more compositions and syncopation than Greek...⁸⁸

Once the Jesuits embarked on the project of learning the Tupi language, they began to notice that the natives showed some interest in their preaching. The Tupi paid great respect to the members of their community who were crafty in rhetoric - the Jesuits called these orators "masters of speech" (*senhores da fala*). The Jesuits' mastery of the native tongue thus had the potential to become a source of authority.

More important, the bilingual Jesuits became one of

⁸⁶ Fr. Manuel da Nóbrega, letter to Fr. Simão Rodrigues, 15 April 1549, MBI-6, p.114-5.

⁸⁷ Fr. Rui Pereira, letter to the Fathers and Brothers of Portugal, 15 September 1560, MBIII-40, p.306.

⁸⁸ José de Anchieta, "Information from the Province of Brazil," letter to Our Father, 1585, in AN-XXXII, p.433. Fr. Fernão Cardim, S.J., in his Tratado da Terra e Gente do Brasil uses the same language to praise the native language: "it is easy, elegant, suave and copious; its difficulty consists in having many compositions". See Cardim, Tratado da Terra e Gente do Brasil, p.194.

the few bridges between the Portuguese and the Indians. As interpreters, they could distance themselves from the bad impression the Indians had of the Portuguese settlers. In this role as "go-betweens," furthermore, the Jesuits also mediated many of the interactions between the natives and the settlers, as both sides became dependent on the Jesuits for trading and resolving conflicts.⁸⁹

Even though the Jesuits worked to learn the native tongue, some did not learn it fast enough, and were forced to rely on interpreters in order to speak to the Indians. This demand was met through teaching Indian children how to speak Portuguese. These children were used especially in the Christian sacramental rites the Jesuits performed, such as confession.⁹⁰

⁸⁹ For the concept of "go-betweens," cf. Stephen Greenblatt, Marvelous Possessions: the wonder of the New World, University of Chicago Press, Chicago, 1991. The most important monographs on this topic are Emma Martinell Gifre, Aspectos Linguisticos del Descubrimiento y de la Conquista, Consejo Superior de Investigaciones Cientificas, Madrid, 1988; and Frances Karttunen, Between Worlds: Interpreters, Guides and Survivors, Rutgers University Press, New Brunswick, 1994.

⁹⁰ Citing Inga Clindinenn, Stephen Greenblatt argues that missionaries in the New World did not want to teach the European languages to the Indians for fear of losing the power emanating from their role as go-betweens. Cf. Stephen Greenblatt, Marvelous Possessions, p.107. These children interpreters are evidence to the contrary. The Jesuits did not teach Portuguese to the native adults because they

The biggest achievement of the Jesuits' efforts to learn Tupi was their standardization of the native language. The missionaries wrote grammars of Tupi that allowed them to teach their peers what they believed was the "standard language" (*língua-geral*) of the coast. The first grammar of the Tupi language was José de Anchieta's Arts of the Grammar of the language most used on the coast of Brazil (*Artes da Gramática da língua mais usada na costa do Brasil*), published in 1595, but circulating within the order much earlier. In fact, after Antônio de Nebrija's Gramática de la lengua castellana, composed about half a century earlier, it was the first grammar composed for a vernacular language.

The Jesuit grammars of Tupi were truly an effort to invent a standard language (*língua-geral*) for the entire coast. Because Tupi was an oral language with no written code, the Jesuits' *língua-geral* transformed the native tongue into a new dialect: it was a 'Latinized' Tupi, written in a Latin alphabet and structured upon the logical system of sentence-building in neo-Latin vernaculars.

Knowledge of this standard language became an immediate source of power for both Jesuits and Indians.

refused to learn it; but the children were more inclined and prepared for this task.

Similar to what occurs when an official national language is imposed upon linguistically diverse communities (such as modern Spain or Italy), the standard language became a form of status stratification within Indian societies. Because the native children were the most active students of both Portuguese and the *língua-geral*, the Jesuits' formalization of Tupi also brought forward an inversion of the Tupi distribution of social powers by age.

Moreover, these grammars allowed the Jesuits to incorporate learning Tupi into the educational institutions of the Jesuit order. In 1565, for instance, Polanco requested that a Tupi vocabulary be sent to Portugal for novices to begin to learn that language before their departure to Brazil. In 1568, the first Congregation of the Brazilian Jesuit province recommended that the Jesuit schools accept Tupi as a substitute for Latin in the requirements for ordination.⁹¹

The Jesuits also wrote the essential literature for the missionary enterprise in the native tongue. Primarily, they wrote manuals for the Christian doctrine. Around

⁹¹ See Fr. Juan de Polanco, letter to Fr. Leão Henriques, 14 October 1565, MBIV-24, pp.282ff; and "Postulates of the First Provincial Congregation of Brazil," June 1568, MBIV-65, pp.464ff.

1552, Pero Correia wrote the first Summary of the Christian Doctrine (*Suma da Doutrina Cristã*) in Tupi; another *Doutrina* written in this period is usually ascribed to Anchieta. In 1574, Leonardo do Vale translated a Portuguese manual into Tupi, and in 1618, Antônio de Araújo's catechism in Tupi was published in Portugal. These doctrinal manuals shared a similar structure. They were intended as practical guides to the conversion enterprise and their content was limited to the major tenets of the Christian faith: the commandments of God and of the Church, the words in Tupi that should be said when performing the sacraments, the names for the theological and cardinal virtues, for the senses, for the articles of Faith and for the venial and mortal sins. In fact, these doctrinal manuals often functioned as Tupi dictionaries for Christian religious terminology.

Perhaps the most important aspect of the Jesuits' effort to learn the native language was that the Brothers had to place themselves in a position of relative submission to the native Tupi culture. Translating Christian beliefs into Tupi entailed attaching meanings derived from Christianity to words existent in the native tongue. This submission eventually helped persuade Indians to convert, but not before the meanings of the religious

concepts of Christianity had been adapted, modified and approximated to the religious concepts of the Tupi culture.⁹²

But the Jesuits' mastery of the native language also allowed them to gradually understand the religion and customs of the natives. Through an ethnography of the native culture, the Jesuits learned what the Indians believed in, why they believed in it, and how they might be persuaded to believe in something else. For example, when one of Nóbrega's companions began teaching some Indians to

⁹² In his analysis of the missions to the Tagalog of the Phillipines, Vicente Rafael noted this dialectic of mastery and submission contained in the logic of translation in colonial contexts: "Translation, by making conceivable the transfer of meaning and intention between colonizer and colonized, laid the basis for articulating the general outlines of subjugation prescribed by conversion; but it also resulted in the ineluctable separation between the original message of Christianity (which was itself about the proper nature of origins as such) and its rhetorical formulation in the vernacular. For in setting languages in motion, translation tended to cast intentions adrift, now laying, now subverting the ideological grounds of colonial hegemony. The necessity of employing the native vernaculars in spreading the Word of God constrained the universalizing assumptions and totalizing impulses of a colonial-Christian order ... Premised on a different sense of what it meant to submit and negotiate with authority, Tagalog conversion alternately supported and deflected the exercise of Spanish power to the extent that that power was formulated in a language other than that of its original agents." Vicente L. Rafael, Contracting Colonialism: translation and Christian conversion in Tagalog society under early Spanish rule, Duke University Press, Durham, 1993, p.21.

speaking Portuguese, the first thing he realized was that he had to convince the Indians to take out the wooden piece they customarily inserted in their lips, so that they could properly pronounce Portuguese phonemes.⁹³ Overcoming the language barrier entailed crossing the cultural gap that separated the Jesuits and the Tupi. Persuading the Indians to abandon customs such as the lip-piece required more than knowledge of their language; it entailed knowing why they used that piece. Language was important to the Jesuits not only because it allowed them to dialogue with the Indians, but also because they had positioned themselves to understand the Tupi culture.

The Jesuits' encounter with Tupi culture was a two-stage process. First, the Jesuits sought Portuguese words to define the elements of Tupi culture for which they had no words. For each new animal, plant or custom of the New World and its inhabitants, the Jesuits sought a European equivalent. This "naming of the unknown" began with searching for words to describe the native himself. In the first years of the missions, the Jesuits referred to the Indians as Negroes (*negros*), as their knowledge of cultures outside Europe was restricted to their knowledge of the

⁹³ Fr. Manuel da Nóbrega, letter to Dr. Martin de Azpicuelta Navarro, 10 August 1549, MBI-8, p.140.

African and Asian continents. In their eyes, the New World inhabitants looked more like the Negroes of Africa than the peoples of the East. At first, the Jesuits designated the Indians by words that expressed their closest experience of the natives' difference. Later, the American natives and the Africans that were brought to Brazil were differentiated by designating the latter as Negroes from Guinea (*negros de Guiné*).

In the second stage, the Jesuits interpreted the Tupi culture. Curiously, the Jesuits believed the pagans had some knowledge of the Christian faith in the past, which they had subsequently lost. The Jesuits found evidence of this in Indian myths that seemed to recount events of the ancient history of Christianity. At times, they interpreted Tupi myths as pagan beliefs from which the natives had to be dissuaded. But insofar as these myths resembled Christian narratives, the Jesuits utilized them as the basis for their translation of Christianity into Tupi. The most important Tupi myths the Jesuits discovered were the myth of the earthly paradise, the myth of *Anhangá* the evil spirit, a myth about a flood following the creation of the world, and the myth of *Sumé*, a Tupi ancestor who traveled throughout Brazil.

The land-without-evil was a sacred, inviolable place

where one went after death. It was somewhere in the distance: Indians of the backlands of Brazil traveled to the coast in search of it; those on the coast traveled to the backlands. The land-without-evil was not for all Indians, however; only for the brave. The cowardly and effeminate were said to live with the evil spirit *Anhangá* after death.

Naturally, the Jesuits identified the Tupi myth of an earthly paradise (*ywy mara ey*) with the Christian concept of heaven. According to the Jesuit Fernão Cardim, the Indians believed this place was filled with fruit trees along a river, and people did nothing but dance there.⁹⁴ The Tupi term *Anhangá*, furthermore, was used by the Jesuits to designate the Christian devil in their conversion efforts.⁹⁵

⁹⁴ Fernão Cardim, S.J., Tratado da Terra e Gente do Brasil., p.162.

⁹⁵ See Simão de Vasconcelos, Chronica da Companhia de Jesu do Estado do Brasil, A.J.Fernando Lopes, Rio de Janeiro, 1865, p.100; and Jean de Léry, History of a Voyage to the Land of Brazil, University of California Press, Berkeley, 1990, p.136. The Indians also believed in forest mythical beasts, such as the *Curupira*, the *Igpupiára* and the *Baetatá*: "It is well known in this land that there are certain demons which the Brazilians call *corupira*, that often attack the Indians in the forest, hitting and killing them. Our brothers are witness to this, as they have seen some who have been killed by these beasts ... In the rivers there are other ghosts which they call *Igpupiára*, that is,

The first reference to a Tupi myth of the flood appears in Nóbrega's letter to his professor Martin Azpicuelta Navarro, only a few months after his arrival in Brazil:

They have news of the flood of Noah, but not according to the true story, because they say that all died except for an old woman who escaped on a tall tree.⁹⁶

The Tupi believed they descended from the survivors of the flood and the Jesuits associated that myth with the flood of the Old Testament. The stories did not match perfectly because the Tupi myth contained no ark, and involved either

the 'one that lives in water', and that also kill the Indians. Other beasts live mostly on the beaches of rivers and the sea, and are called *baetata*, which means 'thing of fire' ... like the *curupira*, they also kill the Indians." José de Anchieta, letter to Our Father, 31 May 1560, AN-X, p.128-9. As seen in this passage, the Jesuits also believed in these mythical beasts. They had never seen one of them, and thought them to be part of the new fauna they encountered in the New World.

⁹⁶ Fr. Manuel da Nóbrega, letter to Dr. Martin de Azpicuelta Navarro, 10 August 1549, MBI-8, p.138. Fr. José de Anchieta, in a 1584 letter also mentions the myth: "They have some news about the flood, but it is very confusing because the story goes from hand to hand among the greater ones, and they tell the story in different ways." José de Anchieta, "Information from Brazil and its captaincies," AN-XXIX, p.332. See also Fernão Cardim, S.J., Tratado da Terra e Gente do Brasil, p.161. Besides the Jesuits, the travellers André Thevet, Jean de Lery and Hans Staden also observed the existence of this myth on the Brazilian coast. Antônio Ruiz de Montoya also observed it amongst the Guaraní Indians in Paraguai. Cf. Hélène Clastres, The Land-Without-Evil: Tupi-Guaraní Prophetism.

one person or two siblings. The Jesuits attributed that inaccuracy to the imperfect oral transmission of the Tupi myth over time.

The most convincing evidence the Jesuits found that the Tupi had contact with Christianity was their cult of *Sumé*. *Sumé* was an ancestor, probably a *pajé*, who the Indians believed had taught them agriculture and created their social organization. The Jesuits believed *Sumé* was the apostle St.Thomas:

They say that St.Thomas, whom they call *Zomé*, passed by here. Their ancestors told this to them. His footprints are marked close to a river, and I went to see them in order to be sure they said the truth. I saw with my own eyes four footprints with the toes clearly distinguished; the river sometimes cover them when it is full. The Indians say that when he left those footprints, he was running away from Indians that wanted to shoot him down. When he arrived there, the river opened up for him and he crossed without getting himself wet. Then he left for India. They also say that when the Indians shot him, the arrows turned back against the attacker and the forest opened up for him to pass ... They also say that he promised to return. May he look after them from heaven, and intercede in their favor with God so that they come to know Him and receive the holy faith, as we wish.⁹⁷

Nóbrega's account of the myth in this early letter was influenced by the large popularity enjoyed by St.Thomas and

⁹⁷ Fr. Manuel da Nóbrega, "Information from the Lands of Brazil," letter to the Fathers and Brothers at Coimbra, August 1549, MBI-9, pp.153-4.

his relics in late medieval Europe. The legend of his preaching in the East was widespread, and given the Jesuits' ignorance of world geography at the time, it did not seem improbable to them that St. Thomas might have reached the new continent through the East.⁹⁸

When interpreting Indian mythology, the Jesuits were quick to identify in it elements of the culture of Christianity. By assuming that Tupi myths corresponded to events in the ancient history of Christianity, the Jesuits bypassed what could have been an arduous process of desacralizing Indians stories and replacing them with Christian ones. If the Indian stories were Christian ones, as they concluded, all they needed were a few correction to the defects that oral transmission imprinted on the Tupi narratives.

Tupi beliefs indeed offered a solid basis for the Jesuits' conversion enterprise. In them, the Jesuits identified some important pillars of the Christian faith: (a) the Tupi Indians believed in the immortality of the

⁹⁸ The first reference to this legend is a 1516 book by Duarte Barbosa. Cf. Simão de Vasconcelos, Chronica da Companhia de Jesu do Estado do Brasil, p.102. For an insightful analysis of the myth and the Jesuits' interpretation of it, see Sérgio Buarque de Holanda, Visão do Paraíso, Editora Brasiliense, São Paulo, 1959.

soul; (b) they organized their moral world in terms of a fundamental dichotomy between good and its rewards, and evil and its punishments; (c) they venerated St. Thomas, as did the Jesuits. In this way, the ethnography of Tupi culture allowed the Jesuits to understand where authority was located within the Tupi social organization, and to understand how the Tupi myths helped reproduce and legitimate that authority.

Language proved indispensable to persuading the Indians into the Faith. But alone it did not allow the Jesuits to overcome the confusion and misunderstanding produced by their preaching. For instance, in a 1563 letter, the Jesuit José de Anchieta tells a story about an old Indian who had been taught the basics of the faith. The missionary took him to the Church to be baptized. After the ceremony, the Indian's grandchild called him to leave. The old man replied: "Where to?"; he thought he was going straight from the church to paradise.⁹⁹

Where is paradise if not in the Church? Why should one not kill and eat his enemies? Why should one marry a woman and live a monogamous existence? The Jesuits had

⁹⁹ Br. José de Anchieta, letter to Fr. Diego Laynes, 16 April 1563, MBIII-74, p.561.

answers to all of these questions, but their answers did not necessarily persuade the Indians. Translating Christianity into Tupi allowed the Jesuits to convert their religious symbols into native symbols; but if the Jesuits wanted to convince the Indians about matters the native tongue did not have the words to express, more than eloquence in the pagans' language was required. In order to convert the natives to Christianity, the Jesuits had to make the Indians believe they spoke the truth about religious matters. And for this purpose, as we shall see in the next section, Nóbrega and his peers had to devise conversion strategies that went beyond the ministry of the Word.

2. Converting the Tupi Indians II: Beyond the Ministry of the Word

"Go forth to every part of the world, and proclaim the Good News to the whole creation. Those who believe it and receive baptism will find salvation; those who do not believe will be condemned. Faith will bring with it these miracles: believers will cast out devils in my name and speak in strange tongues; if they handle snakes or drink any deadly poison, they will come to no harm; and the sick on whom they lay their hands will recover"

(Mark, 16:15)

When Nóbrega and his peers started evaluating their

missionary enterprise circa 1552, they realized that only preaching the Word to the Indians failed to convert them. They had to find ways to persuade the Tupi to Christianity that did not rely solely on their ministry. Finding these ways, furthermore, required that the missionaries first identify the reasons for the failure of their first missionary attempts.

When the Jesuits began to evaluate their missionary enterprise, they identified the natives themselves as the main obstacle to their success. The Tupi Indians, the Jesuits observed, often received the sacraments and told the Brothers that they believed in the Christian God. At first, this consent of the natives led the Jesuits to believe the Indians had converted. But the Indians did not abandon their sinful customs such as cannibalism and polygamy. In the Jesuits' interpretation of this fact, it meant the Indians had "returned to their old ways."

According to the Jesuits, the settlers were also an obstacle for the success of the missions. First, they constantly attacked the Indians in order to enslave them. These attacks were not only unjust, but also scared the Indians away from the Jesuits, who had a difficult time persuading the natives that they were not like the settlers. Second, the settlers in Brazil lived a life full

of sin, and were a bad example for the Indians. How were the missionaries going to convince the Indians to behave like Christians if the Christians themselves did not behave that way? Ten months after his arrival in Brazil, Nóbrega had already written: "[T]he more distant we remain from the old Christians that live here, the more fruits we will reap."¹⁰⁰

Finally, the Jesuits also deemed the secular clergy as an obstacle to the missionary enterprise. Soon after they landed in Brazil, Nóbrega argued that the corruption of the secular clergy living in the colonial towns could only be resolved by bringing a bishop to the new lands. Nóbrega pressured King John III and his Jesuit superiors to see that an ecclesiastic authority be sent to Brazil.¹⁰¹

But the arrival of the first bishop of Brazil Pedro Fernandes Sardinha in 1552, only prompted more antagonism and obstacles for the Jesuits. Sardinha did not like the Jesuits' adaptive and tolerant ways. In a letter to the Jesuit rector of the School of S. Antão in Lisbon, he wrote:

I am shocked to see that the Fathers here confess the Indian women who are married to Portuguese

¹⁰⁰ Fr. Manuel da Nóbrega, letter to Fr. Simão Rodrigues, 6 January 1550, MBI-10, p.164.

¹⁰¹ Fr. Manuel da Nóbrega, letter to Fr. Simão Rodrigues, 15 April 1549, MBI-6, p.118.

settlers through interpreters ... On holidays, the [Fathers] go around singing and dancing with the instruments and sounds the pagans use when they are drunk and doing their human sacrifices. I have been just told that they also buried some pagans they converted according to the pagan rituals ... [W]e should occupy ourselves more with the corruption of the whites [settlers] than with the conversion of the negroes [Indians] ... Nóbrega is virtuous and learned, but has little experience and is too attached to his own opinions. It seems to me that he is more talented to be a subject than to be a leader.¹⁰²

The Jesuits' disillusion with the life of the colony thus encompassed all its aspects: they were disillusioned with the Indians, with the settlers, and with the clergy. In the same year the bishop arrived in Brazil, Nóbrega and his peers began seeking ways to overcome their frustration.

In June 1552, Fr. Leonardo Nunes wrote a letter to Nóbrega from São Vicente reporting that the Indians there were more peaceful and easier to convert.¹⁰³ He also reported that he had heard from Spanish travelers that there was a huge population of Indians living in Paraguay who lived in peace with the Christians and who were even more prepared to receive the Faith. Those Indians were the Guarany who later became the citizens of the Jesuit

¹⁰² D. Pedro Fernandes, letter to the rector of the S. Antão school in Lisbon, 6 October 1553, MBII-2, pp.11-12.

¹⁰³ Fr. Leonardo Nunes, letter to Fr. Manuel da Nóbrega, 29 June 1552, MBI-46, pp.335ff.

reducciones of the early seventeenth century; in Brazil at this time, they were known as the Carijó Indians.

The quarrels with Sardinha prompted Nóbrega to leave the capital of the colony for the southern captaincy of São Vicente. While carrying out his pastoral activities in São Vicente, Nóbrega became increasingly intrigued with the news about the Carijó Indians of Paraguay. That same year, Nóbrega made a trip into the backlands to meet those Indians, and began to pressure the metropolitan authorities to allow him to transfer the Jesuit missions in the New World to that region. The idea reached Rome and was discussed by the hierarchy. Ignatius saw no impediments as long as the Portuguese crown also approved the idea.¹⁰⁴ The crown, however, remained opposed to the idea because of the danger of violating the Treaty of Tordesillas, by which Spain and Portugal had divided the New World lands longitudinally.

Nóbrega became so obsessed with the idea of moving the missions towards Paraguay, that in his letters to Portugal, he began to ponder whether the coastal missions were worth pursuing at all:

¹⁰⁴ See Fr. Ignatius of Loyola, letter to Fr. Pedro de Ribadeneira, 3 March 1556, MBII-42, pp.263ff.

It seems reasonable to me that we should leave these regions for the Bishop and his priests, for he wants to use a way of proceeding with them [pagans] which is different from ours. And his way is probably better, for he is very virtuous, zealous, learned, and experienced.¹⁰⁵

One cannot but speculate whether these last words by Nóbrega were not full of irony. Still, Nóbrega's desire to move into Paraguay had definitely altered his evaluation of the prospects of the coastal missions.

Yet Nóbrega's evaluation of the missions would have never taken place if it had not also been prompted by the arrival in Brazil of a third expedition of Jesuit missionaries in 1553. Although a second levy of four Jesuits had been sent to the colony in 1550, they left Lisbon before any correspondence from the missions arrived in Portugal. The third expedition, however, had access to the first letters from Brazil while they were still in Portugal. In a 1555 letter to Ignatius, José de Anchieta, one of the key missionaries of the early period and a member of that third expedition, wrote:

I tell these things to Your Reverence and all our brothers, so that you understand that the things written in the preceding letters are not worth much, that we should not place great hope on them; on the contrary, they weigh less than it

¹⁰⁵ Fr. Manuel da Nóbrega, letter to D. João III, King of Portugal, October 1553, MBII-3, p.17.

seems.¹⁰⁶

The first letters written by Nóbrega and his peers had been crafted with two purposes in mind: to persuade the Portuguese crown and the Jesuit hierarchy about the virtues and prospects of their inceptive enterprise, and to persuade their peers in the houses in Portugal to join their noble effort. By 1553, however, more missionaries had already arrived and the conversion enterprise was still not successful.

When the third levy arrived in Brazil, José de Anchieta was sent to São Vicente, where he met Nóbrega. Immediately, Nóbrega became impressed with the fruits Anchieta reaped from his ability to heal the Indians. Anchieta himself noted that the natives seemed to convert more easily following those healing sessions:

We attend to all kinds of people, Portuguese or native, free or slave, in both spiritual and corporeal matters. We cure them because there is no one else to do it, especially through bloodletting, so useful in these lands ... This helps us bring health to their souls, as they become more open to understanding the faith.¹⁰⁷

In Tupi societies, only those who demonstrated the power to

¹⁰⁶ Fr. José de Anchieta, letter to Fr. Ignatius of Loyola, MBII-32, p.208.

¹⁰⁷ José de Anchieta, letter to General Diogo Lainez, March 1562, AN-XIII, p.179.

heal the sick were granted the privilege of communicating with the spirits. The Indians believed their medicine men spoke the truth about religious matters because of the persuasive power of the pre-linguistic rites of social magic they performed. If the Jesuits desired more than the right to preach their faith - that is, if they wanted their words to persuade - they had to convince the Indians that they were not impostors.

The missionaries wanted to become "authorized" speakers, and that meant convincing the Indians that, like the *pajés*, they also had the privilege of communicating with the spirits. Before the Jesuits could persuade the Indians of their religious message, therefore, they had to prove their power to heal bodies. In order to succeed in converting the Tupi Indians, the Jesuits had to compete with the *pajés* for the monopoly over healing.

Jesuits such as Anchieta engaged in healing the Indians because of the role healing played in Christian pastoralism. In the Old Testament, only the Almighty God forgave sins, and no direct links were established between spiritual and physical health. To this power to forgive sins, Jesus added the powers of his humanity: he was a doctor who cured souls, but who also miraculously cured bodies. According to the Gospel, Jesus transferred the

powers of his humanity to the Apostles. These powers were subsequently transferred to the Church, whose members were therefore obliged to do charitable works amongst the sick.

For the most part, sixteenth century hospitals were institutions under the care of *religiosi*, as confraternities and monasteries took upon themselves to heal the sick and console the dying. While *religiosi* in Europe engaged in charitable works in hospitals, they never worked as doctors, a profession that had a long history of antagonisms with Christianity since the early Middle Ages. Canon Law, for instance, determined that the precepts of pagan medicine were at odds with divine knowledge.¹⁰⁸ In the middle of the twelfth century, Pope Alexander II forbade monks to study or practice medicine. In 1243, the Dominicans forbade their monasteries from acquiring any medical treatises for their libraries. Two hundred and fifty years later, Pope Pius V still deemed it important to legislate on the subject, and ordered that before a secular doctor treat a Christian, a physician of the soul see the

¹⁰⁸ "Contraria sunt divine cognitioni praecepta medicinae: a jejunio revocant, lucubrare no sinunt, ab omni intentione meditationis abducunt." *De Consecratione, dist. V, c.xxi*. Cited in Andrew White, A History of the Warfare of Science and Technology in Christendom, George Braziller, NY, 1955, p.28.

sick person, for bodily infirmity frequently developed from sins.¹⁰⁹

By the sixteenth century, Hippocratic medicine (as improved by Renaissance doctors) had overwhelmed Europe with new knowledge of anatomy, drugs, and surgery. Old medieval practices such as phlebotomy (bloodletting) continued to be used throughout Europe but, gradually, a new medical science erected upon Vessalius' anatomy conquered the old continent. Still, in the Catholic stronghold of the Iberian Peninsula, these advances had a smaller impact. Until the eighteenth century, dissections were rare in Spain and the doctrine of the circulation of the blood constantly denied.¹¹⁰

The Jesuit missionaries' knowledge of medical science was hardly sufficient for them to work as doctors.¹¹¹

¹⁰⁹ The main source of Christian resistance to pagan medicine in the medieval period was that Christian *religiosi* viewed the flesh as at best a partner of the soul, but often described it as a degrading vehicle for its manifestation in this world. This negative interpretation of the flesh as a degrading vehicle survived in the asceticism of the monastic orders and conflicted with medical science's efforts to rescue the body from the degrading effects of nature and time. Cf. Andrew White, A History of the Warfare of Science and Technology in Christendom.

¹¹⁰ Owsei Temsei, Hippocrates in a World of Pagans and Christians, Johns Hopkins Univ. Press, Baltimore, 1991.

¹¹¹ Serving in hospitals for a period of time was actually

Still, they knew far more about the diseases contracted by the Indians than the *pajés*; most of these diseases, after all, were new ones brought from Europe. These new illnesses contracted by the Indians - sometimes a mere cold that European bodies were prepared to resist - had a harsh effect on the native's body.

While working with José de Anchieta in São Vicente, Nóbrega discovered that his peer succeeded in converting the Indians because the natives submitted themselves to the apparently miraculous powers of his medical skills. Just as the Indians did when they obeyed the *pajés* and the *caraíbas*, they submitted themselves to Anchieta's religious authority because of the charismatic authority he had established through healing the diseases of the Indians.¹¹²

Yet the competition with the *pajés* was not only for

one of the tests every Jesuit did during his probation period. Cf. "General Examen," in The Constitutions of Society of Jesus.

¹¹² According to the classic Weberian definition, "[t]he term 'charisma' will be applied to a certain quality of an individual personality by virtue of which he is considered extraordinary and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities ... In primitive circumstances this peculiar kind of quality is thought of as resting on magical powers, whether of prophets, persons with a reputation for therapeutic or legal wisdom, leaders in the huns, or heroes of war." Cf. Max Weber, Economy and Society, vol.1, ed. by G.Roth and C.Wittich, Univ. of California Press, Berkeley, 1978, p.241.

the monopoly over medical practices. It was also a struggle to produce persuasive explanations for failure and success in those practices. The *pajés* said the Jesuits' healing practices and Christian rites killed the natives. The Jesuits told the Indians that the *pajés*' healing practices were sinful and hampered the natives' chances of going to Paradise. To persuade the Tupi Indians to adopt Christianity, the Jesuits had to convince them that even when they failed to heal the sick, their Christian sacraments would produce consolation and increase the dying Indian's chances for salvation. In other words, the Jesuits had to persuade the Indians that physical healing was less important than spiritual healing. The results of the latter were not as visible, but rites such as extreme unction, the Jesuits argued, would bring consolation to one's soul regardless of his health conditions.

The Jesuits, therefore, had to convince the Indians that the rites of their Christian faith brought more "health to their souls" than the *pajés*' magical objects and chants. They had to convince the natives, therefore, that the ritual display of their religion was more efficient in communicating with the spirits than the *pajés*'. In practice, this meant convincing the Tupi natives to take part in the Christian sacraments the Jesuits administered

ritually to them: baptism, marriage, Eucharist, and confession.

Most of the times, the Jesuits baptized the Indians *in extremis*. It was difficult to convince them to have their newborn baptized, but it was easy to convince them to allow a Jesuit to administer the sacrament to those who were about to die. Regardless of whether it had been a Brother or a *pajé* who had attempted to heal the dying Indian, the Jesuits would attend to that Indian and perform a baptism *in extremis*. In explaining the ritual to the natives, the Jesuits told them that it would help the Indian be saved and go to paradise. The Tupi Indians all wanted to go to the land-without-evil.

Polygamy was a harder obstacle for the Jesuits. They had to convince the Tupi men to choose one amongst their many wives and to abandon the others. Even when the Jesuits succeeded in doing this, the natives' other customs, such as cannibalism, prevented the Jesuits from performing a Christian marriage.¹¹³

¹¹³ Citing Robert Ricard, John O'Malley claims that the Brazilian Indians had no concept of marriage. Cf. John O'Malley, The First Jesuits, p.72, footnote 172. While the polygamous structure of kinship of the Tupi was at times flexible enough to suggest "promiscuity" instead of polygamy, there was enough stability in the kinship structure of Tupi marriages for us to say that they had a

Nóbrega's Canon Law training led him to elaborate a novel solution to this dilemma. He argued that even if the Jesuits could not perform marriages under the laws of the Church, they could still perform marriages under natural law. Marriage was a natural institution, and as such, it existed even before the laws of the Church had been established. Therefore, Nóbrega concluded, the Indians could be married under natural law (*in lege naturae*):

It is necessary that Your Holiness show some laxity with regard to these positive [i.e., Church] laws ... And if we have the right to dispense with regard to the kinship derived from these positive laws ... we can at least marry them under natural law and baptize them after they have converted.¹¹⁴

But natural law marriages did not solve the problem of persuading the Indians to live a monogamous life. The Indians accepted being married by the Jesuits, told them they would live monogamously, but then kept their other wives. Because of this, the Jesuits often elected to marry only young Indians that were entering their first

polygamous social organization. Cf. Florestan Fernandes, Organização Social dos Tupinambá.

¹¹⁴ Fr. Manuel da Nóbrega, letter to Fr. Ignatius of Loyola, May 1556, MBII-44, pp.277-8. For a discussion of Nóbrega's invention of natural law marriages, see Samuel Rodrigues, "De Indorum Brasiliae matrimonis ex litteris P.Emmanuelis da Nóbrega notata quaedam" in Pontificiae Universidade Gregoriana, 1990.

matrimony. In these cases the Jesuits could simply ignore the subsequent wives that the Indians later took: there was a subtle difference between polygamy and extramarital affairs.

Another obstacle to matrimony was consanguinity. Tupi tribes were small and all Indians were related to one another. The Jesuits had to decide whether the marriage in question was or not prohibited by the Church's positive laws on consanguinity. The missionaries sought to have these laws relaxed by the Curia in Rome.¹¹⁵ They would not allow the natives to practice the more extreme sin of polygamy, but lesser ones such as marrying in consanguinity they deemed tolerable.

The most shocking and unacceptable practice the Jesuits discovered amongst the Tupi was their cannibalism. Even though the Tupi ate only enemies in warfare rituals, the Jesuits deemed cannibalism the Tupi's most vicious habit. Montaigne, who had the opportunity to meet a Tupi Indian before writing his essay On Cannibals, thought their cannibalism was less horrific than torturing men to death and feeding them to the dogs and swine, as European

¹¹⁵ Cf. Fr. Manuel da Nóbrega, letter to Fr. Luís Gonçalves da Câmara, 31 August 1553, MBI-75, pp.521ff.

cultures had done in the past. Montaigne also observed that the Brazilian natives attached courage and honor to being eaten by an enemy after defeat in battle.¹¹⁶

Unlike Montaigne, however, the Jesuits in Brazil did not understand the logic of honor and glory that justified Tupi cannibalism. At times they tolerated it out of necessity, turning their backs to one ceremony in exchange for the promise of stopping the practice thereafter. But never did they understand cannibalism's role in ritual warfare.¹¹⁷

Along with healing, toleration of native customs was the most crucial component of the Jesuits' success. Deciding which Tupi customs they should tolerate became a major concern:

We should embrace some of the customs of these pagans that are not against our Catholic faith, and that are not rites devoted to idols. For example, we should sing the songs of Our Lord in their language, tone, and with the instruments they use in the parties they have when they are

¹¹⁶ Cf. Montaigne, "Of Cannibals", in Essays, vol.1, The Heritage Press, New York, 1946, pp.271ff..

¹¹⁷ Some anthropologists have argued the Tupi did not practice cannibalism. See, for instance, William Arens, The Man-Eating Myth: Anthropology and Anthropophagy, Oxford University Press, New York, 1979. Donald Forsyth proves the existence of these practices on the basis of Jesuit sources in his article "The Beginnings of Brazilian Anthropology: Jesuits and Tupinambá Cannibalism" in Journal of Anhtropological Research, vol.39, no.2, 1983.

drunk and have killed enemies. Thus we will persuade them to abandon their more sinful customs. If we tolerate and approve of the former, we may work to eliminate the latter...¹¹⁸

In none of the Christian rituals was this willingness to adapt more evident than in the Mass. In them, the Jesuits often organized theatrical plays in which Indian children acted out scenes of the Gospel narrative. These plays were written in either Latin or Portuguese, and translated subsequently into Tupi. For the Indians, participating in these weekly ritual displays was always entertaining.¹¹⁹

In the Mass, the Indians were also allowed to dance and sing as they did when commemorating war victories. The Jesuits allowed the Indians to wear their religious costumes, to sing in Tupi, and to play their native instruments. Words persuaded, the Jesuits knew, but words accompanied by music and drama persuaded even more:

We should preach to them in their own ways: in their intonation of voice, walking around, and banging our fists against our chests as they do when they want to say something effectively and

¹¹⁸ Fr. Manuel da Nóbrega, letter to Fr. Simão Rodrigues, end of August 1552, MBI-54, pp.407-8.

¹¹⁹ For a discussion of the Jesuit theater in Brazil, cf. Serafim Leite, História da Companhia de Jesus no Brasil, vol.II, chap. V, pp.599-613.

be persuasive.¹²⁰

As Nóbrega subsequently noted in this letter, "similitude is the cause of love."¹²¹ Imitating the natives' body language, the Jesuits discovered, was yet another efficient pre-linguistic rite of social magic.

While the Mass was the ritual where adaptation was most evident, confession caused the Jesuits most problems. The missionaries often used bilingual native children as interpreters in the confessional: The Indians would confess to the children, who then translated their words to the Jesuits. When the bishop Pedro Fernandes Sardinha arrived in Brazil in 1552, he opposed this practice because it violated the privacy of penance. Nóbrega requested that Jesuit theologians in Europe decide whether the practice was permissible. He knew it had no precedent in Christianity, but he also knew from his days as a student of Canon Law in Coimbra that the confession manuals by Cardinal Cajetan and Manuel Azpicuelta Navarro allowed confession to be adapted, as long as nothing was imposed on the one who confessed. An outraged Sardinha wrote to the Jesuit Provincial in Portugal:

¹²⁰ idem.

¹²¹ idem.

I told [Nóbrega] that he had could not continue the practice [confessing through children], even if three hundred Navarros and six hundred Cajetans tell him that it is permissible.¹²²

Although the bishop complained, the Jesuits continued to confess the Indians through children interpreters. A decade later, the problem was still being discussed by the missionaries in Brazil.

In The Conquest of America: the question of the other (1984), Tzvetan Todorov speaks about the "technologies of symbolism" that gave the Spanish the upper hand in the conquest of America. In particular, Todorov stresses the Spanish control over the technology of writing and the role this technology played in dominating the oral cultures of the New World. In Marvelous Possessions (1991), Stephen Greenblatt criticizes Todorov for neglecting the concrete aspects of this domination through language, in particular the role of translation and go-betweens.¹²³

Neither Todorov nor Greenblatt, however, look beyond language and its meaning-producing capabilities. As Pierre Bourdieu has pointed out, symbols do not acquire their

¹²² D. Pedro Fernandes, letter to Fr. Simão Rodrigues, July 1552, MBI-49, p.361.

¹²³ Cf. Tzvetan Todorov, The Conquest of America: the question of the other, Harper & Row Publ., New York, 1984; and Stephen Greenblatt, op.cit., Introduction.

force from their meanings alone, but through the "rites of institution" that make those symbols current, widely understood, and accepted.¹²⁴ Todorov and Greenblatt neglect the pre-linguistic origins of social power. Where and when the Jesuits succeeded, it was not only because they had successfully developed language as a technology to convert the natives, but also because they had discovered the force of pre-linguistic rites such as healing and ritual. While learning the Tupi language and teaching Portuguese to the Indians were indispensable for preaching the Word and for learning about the Tupi culture, the Jesuits' pre-linguistic rites of social magic were their true medium of religious communication with the Tupi Indians.

In physical healing, the Jesuits found a suitable analogy to the spiritual healing they sought to bring to the Tupi Indians. Like the director of Ignatius' Spiritual Exercises, the Jesuits conceived of their pastoral activities in therapeutic terms: they wanted to be the doctors of the souls of the pagans. There was no better way of conveying that therapeutic role than to link it to their role as doctors of the Indians' bodies. In adapting

¹²⁴ See Pierre Bourdieu, Language and Symbolic Power, Harvard University Press, Cambridge, 1991, part II.

the Christian sacraments and tolerating Tupi customs, furthermore, the Jesuits established rites that were no longer foreign to the Tupi Indians: the adapted rituals contained religious symbols with meanings in both cultures.

In sum, the New World encounters in Brazil led the Jesuits to find new ways of efficaciously converting the native Indians to Christianity through persuasive means, healing their bodies and tolerating their ritual display by adapting the performance of the Christian rites. But not many Jesuits had the gifts of healing that Anchieta had demonstrated. Furthermore, even where and when the missionaries succeeded, what authority did the Jesuits have in the eyes of the Tupi Indians?

Like the Jesuits, the Tupi Indians also searched for ways of naming those strangers who wanted to be obeyed. The Tupi were a people without writing and left no trace of their side of the story. The evidence from the Jesuit letters suggests, nevertheless, that the missionaries succeeded only where and when the Indians identified them as *caraíbas*, that is, as great medicine men from outside the community. In other words, the Jesuits became religious authorities in the eyes of the natives only when, like the great *pajés*, they had the power of healing bodies and of communicating with the spirits.

Did the first Jesuits missionaries in Brazil succeed in becoming *caraíbas* in the eyes of the natives? The ultimate bearers of charisma in Tupi societies, the *caraíbas* had the power to mediate war conflict, and to persuade the natives to migrate to the land-without-evil. Did the Jesuits gain these powers? The many accounts of healings, baptisms, marriages, masses, and confessions in the letters from Brazil suggest the Jesuits succeeded in converting many Indians. For the most part, however, until the reform of the missions in the late 1550s, the Jesuits failed to make the pagans of Brazil become Christians.¹²⁵

As we shall see in this next chapter, even though the first missionaries to Brazil failed to convert the Indians, their encounter with the Tupi triggered yet another encounter: the one between Jesuit theology and Nóbrega's ethnography of the condition of "natural man," which he believed the Tupi exemplified. It was Nóbrega's analysis of this second encounter that prompted his reform of the

¹²⁵ That these Jesuits did not understand what the word *caraíba* meant in Tupi is further evidence to this argument. While the Jesuits noticed that certain *pajés* had greater powers than others, they translated *caraíba* as meaning "a person with magical powers," and because the conquering Portuguese were often identified as *caraíbas* by the natives, the Jesuits alternatively thought the term meant "white men," a meaning which has survived in Tupi dictionaries up to the present.

Brazilian missions. And it was in justifying that reform that Nóbrega and his peers began to carry out the conceptual changes that later defined Jesuit political theory at the turn of the seventeenth century.

Chapter Four
From Theology to Political Theory I: the Justification of
the Missions

... before neither with rogues nor with insistence would they come to church, but now, as soon as they hear the bell, they all come ... [T]he Indians subjected themselves ever more and became ever more obedient. Thus from experience we see that their conversion is difficult through love but, since they are a servile people, when in fear they do anything ...

(Fr. Antônio Blásquez, "Quadrimester from January to April," May 1556?)

In 1553, upon discovering the many Indians Anchieta was converting through his healing practices, Nóbrega decided to make an experiment. Travelling amongst the various tribes of São Vicente was laborious and time-consuming. Nóbrega decided to shift three neighboring tribes living about 50 miles away from the coast into a single area next to a small settlement that was then known as Piratinim or Piratininga. Today, the *Aldeia de Piratininga* is the city of São Paulo; then, it was a large settlement where many "converted" Indians lived from subsistence agriculture and gave their children to be educated by the Jesuits into the Christian religion, mores and civility:

... two leagues away from the village of João Ramalho known as Piratinim, we brought together all those who Our Lord wanted to bring to His Church as well as those persuaded by the preaching of His word and gospel. They are abandoning their customs and distancing themselves from the others, and we have much hope

they will become true sons of the Church; a charming village is developing, and the children attend the school at São Vicente.¹²⁶

The experiment at Piratininga renewed Nóbrega's missionary fervor, but the conditions of its success - Anchieta's healing powers - were hard to reproduce. It was one thing to heal and gain authority from that practice. It was quite a more difficult thing to transfer that charismatic authority to one's followers.¹²⁷

The Jesuits' reform of the missions was modeled on the experiment Nóbrega and Anchieta developed in Piratininga: the Indians would be "invited" to come live in newly established settlements, the *Aldeias*. If they refused, however, they could be subjected to a just war by the army expedition that would accompany the Jesuits in these "invitations." The Indians would not be forced to convert into the Faith. Instead, they would consent to the Jesuits' authority "out of fear" of being killed or enslaved in a just war waged by the mighty guns of the

¹²⁶ Fr. Manuel da Nóbrega, letter to D. João III, King of Portugal, October 1553, MBII-3, p.16.

¹²⁷ On the difficulties of reproducing charismatic authority, Cf. Max Weber, Economy and Society, p.241ff.; see also Wolfgang Schluchter, Rationalism, Religion and Domination: a Weberian perspective, University of California Press, Berkeley, 1989, for a detailed analysis of the routinization of charisma.

colonial army.

This chapter examines Nóbrega's justification for the reform of the missionary enterprise and the development of the Jesuit consent theory of the origins of political *dominium*, later formalized by the Jesuit theologian Juan de Mariana in the De Rege et Regibus Institutione (1599). As in Mariana's consent theory of the origins of political *dominium*, the basis for the political authority the Brazilian missionaries would exercise over the Indians in the *Aldeias* was the natives' consent to do so. Like Nóbrega, Juan de Mariana also defined fear as the legitimate cause for the foundation of political society.

1. Nóbrega's Dialogue on the Conversion of the Pagans (1556) and the Theology of the Reform

In 1556, a series of events in Bahia shifted Nóbrega's attention away from São Vicente. Earlier that year, the governor Duarte da Costa engaged in a heated quarrel with the bishop Pedro Fernandes Sardinha. Duarte da Costa had been appointed Tomé de Sousa's successor in 1553, and never showed the same degree of support for the Jesuits demonstrated by the first governor. The bishop was using the pulpit during mass to denounce the governor's son for his sinful ways. The animosity extended beyond these

accusations, however, as the governor had many times protected settlers who were under the attack of the bishop. The dispute only ended when the bishop was recalled to Portugal to explain the troubles he was causing in Brazil. The bishop, however, never reached Portugal. His ship sank on the coast and he was eaten, it is believed, by Indians.

Also in 1556, the governor finally succeeded in defeating the enemy Indians in Bahia that were waging war against the settlers. Encouraged by the news of the bishop's departure and the governor's victory against the enemy Indians, Nóbrega decided to return to Bahia, as he explained in a letter he wrote to his friend and ex-governor Tomé de Sousa:

...when I learned about the victory of the Christians and the subjection of the pagans, and that the bishop had been ordered to leave, it seemed to me that we would once again be able to work with the pagans and reap some fruits. I decided to return to this city...¹²⁸

Nóbrega arrived in Bahia in July 1556 and went to the governor with two requests:

I requested two things from governor D. Duarte for the good of the conversion enterprise, *scilicet*: that he gather some of the tribes into a settlement so that fewer missionaries could teach more pagans, and that he prohibit them from

¹²⁸ Fr. Manuel da Nóbrega, letter to Tomé de Sousa, former governor of Brazil, 5 July 1559, MBIII-13, p.84.

eating human flesh, at least those who have already submitted.¹²⁹

The governor denied both of Nóbrega's requests. Forcing the Indians into a settlement, he claimed, was expressly against the order of the king that no Indian be coerced to do anything against his will. Nóbrega's disappointment did not last long, however, as soon thereafter the governor Duarte da Costa was also recalled to Portugal. French corsairs had invaded Rio de Janeiro years earlier, and the governor had failed to expel them from the Portuguese possessions. King João III decided to appoint a new governor for the colony, with a new army to fight the corsairs. The new governor Mem de Sá promptly agreed to carry out the reform Nóbrega had proposed to Duarte da Costa.

Nóbrega was looking forward to the arrival of a new governor and the potential renewal of the crown's interest in the conversion enterprise. He was fully convinced of the prospects of his budding conception of the reform of the missions. Midway through 1556, a ship arrived in Bahia with news that the newly appointed governor was still in Cape Verde. Nóbrega decided to wait for the governor's

¹²⁹ idem.

arrival at the Rio Vermelho mission, in the outskirts of Bahia.

By that time, Nóbrega's health was faltering and he needed some rest from the long trip from São Vicente; ill and idle, he wrote the Dialogue on the Conversion of the Pagans, a Socratic dialogue in which he showed his Jesuit peers that a reformed missionary enterprise was worth pursuing with as much fervor as ever.¹³⁰

The Dialogue on the Conversion of the Pagans (*Diálogo sobre a Conversão do Gentio*) was in the tradition of the famous Spanish debates on the New World conquest, carried out by Dominicans and humanists in the first half of the sixteenth century. Like Bartolomé de Las Casas' Argumentum apologiae (1550), Nóbrega's Dialogue attempted to organize arguments in favor of the continuation of the religious mission in the New World. Nóbrega's argument, like Las Casas', was centered on a comparative analysis of various forms of paganism and their respective prospects for conversion and salvation. But while Las Casas' piece opened with an analysis of several different meanings of the term 'barbarian', Nóbrega only compared the Tupi pagans

¹³⁰ Fr. Manuel da Nóbrega's Dialogue on the Conversion of the Pagans appears in the Monumenta Brasiliae as document MBII-51, pp.317ff.

with what he termed "the pagans of Antiquity." Las Casas stratified the concept of barbarian to describe varying experiences of cultural difference, from the "brutes" of the Carib islands to the high pagan cultures of the Aztecs; Nóbrega, however, was only concerned with contrasting those pagans who were civilized from those that were uncivilized.

Las Casas' Argumentum was geared towards delegitimizing the settlers' attacks on the native communities while still defending the Spanish crown's right to occupy the new lands. By the time the Jesuits arrived in Brazil, however, these questions about rights of conquest had already been settled; no one questioned the justice of the Portuguese occupation of the Brazilian coast. Nóbrega's Dialogue was beyond these political issues. The questions raised in that piece were theological dilemmas arising out of the Jesuits' conversion practices and the need to renew the missionary fervor of the Jesuits.

In 1548, two years before Las Casas Argumentum was published, Juan Gines de Sepúlveda, a Humanist who was the Spanish king's chaplain, submitted a philosophical dialogue, the Democratus secundi, to the theologians of the universities of Salamanca and Alcalá in Spain. Sepúlveda was Las Casas' main target and enemy in the Spanish debates

on the New World conquest. He defended, for instance, the application of Aristotle's theory of natural slavery to the case of the New World inhabitants.¹³¹ While it is uncertain that Nóbrega had read Sepúlveda's dialogue before composing the Dialogue on the Conversion of the Pagans, the rhetorical similarities between the two pieces are striking. While Nóbrega's decision to compose a dialogue was perfectly consonant with the growing influence of classical imitation amongst Renaissance *literati* in Europe, it seems plausible, nevertheless, that he must have at least heard about the piece Sepúlveda submitted to the theologians in Spain.

Nóbrega's piece and the Spanish literature that preceded it were also directed to different audiences. Las Casas and Sepúlveda's pieces were written for a public Spanish audience, engaged in a debate about the right of conquest in the New World. In contrast, Nóbrega's piece was written only for the Jesuits themselves to read:

"Because time gives me an opportunity to contemplate, I want to speak to my Brothers what my spirit feels." The Dialogue was written by a Jesuit for Jesuits.

The characters of Nóbrega's Dialogue were Gonçalo

¹³¹ See Anthony Pagden, The Fall of Natural Man, pp.109ff.

Alvarez and Matheus Nogueira. Both were missionaries in Brazil: Nogueira was Nóbrega's associate in São Vicente, and Gonçalo Alvarez was at Espírito Santo when Nóbrega was passing by on his way back to Bahia in 1556. In the introduction to the Dialogue, Nóbrega described the characters of his piece:

...and I will use as interlocutors my Brother Gonçalo Alvarez, to whom God gave the grace and talent to be the trumpet of his word in the province of Espírito Santo, and my Brother Matheus Nogueira, blacksmith of Jesus Christ, who does not preach with the word, but with works and hammers.¹³²

Nóbrega's choice of interlocutors seems to have been primarily motivated by their principal skills: Alvarez was a translator (a go-between or a *lingua*) and Nogueira was a blacksmith. One converted Indians with the persuasion of the word, the other with the persuasion of gifts and works. Through the rhetorical structure of the Socratic dialogue, Nóbrega thus found a way of simultaneously conveying reasons why the Jesuits remained justified in continuing the coastal missions, as well as the manifold doubts he and his peers had about the worth of it all.

Nogueira and Alvarez rotate the Socratic role and the

¹³² Manuel da Nóbrega, Dialogue on the Conversion of the Pagans, p.319.

role of the inquiring pupil. In the early days of the missions, Nóbrega had discovered that language alone did not convert the Indians and that gifts "persuaded" the Indians to convert. The blacksmith Nogueira, therefore, is the depository of knowledge about the missions in the Dialogue. But when more theoretical questions about theology and charity are posed, it is Alvarez who provides his interlocutor with answers. His ministry of the Word in native tongue failed to convert the natives, at least in the long term, but this failure is precisely what makes him knowledgeable about the precept of charity and the fact that the missions were justified regardless of failure in conversion.

In its narrative structure, the Dialogue follows the path from desolation to consolation that characterized Ignatius' Spiritual Exercises. Nóbrega's characters begin the Dialogue desolate. Throughout the piece, Alvarez asks Nogueira for reasons to remain optimistic. By the end of the Dialogue, the characters find reasons to renew their optimism. Like the exercitant of Ignatius' book, Alvarez moves from desolation to consolation with the aid of a "director," Nogueira, who guides Alvarez through the exercise in rhetoric and argumentation.

The Dialogue opens with both characters manifesting

their disillusion with the missions:

G.A.: -- It is exhausting to work with these [Indians]; they are so bestial that nothing of God enters their heart; they entertain themselves so much with killing and eating, that they know how to desire no other good deed (*bem-aventurança*); to preach to these is to preach to a desert of stones.

M.N.: -- If they had kings or adored something, they would convert. But since they do not know what is to believe or to adore, they cannot understand the preaching of the Gospel, for it is founded in making one believe and adore only one God, and to serve only Him. And because these pagans do not adore anything and do not believe in anything, they do not keep anything we teach them.¹³³

Alvarez feels he preaches to a desert of stones. He knows the native tongue and preaches the Gospel to the natives. The Tupi Indians, however, do not listen; they desire nothing but to kill and eat. This is what Alvarez describes as the bestiality of the natives. The image of the Indians as living in a state of innocence has given way to an image of them as savages living like beasts:

M.N.: -- ... If there is a generation in the world for whom Christ meant this word [bestial], it must be this one, because we see that they are dogs in eating and killing each other, and pigs in their vices and manners. And this is probably the reason why I see some Fathers who came from Portugal feeling so cold. They came to convert all natives in one hour, and they see they cannot convert one in a whole year because of the

¹³³ idem, p.320.

natives' rudeness and bestiality.¹³⁴

Notice that, as defined by Nogueira in this passage, "bestiality" does not destroy one's human condition. Compare, for instance, this concept in the Dialogue with the concept of bestiality in Aristotle's Nichomachean Ethics: "a term of reproach for people whose vice exceeds the human level."¹³⁵ Like Aristotle, Nogueira deemed the Indians to have vices exceeding the human level, but did not deem them less-than-human.

This image of the Indians as resembling beasts was in direct conflict with the biblical image of the conversion enterprise the Jesuits had brought with them from Europe: they imagined multitudes of pagans on their knees, converting all at once. The experience of the missions, however, proved the task was far more burdensome:

G.A.: -- There is not a man on this land who knows these natives and who would argue differently. I had a native I raised from young, and I took care to make him into a good Christian. He ran away and back to live with his peers. And if that kid was not good, I do not know which one of them will be. He was not the only one who made me suspicious of their capacity to receive baptism; I was not the only one who raised this crow either. And I am not even sure

¹³⁴ idem, p.321.

¹³⁵ Aristotle, Nichomachean Ethics, book 7, 1145a, lines 25-35. Citations from Aristotle's Ethics are taken from translation by Terence Irwin, Hackett Pub. Co., 1985.

it is appropriate to call him a crow, for crows, when taken from their nest, may be raised, calmed down, and taught. These natives, however, are less educated than brute animals. They are more ungrateful than baby vipers that eat their mothers, with no respect for the love and education they receive.¹³⁶

In the first years of the mission, the Indians' curiosity about the Jesuits' words and rites seemed to suggest their hearts were open to receive the faith. And yet, the Jesuits discovered, the Indians converted but returned to their old ways. And it was this volatility of the natives that defined their bestiality.

Anthony Pagden's The Fall of Natural Man maps the decline of the sixteenth century image of nature's man as "something less than human," and its replacement by an image of man as the product of the intellectual and moral constraints of civil society.¹³⁷ This conceptual change, as Pagden's book shows, occurred in the first half of the sixteenth century, and the main protagonists of that change were Dominican Friars such as Francisco de Vitória and Bartolomé de Las Casas. The "fall of natural man" described by Pagden is also evident in Nóbrega's Dialogue.

¹³⁶ Manuel da Nóbrega, Dialogue on the Conversion of the Pagans, p.321-22.

¹³⁷ Anthony Pagden, The Fall of Natural Man, p.8.

But Pagden fails to see something that is evinced by Nóbrega's piece: although the new image of man developed by the Dominicans was indeed the image which the Jesuit missionaries brought with them from Europe, that image itself took a fall after the first years of conversion experience, leading to a resurrection of the old image of natural man as "something less than human."

The second part of the Dialogue is concerned with justifying the Jesuits missionary efforts in spite of the natives' fallen nature and the Jesuits' failure to convert them. In this part of the Dialogue, Alvarez plays the Socratic role while Nogueira cries to his peer that he does not understand why he works so much for so little profit in souls:

M.N.: -- For what remedy are we working so hard? Will not my forging and working, day and night, produce any fruit amongst them that I may take to Christ when he comes to judge us, so that he may at least cut off part of my sins? ...

G.A.: -- You can be certain, Brother, that you do not work in vain, for if Christ promised the kingdom of heavens for a vase of cold water, how is it possible that your sweat, vigil, and tools are all in vain? Your plows and axes are very good for working the soil of your sins. If you work for His love, the Holy Spirit will plant many graces and gifts in your land.

M.N.: -- Ouch!

G.A.: -- Why do you scream this ouch?

M.N.: -- Because you introduce a problem when you say "if you work for His love."

G.A.: -- What problem? Beware, for if it is not this way, your work is indeed all in vain.

M.N.: -- You confuse me nevertheless, my Brother. How do I know that I work for His love if all I see is that I work for those who do not love Him and who do not even know Him?¹³⁸

In the above passage, the character Nogueira states a theological fallacy of which the author was surely aware: Nogueira does not understand how his work can be in love of God if he works for those who do not love Him. But under the Jesuit interpretation of the precept of charity, the object of charity is not what defines its virtue; what defines that virtue is its source in the love of the one who performs it. Nogueira, in that passage, offers a direct challenge to that interpretation of charity.

Alvarez's reply describes the mission as a sacrifice similar to the holocaust of the Old Law, in which the Jesuits were martyrs fighting for the Faith. Nogueira promptly warns Alvarez that he should show more humility and not speak of martyrdom. A few exchanges later, a consoled Nogueira restates the precept of charity that justified the missions:

M.N.: -- Since we have to work with these people, it is better for us that we do it with much fervor. For under the principle of charity that makes us work in the Lord's vineyard, when He calls us to receive our pay at the end of the

¹³⁸ Manuel da Nóbrega, Dialogue on the Conversion of the Pagans, p.323

day, He will not pay us according to our time and toils, but according to the fervor, love and diligence we put into that work.¹³⁹

After the two characters reaffirm the theological justification of the missions through the precept of charity, they return to the more concrete problem at hand, namely, whether there is any prospect that the pagans of Brazil will convert and keep the faith in their hearts. Charity justified the missions regardless of success in conversion; but it did not preclude searching for ways of making the enterprise efficacious. The first step in finding these ways was deciding what was the status of those natives. Were they humans and, if so, were they as human as the missionaries were? Nóbrega organizes this discussion of the Dialogue around the language of neighborhood:

G.A.: -- Tell me, Brother Nogueira, are these people our neighbors (*próximos*)?

M.N.: -- I think so.

G.A.: -- Why?

M.N.: -- Because I am always with them, with their axes and their plows.

G.A.: -- And you call them neighbors for this reason?

M.N.: -- Yes, because "neighbors" means close to me, and they are always around me, asking me to do what they need. And as a neighbor, I do what they ask, following the precept of loving thy neighbor like I love myself. I do unto them what I would want them

¹³⁹ idem, p.328.

to do unto me if I had the same necessity.¹⁴⁰

Nogueira goes beyond defining the Brazilian Indians as neighbors. He also states a classic ethical maxim in favor of human equality: do unto them as I would want them to do unto me.

In this way, Nogueira's assertion of the natives' equality was not merely a statement that they qualify under the rubric of "human." In fact, his ethical maxim established that there was a fundamental natural equality of all human beings, including pagans that seem barely human. In a subsequent exchange, Nogueira explicated this claim:

M.N.:-- ...I am imagining that all the souls of men are one and all made of the same metal. They are in the image and likeness of God, all capable of glory and created for glory, and in the eyes of God, by nature, the soul of the Pope and the soul of your slave *Papaná* are worth the same.

G.A.: -- These pagans have souls like us?

M.N.: -- ...I want to clarify something to you, Brother Gonçalo: you have as bad an understanding of the things you are trying to say as these pagans have to understand matters of faith.¹⁴¹

According to Nogueira, Alvarez's ignorance of theological arguments was no different from the pagans' ignorance of the Christian faith. Nogueira

¹⁴⁰ idem, p.325-6.

¹⁴¹ idem, p.331-32.

argues that this form of equality is not an equality in human beings' "use" of their understanding, but an equality in the "faculty" of understanding. There was an essential equality in all forms of human ignorance. The Indians' natural equality was therefore equality only in the capacity to use reason (*potentia*). It was, furthermore, the equality all share from their fallen nature:

M.N.: -- ..After our father Adam sinned, as the psalmist tells us, he did not know the honor he had, and was transformed into the like of a beast, so that all of us, Portuguese, Castillians, Tamoios and Aimorés, all became like beasts with our corrupt nature. And in this we are all equal. Nature did not apportion more to one generation than to the other, even if it does give some a better understanding than others..¹⁴²

At first, when the Jesuits arrived in Brazil, they characterized the Indians' life as similar to the state of innocence, before the Fall. Their souls, correspondingly, were thought of as blank pages to be written on by the

¹⁴² idem, p.333-4. Interesting to note Nóbrega's choice of native Brazilian tribes in this passage. He chose the Aimoré of Bahia and the Tamoio of Rio, both Indian groups that resisted the Portuguese conquest and who were considered "enemies" by Jesuits, settlers, and authorities alike. While in the beginning of the Dialogue these enemy Indians are excluded from the problem at hand by distinguishing them from those who had made peace with the Portuguese, here the argument on equality is made even stronger by comparing the Indians they deemed the most bestial with the Europeans.

Jesuits.¹⁴³

Half a decade later, however, Nóbrega describes the Indians as living in the state which followed the Fall, where humans live in sin due to the sin of their ancestors.

In Nóbrega's Dialogue, therefore, the natives are no longer viewed as untouched creation, but as human beings who, like all other cultures, have been cursed by original sin. Nogueira uses the term 'bestial' to describe humanity's condition after the Fall. The Indians were bestial, but they shared that condition with all other humans.

Alvarez, on the other hand, insists on using it to describe the particular condition of the natives of Brazil:

G.A.:-- ...But if by nature we all have one same soul and one same bestiality, and without grace we are all the same, why are these natives so bestial while all the other generations, like the Romans, the Greeks, and the Jews, have so much civilization (*polícia*) and are so knowledgeable?¹⁴⁴

This passage represents the turning point of the Dialogue. Thereafter, the characters of Nóbrega's piece search for ways of justifying the missionary enterprise on the basis of an analysis of the advantages and

¹⁴³ Cf. Fr. Manuel da Nóbrega, letter to Martin Azpicuelta Navarro, 10 August 1549, MBI-8, p.142.

¹⁴⁴ Manuel da Nóbrega, Dialogue on the Conversion of the Pagans, p.334.

disadvantages of working with the Tupi and with more civilized pagans. That analysis is based upon a comparative ethnology:

M.N.:-- Good question, but the answer is clear. All generations have their own bestialities. Some adored stones and sticks, made men into gods, and believed in the spells of the devil. Others adored bulls and cows, and others venerated rats and other filthy things as gods. And the Jews, who were the people with most reason in the world, and who knew God and the Scriptures since the beginning of the worlds, they venerated a golden calf and sacrificed their children ... and the Romans and Greeks venerated cows and cocks.¹⁴⁵

For Nogueira, all pagan religions are equidistant from Christianity. They are all similar, in Nogueira's view, in that all those pagan cultures adored false gods and images.

Alvarez's inquiry, however, pointed beyond this comparison of pagan religions. He used the term civilization (*polícia*) in his inquiry above. From the Latin *politia* (polite, polished, political), the Portuguese term *polícia* today means "police force," but at Nóbrega's time it meant either civilization in general or the particular social habits which were deemed polite, appropriate and sophisticated in Europe. These social

¹⁴⁵ Manuel da Nóbrega, Dialogue on the Conversion of the Pagans, p.334-5.

habits could be in accordance with the morals of Christianity - in which case the Jesuits spoke of *polícia cristã*, or Christian civilization - or they could be independent from the Christian religion. From this second meaning, we get the current meanings of the English *politeness* or the French *politesse*, both derived from the same Latin root *politia*.

In his inquiry to Nogueira, Alvarez used the term in this second sense:

G.A.:-- ... but how is it possible that those were so polished, knew how to read and write, were clean, knew philosophy, invented the sciences that exist today, while these here never learned more than to walk around naked and to make an arrow? This clearly denotes that there is an unequal understanding between some and others.
M.N.:-- ... The Romans and other pagans are more civilized [have more *polícia*] than these not because they have a better understanding by nature, but because they have a better upbringing and are raised more civilized (with more *polícia*). And I truly believe you will clearly see this, for deal with [these pagans] and you will see that in their own dealings and matters, they have so many subtleties, so many good inventions, and so many polite words. The Brothers experience this with their children, who have such a good understanding that many are better than the children of the Christians.¹⁴⁶

All humans have one same nature, and all are bestial because of the Fall of Adam and Eve. The differences

¹⁴⁶ idem, p.336.

Alvarez wants explained - differences in civilization - are not natural, Nogueira explains, but differences in upbringing, that is, differences in degrees of education to civility. To further prove his point, Nogueira reminds his peers about the Indian children that were educated by the Jesuits.

Alvarez was still not persuaded, however. He insists for an explanation for these differences:

G.A.: -- Why is it that these had a worse upbringing than the others did, and why did not nature make them as civilized?¹⁴⁷

Nogueira's reply is typically scholastic. He resorts to a biblical exegesis to explain these differences:

M.N.: -- Ultimately, we have to say that this is the curse of their grandparents, who we believe were descendents of Ham, the son of Noah, who uncovered the nudity of his drunk father, and as a punishment, these pagans walk around naked and have other miseries. The other pagans are descendents of Seth and Japhet, and because of this, they have some advantages.¹⁴⁸

The difference in levels of civilization between the Brazilian pagans and the pagans of Antiquity was part of a divine plan, Nogueira claims. God had decided that the lands of the Tupi were to be conquered by the Portuguese in

¹⁴⁷ ibid.

¹⁴⁸ idem, p.337.

the same way the lands of the Canaanites, the descendants of Ham, were to be conquered by the Israelites.

Earlier in the Dialogue, Alvarez had corrected Nogueira for evaluating the mission solely in terms of its efficiency. The justification of the missions, Alvarez reminded his peer, is the precept of charity, and works of mercy are important not only for winning souls and expanding Christendom's frontiers, but also as a demonstration of faith of the one who performs them. In this latter part of the Dialogue, however, the roles are inverted. Here, it is Nogueira who corrects Alvarez's mistake of conceiving of the Brazilian pagans' bestiality as natural:

M.N.: -- ..Assume a man has two sons of equal intelligence (*entendimento*), one raised in the rural area and the other raised in the city. The first one used his intelligence to plow the soil and other rural things, while the latter applied his intelligence to become courteous and polite (*político*): what is certain, however, is that even though they have different upbringing, both have a natural intelligence exercised according to their upbringings.¹⁴⁹

The ethnological basis of Nóbrega's comparison in the Dialogue is most clear in the passage above. Nogueira contrasts the rural and urban education of two brothers to

¹⁴⁹ idem, p.337.

show that civility is the result of one's education, not one's natural condition. It is from the standpoint of this comparative ethnology that Nogueira proceeds to evaluate the prospects of the missions:

M.N.: -- ...But that these [the Brazilians], for being uncivilized [lack *polícia*], have less understanding to receive the faith than the others who are civilized, this you have not proved to me yet. On the contrary, I will prove to you that a more civilized pagan may be easier or harder to convert and that the simplicity of these pagans may help or hamper our efforts. Let God see this and judge; let him judge who knows the experience of the Church since it started, and he will see that more souls have been lost because of their excessive and proud understanding than because of their simplicity and ignorance. It is easier to convert an ignorant man than one who is malicious and proud. The main war of the Church was the one against those who had great intelligence: therefrom came the heretics and the others who hardened their souls.¹⁵⁰

Charity alone justified the Jesuits' missionary efforts.

This comparative ethnology, however, added further reasons for carrying out the missions. The less civilized pagan of Brazil might even be more suited for conversion than the more civilized pagan peoples.

An efficient missionary enterprise was therefore possible, for the ignorant Tupi were actually as prepared (if not more) as the Romans to become Christians. The

¹⁵⁰ idem, p.338.

argument voiced through Nogueira's speech reflected the evaluation the Jesuits had made of the sources of their failures. Their enterprise was unsuccessful, but not because the Indians did not convert, for they often did. The problem was that they returned to their old ways:

M.N.: -- Tell me, Brother, who will more easily believe that our Lord died? These [Brazilians] who believe in anything or the Jews who are waiting for the mighty Messiah, lord of all the world?

G.A.: -- The Jew is more difficult, but once he was convinced of the death of our Lord, he would be more constant in his belief. Just look at the many who did convert and were willing to sacrifice their lives for Jesus after that.

M.N.: -- The same will happen with these if they convert. It will take the same time and work, the same diligence to convince these as it takes to convince a Jew or a philosopher ... And the reason is clear, for the matters of our faith, such as the Holy Trinity, that God became man, and the mysteries of the sacraments, are most essential and cannot be proven through demonstrative reasoning; they are above all human reason. It is thus clear why a philosopher who has all the subtleties of reason will be harder to convert than one of these who believes in almost nothing.¹⁵¹

The conclusion reached by the interlocutors of the Dialogue once again points to the natural equality of all pagans before the challenge of conversion. The matters of the Faith are above human reason, and none of its mysteries is demonstrable through reason. Thus being more civilized and

¹⁵¹ idem, p.338-9.

more reasonable does not necessarily prepare one better for conversion. But did this mean that reason played no role in conversion? Was conversion solely the works of God's grace? Neither of Nóbrega's characters makes that claim:

G.A.: -- That is God's part, but it is also necessary that the pagans be equipped, for I heard that St. Augustine said that God who created me without me will not save me without me.¹⁵²

The real dilemma before the characters of Nóbrega's piece was deciding was who has more impediments (*impedimentos*) to the faith:

M.N.: -- Think about the evil of one of these [pagans] and the evils of a Roman philosopher. These pagans are very bestial, their joy is to kill ... and this is the glory for which they strive. They do not keep the natural law because they eat each other; they are very lascivious, great liars, nothing bad upsets them, and they praise nothing good; and they give credit to their magicians... The philosophers, on the other hand, are very wise, but very arrogant, their joy is in fame and in the pleasures, or in the victories against their enemies..., they do not keep the natural law even though they understand it; they are vicious in their vices against nature; they are tyrants and friends of the art of ruling, very greedy and afraid of losing what they have; they adore idols, sacrifice human flesh, and are masters of all kinds of evils. All of this you will not find in these because, according to what the Fathers that confess them tell us, they only violate two or three of the

¹⁵² *idem*, p.344. St. Augustine says: "Qui ergo fecit te sine te, non te justificat sine te. Ergo fecit nescientem, justificat volentem." Cf St. Augustine, *Sermons*, no.689, II, 13.

commandments; amongst themselves, they live a friendly life, as one can see. You tell me: which one of these two pagans has more impediments to be removed?¹⁵³

The answer to Nogueira's last question was evident: the pagans of Brazil have fewer impediments. The problem, however, was how to remove them:

M.N.: -- The more impediments one has for conversion, the less disposed he is; the less evil God has to take out of him, the more disposed he is.¹⁵⁴

In other words, impediments can be removed through reasoning, but evil can only be removed by God's grace. The civilized pagan has more impediments, but the uncivilized has more evil in his soul. Therefore, the conversion of the civilized pagans depends primarily on persuading them through reason to remove their impediments; the conversion of the less civilized pagans of Brazil, on the other hand, depends less on persuasion and more on God's grace.

How were the Jesuits going to convince the pagans of Brazil to keep the Faith in their souls, if reason and persuasion alone did not work? The Jesuits had discovered

¹⁵³ Manuel da Nóbrega, Dialogue on the Conversion of the Pagans, p.344.

¹⁵⁴ idem.

the power of their charitable healing activities in persuading the Indians to obey the Brothers like they obeyed the medicine men (*pajés*). But while obedience to the missionaries was an essential component of the conversion enterprise, it was not its objective. There was no virtue in having the Indians obey the Jesuits if they continued to practice their sinful pagan customs.

The Jesuits had to revise their missionary strategy to account for the facts brought out by Nóbrega's comparative ethnology in the Dialogue. First, the Jesuits had to find a way to remove the "two or three" impediments of the natives (cannibalism, polygamy and perhaps nudity) without relying solely on persuading them to abandon those customs. Second, the Jesuits had to find a way of aiding God so that He could remove the many evils in the souls of the pagans.

Lost in the middle of Nóbrega's Dialogue is the passage in which the two characters discuss how those impediments could be removed:

G.A.: -- Let's leave this subject! ... For love of God tell me some of the reasons the Fathers have for believing these pagans will become Christians? Some have argued that our work is in vain, at least until these pagans are subdued, and out of fear accept the faith.

M.N.: -- And what good would it be if they were Christians by force, and still pagans in their lives, customs, and will?

G.A.: -- Those who hold this opinion say that it would be no good for the pagan parents. But that

the children, grandchildren and so on, they could become Christians. That seems right.

M.N.: -- It has always seemed to me that this is the best way of proceeding of them all, if God chose that way. Let's not speak about His mysteries, power and knowledge, for He needs no council, but speaking humanly, man to man, this seems the best and most correct way to proceed.¹⁵⁵

The central concept of Nóbrega's reform was fear: the Indians would be subdued and "out of fear" accept the faith. In Nóbrega's concept of the reform, the Indians throughout the coast would be asked to do what the Piratininga Indians had consented to do: relocate and live amongst enemy tribes under the authority of the Jesuits. If they refused, the colonial authorities would wage a just war against them. In Nóbrega's interpretation of the new strategy he proposed, the Indians who submitted and came to live in the *Aldeias* would also have consented to do so. Instilling fear was not coercion; for Nóbrega, it was persuasion.

Nóbrega had begun to realize the force of fear as an instrument in conversion soon after he arrived in Brazil. In the first edifying report he wrote, he noted that the Indians did not have any Gods or idols, and did not even have any terms in Tupi for the word *Deus* (God) or any of

¹⁵⁵ idem, p.230.

its semantically correlated Portuguese expressions. The Tupi word for thunder (*Tupã*, or *Tupana*), Nóbrega decided, was the most appropriate translation for the word "God:"

These pagans neither adore anything nor know God. They call thunder Tupana, which is like a divine thing. We therefore do not have a more convenient word to bring the knowledge of God to them but to call Him Father Tupana.¹⁵⁶

The Indians understood the sentiment of fear, and feared above all the sound of thunder.

Although Nóbrega and his peers had come to Brazil to demonstrate the infinite love of their God to the pagans, by translating God into thunder they had conveyed to them a God they should fear. This image of a fear-producing God was not foreign to Christian doctrine (and was particularly present throughout the Old Testament). But the shift away from the concept of a love-giving God set in motion several contradictions between the original intentions of the Jesuits and their practices towards the native Tupi.

The most important of these contradictions was the one between what appeared to Nóbrega as the "best and most correct way of proceeding" - i.e., using the secular authorities to instill fear in the hearts of the pagans -

¹⁵⁶ Fr. Manuel da Nóbrega, "Information from the Lands of Brazil," to the Brothers and Fathers at Coimbra, August? 1549, MBI-9, p.150.

and the Jesuits' theology of love that prescribed the persuasive conversion of the pagans to Christianity. Under the reform proposed by Nóbrega, were not the Jesuits forcing the Indians to convert? Was instilling fear the same as coercing? Nóbrega knew that, under Thomism, fear was not the same as coercion.

Thomas Aquinas defined the object of fear as evil.

But evil, he claimed, could come from God:

...the first and formal object of faith is the good that is the first truth. But amongst the things that belong materially to faith, there are proposed for believing some evil things: for example, that it is evil not to be subjected to God or to be separated from him, and that sinners suffer punitive evils from God.¹⁵⁷

In other words, God caused men to fear not being subjected to Him and to fear His wrath in punishing sins. Fear was an evil caused by God for good purposes. Thus Thomas Aquinas concludes that "in all ways God is the cause of fear."¹⁵⁸

According to Thomas Aquinas, fear can be of two kinds: servile fear, which is fear of the punishments of the wrath of God, and which can be experienced by believers, unbelievers, and heretics alike; and filial fear, which is

¹⁵⁷ Thomas Aquinas, Summa Theologiae 1-2, q.42, a.1.

¹⁵⁸ idem.

the fear of God the faithful feel through subjection to his divine authority.¹⁵⁹ Unformed faith, says Thomas Aquinas, is the cause of servile fear, and formed faith is the cause of filial fear. If filial fear is an effect of formed faith, it cannot be the cause of conversion. Thus the one who ignores the Faith can only learn to fear God through servile fear.

Nóbrega's proposition that the Indians would accept the Faith "out of fear" was perfectly reconcilable with this Thomist interpretation of fear. The key was the distinction between servile and filial fear. When Nóbrega and the Jesuits in Brazil discussed the concept of fear, they used it in the sense of servile fear defined by Thomas Aquinas. As Ignatius of Loyola stated in the Spiritual Exercises, one could easily attain filial fear from attaining servile fear:

It is granted that we should value above everything else the great service which is given to God because of pure love. Nevertheless we should also strongly praise fear of his Divine Majesty. For not only is filial fear something pious and very holy, but so also is servile fear. Even if it brings a person nothing better or more useful, it greatly aids him or her to rise from mortal sin, and once such a one has risen, one

¹⁵⁹ Thomas Aquinas, Summa Theologiae, 2-2, q.7, art.1, in On Faith, ed. by Mark Jordan, Univ. of Notre Dame Press, Notre Dame, 1990, p.143.

easily attains to filial fear, which is the wholly acceptable and pleasing to God our Lord, since it is inseparably united with love of him.¹⁶⁰

It was this Thomist concept of servile fear that justified the Jesuit reform of the missions in Brazil. The fear instilled by the secular authorities was analogous to the servile fear instilled by God's punishment.

Current interpretations of the Dialogue usually define it as a dialogue on the question of evangelization through force or persuasion.¹⁶¹ Nóbrega's piece evinces, however, a subtler and altogether different question. Neither of Nóbrega's characters argues for evangelization through force, a position against the Thomist theory of unbelievers endorsed by the Jesuits. In Nóbrega's interpretation, the Indians would indeed convert through persuasion, but only after they submitted to the Jesuits' authority "out of fear" of the colonial authorities. The subtlety in Nóbrega's concept of the reform was that servile fear would

¹⁶⁰ Ignatius of Loyola, The Spiritual Exercises, p. 213-14.

¹⁶¹ Cf. Luiz Felipe Baêta Neves, O Combate dos Soldados de Cristo na Terra dos Papagaios (Colonialismo e Repressão Cultural); José Maria de Paiva, Colonização e Catequese, 1549-1600; and especially José Oscar Beozzo, "O Diálogo da Conversão do Gentio: A evangelização entre a persuasão e a força" in Actas do Congresso Internacional de História: Missionaç o Portuguesa e Encontro de Culturas, vol.II, Universidade Cat lica Portuguesa, Braga, 1993, pp.551ff.

not be used to move the souls of the pagans towards the Christian faith, but as an effective way of "preparing" the souls of the pagans to receive the faith. It was still up to the pagans to "become Christians." Nóbrega was aware of the tenuous line that separated force from persuasion. Through fear, the Indians would consent to submit to the authority of the Jesuits, and would be subsequently persuaded to convert.

In sum, Nóbrega's comparative ethnology in the Dialogue on the Conversion of the Pagans provided a theological justification for his reform plan. In Ignatius' original concept of apostolic activity, there was no need for any interference by the secular authorities in the missionary affairs of the Brothers. Politics was part of the Jesuits' life, but not part of the conversion enterprise per se. Under Nóbrega's reform plan, however, the politics of the colonial authorities would become an integral part of the Jesuit mission. As we shall see in what follows, political theory thus became a significant part of the Jesuits' justifications for the reform of the missionary enterprise.

2. Nóbrega's Civilizing Plan of 1558 and the Political Theory of the Reform.

Insofar as Nóbrega wanted the colonial government to subdue the Indians and instill fear in their hearts, the reform required a political justification: Nóbrega had to provide the Portuguese crown with reasons why the reform should be implemented. In a letter written to the Portuguese Provincial in 1558, Nóbrega explained the plan of his reform. This letter has become known as the Civilizing Plan of 1558.¹⁶²

Nóbrega began to plan the reform of the missions while he was still at Rio Vermelho. There, he wrote a letter to the Portuguese Provincial explaining its central concept:

We would like to bring all the pagans that have submitted into convenient settlements. In this way, we will be able to supply the benefits necessary for their conversion, punish them for the evils that deserve punishment, and keep justice and truth amongst them as vassals of the king and of the church. We will also be able to do justice to them when the Christians [settlers] violate their rights. This, however, would be easier if the secular and ecclesiastic courts were more zealous, as is appropriate to the honor of Our Lord and to the common good of the land. We could thus every day win souls and subject them to the authority of reason. And those who refuse to receive it should be subdued and forced to pay tribute to the services of the king and of the Christians who help us master them. This is

¹⁶² Fr. Manuel da Nóbrega, letter to Fr. Miguel de Torres, 8 May 1558, MBII-66, pp.445ff.

how it was done in all the other new lands that were conquered, such as Peru and many others.¹⁶³

The *Aldeias*, as those "convenient settlements" became known, were the core element of Nóbrega's plan. They coerced the Indians to live in accordance with natural and human law, while also protecting them against settler enslavement attacks.

When Nóbrega learned that the new governor Mem de Sá had arrived from Cape Verde in December 1557, he promptly left Rio Vermelho and returned to Bahia. Mem de Sá was very fond of the Society of the Jesus: he had confessed with the Jesuits in Portugal and even did the Spiritual Exercises under Nóbrega's direction later on. Over the first months of 1558, Mem de Sá and Nóbrega devised a plan for the reform of the missionary institution. In the first *hijuela* written after the governor's arrival, the Jesuit Antônio Blasquez noted that the governor "has another way of proceeding that was not used hitherto." Mem de Sá's new way was to instill "fear and subjection" in the Indians.¹⁶⁴

¹⁶³ Fr. Manuel da Nóbrega, letter to Fr. Miguel de Torres, August 1557, MBII-60, p.401.

¹⁶⁴ Br. Antônio Blásquez, commissioned by Fr. Manuel da Nóbrega, letter to Fr. Diego Laynes, 31 April 1558, MBII-65, p.439. For a discussion of Mem de Sá's colonial policies, see Herbert Ewaldo Wetzel, Mem de Sá: Terceiro Governador Geral (1557-1572), Conselho Federal de Cultura,

While Nóbrega's Dialogue developed out of the ethnographic accounts of the Tupi in the edifying reports, the Civilizing Plan was closely tied to the administrative demands placed upon the *hijuelas*. As in the *hijuelas*, Nóbrega addressed the Civilizing Plan to a member of the Jesuit hierarchy and dealt in it with matters the Jesuits deemed private to their institution. But after the establishment of the Brazilian Province of the Society of Jesus in 1553, internal matters were decided directly with the Generalate at Rome. As an *hijuela* addressed to the Portuguese Provincial, the Civilizing Plan was written to someone holding the same hierarchical position as Nóbrega did. But even though the formal consent of the Portuguese Jesuits was no longer necessary to carry out changes in the missionary enterprise, the human and material resources required for the missions still came from Portugal. The Portuguese Jesuits' agreement was crucial to the reform's success. In this way, the Civilizing Plan was no longer an *hijuela* managing internal affairs of the Jesuit order; it was a policy instrument justifying to the appropriate decision-makers the reform that the Jesuits and the colonial authorities desired to implement.

Rio de Janeiro, 1972.

In contrast with the early edifying reports, where the Indians had been characterized as innocent and capable of the receiving the Faith because they believed anything they were told, in the Civilizing Plan Nóbrega described the Indians in harsher terms. And how was it, Nóbrega asks in the introduction to the Plan, that the Portuguese generation was "the most feared and obeyed of all nations," and yet was subjecting itself to "the most vile and sad pagans of the world?"¹⁶⁵

Nóbrega's justification for the new missionary institution in the Civilizing Plan was different from the justification of the mission that had developed in the Jesuit letters. While the Jesuits had justified their enterprise on the basis of its charitable nature and the many profits (i.e., souls) the missions brought for the Christian faith, in the Civilizing Plan Nóbrega also justified it in terms of its profits for the crown and its subjects:

...if the pagans are mastered and relocated, as they could be with little effort and costs, they would live a spiritual life, and learn who is their Creator, how to be vassals of His Majesty and how to obey the Christians. In this way, all in this land would live better, be wealthier, and His Majesty would have great profits in these

¹⁶⁵ idem, p.449.

lands.¹⁶⁶

The reform proposed by Nóbrega in the Civilizing Plan took place in conjunction with the colonial government's decision to act more swiftly to pacify the coastal Indians. On the eve of the reform, King João III died and his son Sebastian was too young to succeed him. A regency was established under the rule of John III's wife, D.Catarina. But the *de facto* ruler was Cardinal D. Leão Henriques, the brother of the king and a close ally of the Jesuits.¹⁶⁷ Like his brother had done in 1548, Cardinal D.Leão Henriques decided to reform the colonial system.

Because no mineral riches had been found in Brazil, Cardinal Henriques decided to change the orientation of the colonial economic policies. First, he decided to protect the Brazilwood timber industry, the most successful economic activity of the colony, from the pirates who plundered the coast. Second, he began to stimulate the establishment of a stable agriculture on the coast that would not only produce profits for the crown, but also help the Portuguese occupy the coast and protect it against

¹⁶⁶ idem, p.448.

¹⁶⁷ In 1562, the regency was formally transferred to his hands.

those corsair attacks. The chosen crop was sugar, a valuable trading commodity in Europe.

This redefinition of the Portuguese crown's economic policy for Brazil led to the growth of the colonial government's military activities against the Indians during the late 1550s. Settlers had been claiming they could not establish farms on the coast because Indians constantly attacked them; some Indian tribes, moreover, had allied themselves with the invading pirates to resist the Portuguese. Pacifying the Indians, therefore, was an important step towards furthering the new economic objectives of the crown. Mem de Sá was sent to Brazil with this revised agenda in mind.

The reform Nóbrega proposed to Mem de Sá sought to adapt the Spanish *encomienda* to the reality of the Portuguese colony. Nóbrega had learned about the Spanish crown's Indian policies through travelers from Spanish America, most of whom reached the Brazilian coast via the backlands of São Vicente. The *encomienda* institution forced the natives to submit to the Castillian crown's authority, and distributed their labor force to the Christian settlers. But this Spanish model compelled the settlers to pay a wage/rent to the natives for their services. Through the *encomienda*, the natives presumably

had their liberty protected from enslavement.¹⁶⁸

Nóbrega wanted to do "as it is done in other new lands," but the system he devised in the Civilizing Plan of 1558 differed in one important aspect from the *encomienda* system. Under the *encomienda*, no Indian lost his liberty for refusing to submit to the authority of the settlers. In Nóbrega's plan, however, the natives who agreed to submit and live in the *Aldeias* retained their freedom. But those who refused to submit could lose their liberty. In Nóbrega's plan, those who refused subjection would be treated as legitimate slaves acquired in a just war:

If we subdue the pagans, there will no longer exist the doubts about holding slaves illegally that now exist. For men will hold legitimate slaves taken in a just war; they will have the service and vassalage of the Indians. The land will be populated, Our Lord will have many souls, and His Majesty will have many profits, as there will be many farms and much cattle, even if there is no gold or silver.¹⁶⁹

In the Castillian courts, Dominican friars managed to secure the crown's help in enforcing the 1537 Papal bull

¹⁶⁸ For an analysis of the political theory of the *encomienda* system, cf. Silvio Zavala, La Filosofía Política en al Conquista de América, Fondo de Cultura Económica, Mexico, 1947; and Lewis Hanke, The Spanish Struggle for Justice in the Conquest of America, Little, Brown and Co., Boston, 1965.

¹⁶⁹ Fr. Manuel da Nóbrega, The Civilizing Plan, MBII-66, p.449.

regulating the liberty of the New World inhabitants. The Spanish devised the *encomienda* to comply with and to overcome that obstacle. All Indians remained free even though they were forced to work for the Christians.

In Brazil, in contrast, the Jesuits argued that even if the New World natives could not be forced to convert, they could nevertheless be forced to live under Christian laws. Resistance justified a war and the enslavement of the natives who resisted. That form of subjection, according to the Jesuits, did not abrogate the Indians' liberty as they could elect either to rent their labor to a Christian master (in a system resembling the Spanish *encomienda*), or to live in the *Aldeias*, where they would be protected against the settlers at the price of abandoning their own sinful customs.

In concrete terms, the institution devised by Nóbrega would be under the direct supervision of the Jesuits, but because *religiosi* were forbidden from exercising any kind of temporal authority, the *Aldeias* would have a Protector (*Protetor*), a well remunerated Christian whose job was to punish the Indians when they violated a rule and to protect them against settler attacks. This Protector would be

chosen by the Jesuits and approved by the Governor.¹⁷⁰

The laws Nóbrega proposed for the new institution were derived from the experience of the first years of the missions: the Indians living in the *Aldeias* could not wage war against the Portuguese, there should be no cannibalism or polygamy, and the Jesuits would continue to be responsible for their catechization. These laws also sought to deal with the obstacles to conversion Nóbrega and his peers had identified. The Indians should live a settled, non-migratory life, they would be forced to wear clothes, their *pajés* would be banned from the *Aldeias* and, most important, the same laws that applied to the Christians would apply for the Indians living in the *Aldeias*. Justice would be administered equally to those born Christians and to the Indians who agreed to live in the settlements.

Nóbrega was particularly concerned with the fact that the Indians were not given due treatment when crimes were committed against them. One witness sufficed to condemn an Indian for a crime against a settler, but two or three settlers had to testify in order to punish a settler for a

¹⁷⁰ idem, p.450.

crime against an Indian.¹⁷¹ Although the missionaries noted that it was difficult conceding legal equality to the Indians because they had a propensity to lie, Nóbrega argued that the obstacles created by the differential legal treatment were greater than the ones created by potential false testimonies by the Indians.

Equal justice also entailed that legal punishment in the *Aldeias* would be the similar to that in any Christian village of the colony. In Nóbrega's plan, there would be a tree trunk (the *pelourinho*) in the public space of the settlement. Indians would be punished with whippings, hangings or captivity, depending on the violation they committed.

In the first decade of the missions, the Jesuits and the colonial authorities frequently had conflicts with the settlers and the secular clergy, who showed little, if any concern at all, for the Indians and the rights they had been granted by the Pope in the 1537 Sublimus Dei. Nóbrega believed his Civilizing Plan would bring all colonial actors to a same goal. The plan was good for the Jesuits because it helped their conversion enterprise; it was good

¹⁷¹ Fr. Manuel da Nóbrega, letter to Tomé de Sousa, former governor of Brazil, 5 July 1559, MBIII-13, p.89.

for the colonial authorities because it furthered the crown's economic objectives; it was good for the clergy, who no longer had to worry about administering sacraments to the Indians; and it was good for the settlers, who now had at their disposal a more civilized and tamed workforce.

But by displacing the Indians from their communities and relocating them into large settlements where they were forced to coexist peacefully with enemy tribes, the Jesuits had disarticulated the sites of authority in Tupi societies. The Civilizing Plan banned the *pajés* and emptied the powers of the chiefs by instituting a police authority with sovereign powers over Indian chiefs living in the settlement. Most important, the Jesuits established themselves as the sole authority for adjudicating conflicts and passing sentences for crimes and sins in the *Aldeias*. If in the first period the Jesuits had sought to become *caraíbas* in the eyes of the natives; under the *Aldeia* system, they took over many of the functions previously ascribed to the councils of the elders in the political organization of Tupi societies.

Nóbrega deemed the implementation of the reform so crucial to the Jesuit enterprise in Brazil, that at the end of the Civilizing Plan, he remarked:

if things continue as they are over here, I am of

the opinion that no Jesuit school should be built, and that we all be permitted to go to Peru or Paraguay...¹⁷²

Nóbrega was still seeking authorization from his superiors to migrate to Paraguay and establish missions amongst the Carijó Indians. The only alternative to abandoning the missions, he argued, was to implement the sweeping reform he proposed.

3. Fear and Consent in Jesuit Political Theory

As we saw earlier in this chapter, the missionaries' transformation of servile fear into an instrument for the foundation of the *Aldeias* was consonant with Thomist moral theology, for it did not violate the precept that the pagans had to be converted through persuasion. Yet when one analyzes Nóbrega's Civilizing Plan from the perspective of the political theory it embodied, one observes a major departure from the Dominican interpretation of Thomist political theory.

Nóbrega's reform was a technique for protecting and converting the Indians based upon manufacturing the consent of the Indians, that is, making them subject to the

¹⁷² Fr. Manuel da Nóbrega, The Civilizing Plan, MBII-66, p.451.

Jesuits' authority and accept political society and its rules. Furthermore, this consent was to be achieved through instilling servile fear in the Indians by means of the rightful and just threat of violence from the secular authorities.

This interplay between fear and consent was also at the core of the major conceptual changes furthered by Jesuit political theory decades later, at the turn of the seventeenth century. In Thomas Aquinas, servile fear could be the cause of conversion. Consent, in his view, was a material cause of political authority. For Francisco Vitória and the sixteenth century Dominicans, consent was even an efficient cause of political authority. In Nóbrega's justification for the *Aldeias* and in the political theory of the Jesuit Juan da Mariana, however, fear is the sentiment that leads to the consent of natural man to a political authority, and this consent is not only the efficient cause of that authority, but also its source of legitimacy.

In De Rege et Regibus Institutione (1599), the Jesuit Juan de Mariana offered an interpretation of natural man's entry into political society that mirrored Nóbrega's interpretation of the Indians entry into the *Aldeias*. Both identified fear as the origin of consent. The *Aldeias* of

Nóbrega's plan were communities ruled by the Jesuits, in which the Brothers' authority emanated from the consent of the Indians, who "out of fear," agreed to live in the settlement. Similarly, the interpretation of the origins of political *dominium* in Mariana's political theory was also based on consent derived from servile fear.¹⁷³

The two main Jesuit natural law theorists of the early-modern period, Luis de Molina and Francisco Suarez, do not go beyond the formulations of the Dominicans in this regard. In his De Iustitia et Iure, Luis de Molina argued the same position as Francisco de Vitória, who rejected in his Relectiones theologicae the idea of a pre-social state of nature and restated the Aristotelian claim that political society was man's natural condition.¹⁷⁴ Suarez's formulation, however, was slightly different. According to

¹⁷³ Juan de Mariana, S.J., De Rege et Regibus Institutione, spanish translation, Biblioteca de Autores Españoles, t.30-31, Atlas Editoras, Madrid, 1950. Mariana entered the Jesuit order in 1554. He studied philosophy and theology at Alcalá, and moved to Rome in 1561, where he taught at the Colégio Romano. One of his most well-known students was the Jesuit Robert Bellarmine, later known for his involvement in the disputes with James I concerning the Anglican church. In 1574, Mariana returns to Spain where he spent the last fifty years of his life.

¹⁷⁴ Luis de Molina, S.J., De iustitia et iure, tract.II, disp22, sec.8, in vol.I, p.63; and Francisco de Vitória, "De Potestate Civile," section 4, Relectiones theologicae, vol.II, ed. by Luis G. Alonso Getino, bilingual edition, Asociación Francisco de Vitória, Madrid, 1934.

him,

In the nature of things all men are born free; so that consequently no person has political jurisdiction over another person, even as no person has dominion over another.¹⁷⁵

This passage suggests that if no *dominium* existed in nature, then political society must have developed out of an agreement amongst men. Yet, as Gunther Lewy warns, Suarez was merely trying to establish that God had not granted political *dominium* to any particular individual, and had not prescribed any particular form of government.¹⁷⁶

The fact that the argument about the origins of political *dominium* (consent "out of fear") is nowhere to be found in Molina and Suarez is perhaps explained by the scholastic structure of natural law treatises and the impossibility therein for justifications based on real or artificial historical narratives about the origins of political society. But in De Rege et Regibus Institutione, a manual for Christian princes bearing few of the scholastic exigencies of the natural law treatises of his

¹⁷⁵ Francisco Suarez, S.J., De legibus ac Deo legislatore, book III, chap.2, sec.3, ed. by James Brown Scott, Oxford, 1944, p.373.

¹⁷⁶ Gunther Lewy, Constitutionalism and Statecraft during the Golden Age of Spain: a study of the political philosophy of Juan de Mariana, S.J., pp.41-2.

Jesuit counterparts, Juan de Mariana presented such a historical narratives on the origins of political society, or "the beginning," as he calls it.

In De Rege et Regibus Institutione, Mariana anticipated the seventeenth century natural law argument that political *dominium* is legitimized by human consent:

When men saw that their life was constantly surrounded with dangers and that not even their relatives refrained from violence and murders amongst themselves, those who felt oppressed by the powerful ones began to associate with one another and to search for the one amongst them who seemed better than the others for his loyalty and sentiments of justice, hoping that, under his protection, they could avoid all forms of public and private violence, establish equality, become subjects through the bonds of a same set of laws applicable to inferiors and superiors...¹⁷⁷

The transition into political society occurs, according to Mariana, because the oppressed fear the oppressors. Fear, therefore, generates the consent that gives birth to political society:

We should attribute this civil society (in which we have so many goods and a tranquil peace) to the things necessary for life, above all to the fear and conscience we have of our own fragility.¹⁷⁸

These two passages from Mariana are reminiscent of similar

¹⁷⁷ Juan de Mariana, Del Rey y de la Educación del Rey, p. 468.

¹⁷⁸ idem.

yet more famous passages in the classic contract theorists of the modern era, especially Hobbes, who also argues that fear is the moral sentiment that gives birth to political society.¹⁷⁹

But while Hobbes was not afraid to abandon the Aristotelian tenet that society was natural, Mariana still clings on to the notion that man is naturally sociable, as illustrated by the title of that first chapter of the De Rege, "Man is a sociable animal by nature." This can also be seen in the last paragraph of the chapter:

No doubt the entire being of man depends primarily on having been born fragile and naked, that is, on needing others to feed and defend himself.¹⁸⁰

Gunther Lewy argues that Mariana, like Hobbes, represented a break with Aristotelianism.¹⁸¹ But the evidence above suggests that Mariana still deemed society and political authority as natural. But that political authority developed while men still lived in nature did not mean that

¹⁷⁹ Cf. Thomas Hobbes, Leviathan, Part I, chapter XIV, ed. by C.B. Macpherson, Pelican Books, London, 1968, pp.189ff.

¹⁸⁰ Juan de Mariana, Del Rey y de la Educación del Rey, p. 468.

¹⁸¹ Gunther Lewy, Constitutionalism and Statecraft during the Golden Age of Spain: a study of the political philosophy of Juan de Mariana, S.J., p.47ff.

such authority had developed independent of human consent.

Perhaps the most important aspect of Mariana's argument is that it was grounded on an interpretation of the state humans lived in before the foundation of political society, i.e., a state of nature construct. The state Mariana describes in the opening paragraph is one that is already social but not yet political:

In the beginning, humans were like beast, wondering on the earth; they did not have a fixed dwelling, and did not think about anything but preserving their lives and obeying the instincts of procreation and educating the offspring. They had no laws to oblige them and no chiefs to give them orders. And only because of a certain impulse of nature, each family respected the authority of the one who, due to his age, appeared to have the preference (*decidida preferência*) of all.¹⁸²

Mariana also argued that the natural inequalities between strong and weak produced a state of "war of all against all:"

...each person relied upon relied very greatly on his own powers, men encroached upon the lives and fortunes of the weaker, with no opposition, like ferocious and wild beings terrorizing and dreading, according to how strong they deemed themselves ... Nowhere could innocence and poverty find shelter against so many robberies, pillages and murders.¹⁸³

¹⁸² Juan de Mariana, Del Rey y de la Educación del Rey, p.467.

¹⁸³ Juan de Mariana, Del Rey y de la Educación del Rey, p.468. Gunther Lewy, Constitutionalism and Statecraft

Mariana's seems to anticipate, therefore, the Hobbesian concept of state of nature.

Despite its many definitions in modern political theory, the concept of 'state of nature' always corresponded to a political philosopher's conception of the order of things prior to the existence of conventional morality. This pre-moral order was usually associated with God's design of nature. The concept assigned a mediating role to nature in constituting that pre-moral order: deciphering divine providence gradually gave way to deciphering nature in the search for answers to questions about true and false, right and wrong. Revelation gradually gave way to reasoning.

For those seventeenth century authors who introduced a "state of nature" into their political theories, the moral realm could not be reduced to customs, traditions, and social conventions. The 'state of nature' was an exercise of reason in the process of discovering those moral norms that were independent from the ethos of each community -- that is, in the process of universalizing moral claims. Moral truths were reached and these truths had the status

during the Golden Age of Spain: a study of the political philosophy of Juan de Mariana, S.J., p.44.

of natural laws. From these laws, moreover, followed natural rights. In the seventeenth century, medieval Christian natural law continued to be the organizing agent of the social order. But the tortuous Aristotelian historical justifications of Thomist scholasticism gradually gave way to the paradoxical exercise of construing the 'state of nature': reason posited natural laws and natural rights that existed and were real; but their existence and reality was derived from a conjectural exercise about a hypothetical locus.

This change in moral philosophy became manifest in the concept 'state of nature' as a paradox. The 'state of nature' was a locus that enjoyed an ambiguous existence. Its purpose from the outset was demonstrating the existence of natural law as described in the medieval Christian customs and tradition. Yet, more often than not, early modern political theorists did not claim that the 'state of nature' actually existed in some remote time of human history. According to John Dunn, it was a hypothetical construct, a series of conjectures on the pre-moral qua natural state of humanity with no empirical transitivity.¹⁸⁴

Gunther Lewy ascribes the state of nature description

¹⁸⁴ Cf. John Dunn, The Political Philosophy of John Locke, Cambridge University Press, Cambridge, 1969.

in the opening passage of Mariana's book to the influence of Renaissance thought on his education as a Jesuit.¹⁸⁵

While the influence of Renaissance thought on sixteenth century Jesuits is undeniable, why did Mariana and other Jesuits take the Renaissance idealization of the Golden Age and move it in this much more sober direction?

The justification for this move was the experience of Brothers preaching amongst peoples who lived in a state that indeed resembled the Golden Age of classical antiquity in the absence of king and law. In 1599, Mariana had certainly read about the New World experience, and knew about the Caribs and the Tupi (the *simpliciter*, as Las Casas called them) through the manifold reports that were circulating throughout the Jesuit's epistolary institution.

Against Dunn and Lewy, this chapter has shown that the concept of "state of nature" did have empirical transitivity, and the components of the paradox it embodied, consequently, were easily reconcilable. The relationship between that "hypothetical" state of nature and the empirical cases which justified it can be witnessed in the writings of those who lived closest to that paradox:

¹⁸⁵ Gunther Lewy, Constitutionalism and Statecraft during the Golden Age of Spain: a study of the political philosophy of Juan de Mariana, S.J., p.43.

On the one hand, Jesuit missionaries such as Nóbrega, who actually encountered the peoples that served as the model of "natural man;" on the other hand, Jesuit political theorists such as Juan de Mariana, whose concept of "state of nature" anticipated the development of seventeenth century contractualism. The key variable in explaining the conceptual changes that led to the consent theory of the origins of political *dominium* (and the ensuing concept of "state of nature") are therefore the justifications arising from the Jesuit encounter with "natural man" in America.

The concept 'state of nature' embodied the conflict between two divergent visions of natural man: Medieval Christian cosmologies with their images of an Edenic virtuous natural man, and the developing secular anthropologies with their descriptions of the American "savages." In the struggles over the meanings of the New World Encounters, missionaries such as the Jesuits in Brazil redefined the concept of natural man. Gradually, Christian conceptions of natural man were displaced by comparative ethnologies, and definitions of the moral content of human nature became increasingly minimalist. Those like the Jesuits who advocated the existence of moral universals could no longer reject the relativist claims of skepticism: moral diversity was a fact, and any truth

claims concerning morality had to confront it.

Mariana's "state of nature" construct and his ensuing consent theory of the origins of political *dominium* were already present in Jesuit justifications because Nóbrega and his peers were concerned with conforming their Thomist theology to the moral diversity they encountered in the New World, and Mariana's state of nature description could have been pulled out from any page of an edifying report by Nóbrega in Brazil. His characterization of the humans of "the beginning," furthermore, possesses many similarities with the ethnography of the Tupí written by the Jesuits in Brazil: (a) they are like beasts (*similitudine*), but are humans nevertheless; (b) instincts are all they know (Mariana speaks of procreation and educating the offspring, while the Jesuits in Brazil see procreation and war); (c) they have no law and no king (the Jesuits in Brazil add no faith); (d) and the only form of authority they know is by age (Jesuits in Brazil also see the authority of the speaker and of the war leader.)¹⁸⁶

Like Mariana, Nóbrega also believed the Indians would consent to living in the *Aldeias* because of fear of

¹⁸⁶ See Juan de Mariana, Del Rey y de la Educación del Rey, p.467.

continuous war. For the Indians, living through cycles of war and peace with their local enemies was one thing. It was quite another to live in continuous war against the mighty guns of the colonial government. Mariana's "beginning" was an abstract state of nature. But it seems constructed upon the prevailing image of natural man at his time: the one stemming out of the New World Encounters.

Mariana is the precursor to Hobbes, as many have noted, but Mariana's concept of the state of nature was not simply a revision of a Renaissance reconstruction of a remote Golden Age. It was, instead, an construct based on the more proximate New World Encounters. That the innumerable letters Mariana read from the missions while serving in Jesuit houses throughout Spain after 1574 played a far more important role in defining that image seems clear.

As evinced by Nóbrega's justification of the missions in the Dialogue and in the Civilizing Plan, the very same argument was articulated decades earlier by missionaries, who like their Jesuit peers in Europe, proceeded like Jesuits. And when confronted with the task of justifying the reform, Nóbrega arrived at a justification for the *Aldeias* that was grounded on the very same principles Mariana later used to define his "beginning": consent and

fear.

In the seventeenth century, the interpretation of the *simpliciter* of the New World conveyed by the Jesuit letters from Brazil and from the many other New World sources became the standard interpretation of the state in which humanity found itself after the Fall. Those cultures of America, according to this interpretation, had failed to progress into civilization and political society. This image of the New World "savages" as the mirror of natural man became so widespread in Europe that even Hobbes, decades later, still used the image of the "savages of America" to exemplify civil war and war of all against all.¹⁸⁷

¹⁸⁷ Thomas Hobbes, Leviathan, p.187.

Chapter Five
From Theology to Political Theory II:
The Justification of Slavery

After the reform started to be implemented in 1558, Nóbrega and his peers found themselves increasingly involved with the administration of the *Aldeias* and with justifying legislation for dealing with the Indians. Most of that Indian legislation pertained to Indian slavery, by far the legal issue that most concerned the Jesuits.

The interest of this study in controversies about slavery is limited to the dispute between Jesuits in Brazil, and we will analyze the conflicting justifications voiced in that dispute primarily with a view to the rise of the subjective concept of rights. There are other many other issues that can be raised about these slavery debates in Brazil, especially regarding their relationship to subsequent debates on African slavery; but these issues lie beyond the political theory issues addressed by the present study.¹⁸⁸

As we have seen, the settlers' violent attempts to enslave the natives had troubled the Jesuits from the outset of their Brazilian enterprise. But before the reform, the problem pertained to the slavery of pagan peoples outside of the polity. Accordingly, the appropriate body of law for dealing with such cases was the

¹⁸⁸ For an overview of the debates on slavery in the modern period, cf. David Brion Davis, The Problem of Slavery in

Thomist doctrine of the law of nations (*ius gentium*).

Defeated war enemies could be rightfully enslaved if the victorious party had chosen to spare them from death.

After the reform, the *ius gentium* continued justifying Indian slavery, but only in two cases: in the cases of those who refused to submit and live in the *Aldeias*, and in the case of those new Indian communities discovered by settler expeditions advancing into the backlands of Brazil. In both cases, the governor could wage a just war against the Indians, as defined under the *ius gentium*.

But there were occasions in which the settlers claimed that the Indians had voluntarily sold their liberty. Under the Thomist natural law theory to which the Jesuits subscribed, voluntary slavery was only justified when one sold his liberty or the liberty of his children in a case of extreme necessity.

The Jesuits' justification for the slavery of enemy Indians through the *ius gentium* reproduced the way the Dominicans had dealt with the issue in the preceding fifty years. In a 1567 legal debate between Nóbrega and Quirício Caxa, a young professor of Cases of Conscience in Bahia, the two Jesuits discussed the justice of voluntary slavery in Brazil. In the process, Quirício Caxa introduced themes

Western Culture, Cornell University Press, Ithaca, 1966.

central to the second conceptual change carried out by Jesuit political theory at the turn of the seventeenth century: Caxa replaced the Dominicans' objective concept of rights with a subjective concept of rights first developed by nominalist theologians of the fourteenth century.

This chapter examines this aspect of the Jesuits' justification for Indian slavery after the reform and thus specifically the development of the subjective concept of rights later formalized by Luis de Molina in the De Iustitia et Iure (c.1592). In this reasoning, the Indians of the *Aldeias* were granted rights which, according to Caxa, they held as property and could therefore dispose of at will.

But in order to understand the Caxa v. Nóbrega debate, we must first understand its historical and theoretical context. On the one hand, we must understand who is Caxa, and how the implementation of the reform led to the development of a younger generation of Jesuits whose interests and ensuing justifications were not oriented by the missionary goals that oriented the interests and justifications of Nóbrega and the first Jesuits in Brazil. These younger Jesuits had their attention turned to the growing Jesuit schools and the Brothers' educational activities amongst the settler communities of the colonial

towns.

On the other hand, we must understand the Dominican interpretation of the Thomist justification for slavery, and how the theoretical ambiguities contained in Thomas Aquinas' moral theology allowed Jesuits such as Caxa in Brazil and, later, Luis de Molina in Portugal, to change the meaning of the concepts of liberty and rights under Thomist natural law theory.

1. The Historical Context of the Caxa v. Nóbrega Debate: the Implementation of the Reform and the Rise of the Schools.

Mem de Sá and the Jesuits started implementing the reform even before the Civilizing Plan reached Europe. Early in 1558, they eliminated four settlements around Rio Vermelho and forced the Indians into the Aldeia of São Paulo, the first of the new missionary institutions.¹⁸⁹ By the end of 1558, another Aldeia had been founded in Bahia, the Aldeia de Espírito Santo. By mid-1559, a relieved Nóbrega was already describing the positive impact of the reform to his friend the former governor Tomé de Sousa:

... now we begin to see with the experience of our eyes that if we leave [the Indians] in their liberty and will, nothing can be done for them,

¹⁸⁹ Leite, História da Companhia de Jesus no Brasil, vol.II, p.51.

for they are a brute people ... But I believe that Our Lord heard my prayers, and gave us Mem de Sá and a new regiment of His Majesty telling the governor to help us in conversion, by peace or by war, whichever was more convenient ... And thus this land starts to be subject to God and to the governor, who makes [the Indians] live in justice and reason, punishing delinquents with much moderation, with the same liberty he uses against the Christians ... [P]lease speak to His Majesty and tell him to help this poor Brazil with the medicines it needs for the many illnesses it has ... Only thus the little flame of faith and divine love that is beginning to burn in [the Indians'] hearts will continue to shine and not fade away.¹⁹⁰

While Nóbrega was the Jesuit who conceived the plan, he was not the one in charge of leading the reform. In 1560, Nóbrega was removed from his Provincial post. This was an event little discussed by the Jesuits in their correspondence. There was some speculation about whether political or health reasons had motivated the move. Nóbrega continued, nevertheless, to have an important voice in colonial affairs.

Luis de Grã, a Jesuit with administrative experience from his years as rector of the Coimbra school, became Provincial and headed the reform of the missions. With Mem de Sá, he implemented the new Indian policies and founded another three *Aldeias* around Bahia: the *Aldeia do Espírito*

¹⁹⁰ Fr. Manuel da Nóbrega, letter to Tomé de Sousa, former governor of Brazil, 5 July 1559, MBIII-13, p.71ff.

Santo, founded in 1558, was resettled in 1560; the Aldeia de Santiago was founded in 1559; and the Aldeia de Santo Antônio was founded in 1560. By 1561, the Jesuits estimated that twelve thousands Indians lived in the four *Aldeias* around Bahia.¹⁹¹

The main obstacle to the implementation of the reform plan was finding good Christians willing to work as Protectors in the *Aldeias*. Many of those who accepted the office committed crimes against the Indians they were supposed to protect. In response to this problem, the Protector office was later replaced with the office of the *meirinho*, an Indian to perform the police functions in the *Aldeias* and chosen from amongst the various chiefs forced into a settlement.

The problem was not entirely solved, however, as the Jesuits still had to choose one amongst the many chiefs living in the same settlement to become the *meirinho*. Furthermore, these *meirinhos* often "returned to their old ways" themselves. When a crowd of Indians led by a *meirinho* fled one of the *Aldeias* surrounding Bahia in the

¹⁹¹ These numbers are provided by José de Anchieta in what is the most comprehensive description of the implementation of the reform, "Information about the first settlements," also known as the "Discourse on the *Aldeias*," 1585, AN-XXX, p..349ff.

midst of an epidemic and widespread hunger in 1563, the governor Mem de Sá and the Jesuits decided to return to their original idea of having a Christian settler perform the executive and police functions in the settlements. Nonetheless, the new institution was hampered either way: If Indians ruled, the Jesuits control over the natives was reduced; if Christians ruled, that control was enhanced but the injustices against the natives increased.

After the reform, the politics of the missionary enterprise was cause for much turmoil inside the Society, as the Brazilian Jesuits became more inclined to get involved in colonial conflicts, and to give their advice to the secular authorities that confessed with them. When the Jesuit superiors in Europe discussed the missionaries' colonial politics, they prescribed that the Brazilian Jesuits act as "angels of peace:"

In order to acquire and preserve the friendship of all, it is very convenient not to take someone's side, and to avoid defending in any way one's cause against another. Instead, we should sweetly and in benign fashion work to excuse all and agree with all like an **angel of peace**. For this is the office of the Society: in public and private matters, not to take sides nor counsel the sides against each other, especially if the matter pertains to the external forum. All our business should be geared to pointing all souls to the way of the Lord in spiritual matters, leaving the temporal ones for those who profess them. Getting involved in these matters debilitates the force of our ministry, and the

less we deal with them, the more efficient our works will be, and the more the Lord will favor these works. Mixing spirit and body, mundane and divine, temporal and eternal matters, is not harmonious.¹⁹²

The concept of "angels of peace" was based on a diplomatic non-interventionism, searching for the friendship and favor of all, never taking sides in conflicts regardless of one's opinions about it.

But the Jesuits often took sides in colonial disputes, and this prompted many reactions in Europe, where the hierarchy wanted the Jesuits to carry on their missionary enterprise without getting involved in the temporal matters of the colonial administration:

We [should] devote ourselves more to the matters of our Institute than in giving advice, at least not formally, that people may affirm that others' actions follow from our advice. There are many inconveniences in this, as we now see people here saying that the Governor took some actions they condemn following Your Reverence's advice. In these cases, it suffices to answer what has been asked, and defer to the better judgment and to the people to whom such role belongs more properly. The main thing is to win his will and convince him of our way of proceeding in matters pertaining to the soul, and not to contend on what he thinks about our opinion. With them, submission will win what contention can only lose.¹⁹³

¹⁹² Fr. Miguel de Torres, letter to Fr. Manuel da Nóbrega, 12 May 1559, MBIII-7, p.26, bold added.

¹⁹³ idem, pp.27-28.

The most contentious issue was the Jesuits' administration of the *Aldeias*. The higher authorities of the Order suspected the Brothers in Brazil were violating Church law and exercising temporal authority. In 1566, these suspicions about the institution led the Generalate to send the Visitor Inácio de Azevedo to oversee and evaluate the Jesuit activities in the colony. The Visitor was sent to Brazil with sovereign powers over the entire province:

Check our ways in the conversion of the pagans and the conservation of the converted ones. Especially examine the means we use to bring the many Indians from their different tribes into the large settlements because this way of doing things seems to be a good way of educating the Indians into good manners and into *polícia*... if something seems directly contrary to our Institute, stop it; if something is not contrary to our Institute, and the Brothers in Portugal and Brazil deem it needs to be changed, then change it.¹⁹⁴

Azevedo reported back to Europe that he believed the *Aldeia* system had problems, but none pertained to the exercise of temporal authority; he was persuaded that the Protector/*meirinho* office avoided the problem. For Azevedo, the real problem with the new institution was that

¹⁹⁴ Fr. Francisco de Borja, "Instructions to the Fr. Inácio de Azevedo, Visitor of Brazil," 24 February 1566, MBIV-33, pp.324-5.

"the Indians act as if they were violated and do not want to live all together, let alone the fact that they do not seem capable of civilization (*polícia*)."¹⁹⁵ Still, he argued, the *Aldeias* appeared to be the best alternative available for converting the pagans.¹⁹⁶

These controversies were accompanied by a sharp decline of the missionary fervor that had hitherto characterized the missions. Jesuits that arrived to work in Brazil under the reformed missionary enterprise were more interested in remaining in the colonial towns and educating the settler community than in going to live in the *Aldeias*, where they would have to witness the outrageous sins of the Indians and educate them into Christian manners before they could preach the Faith. This decline of missionary fervor was caused by another institutional development: the rise of the Jesuit schools

¹⁹⁵ Fr. Inácio de Azevedo, letter to Fr. Francisco de Borja, 19 November 1566, MBIV-48, p.366.

¹⁹⁶ The most important consequence of Azevedo's visit was not his evaluation of the missionary enterprise, but that a new institutional office (the Visitor) had been established within the Jesuit order, one with sovereign powers over the entire province, even over the Provincial. While the reform expanded and consolidated the Jesuit activities in Brazil, it also created greater demands for institutional control which the epistolary institution alone had failed to fulfill.

in the colonial towns.

The growth of the Jesuit schools was not an event restricted to the colonies. During the tenure of the three Generals that ruled the Jesuit order after Ignatius' death -- Diogo Laynes (1558-1565), Francisco Borgia (1565-1573) and Edvard Mercurian (1573-1580) -- the Jesuit order also experienced its period of most intensive growth. The number of Jesuits throughout the world grew from one thousand to five thousand, the number of schools grew from thirty to one hundred and forty-four, and new missions were established in Florida, Peru and Mexico.¹⁹⁷

The first Jesuit schools in Brazil were founded before Mem de Sá's arrival, in Piratininga in 1554 and in Bahia in 1556. Both these institutions were geared towards educating the children of the Christians as well as the pagans. But schools without resources were to no avail,

¹⁹⁷ Cf. William V. Bangert, S.J., A History of the Society of Jesus, The Institute of Jesuit Sources, St. Louis, 1972, p.46. Dauril Alden, in his recent book, notes that in 1560, there were 500 Jesuits in the Portuguese Province and its missions (including Brazil although it was already a separate province); this means that about half of the Jesuits in 1560 were in Portugal and its overseas possessions, evincing the great importance of the Portuguese enterprise for the Jesuit order as a whole. See Dauril Alden, The Making of an Enterprise: the Society of Jesus in Portugal, its Empire, and beyond: 1540-1750, Stanford University Press, Stanford, 1996, p.647.

and the Jesuit schools only developed into solid institutions after Mem de Sá arrived and the missions were reformed. In 1564, King Sebastian provided resources for educating sixty students at the school in Bahia; in 1568, he financed the foundation of another school in Rio de Janeiro.¹⁹⁸

The main functions the Jesuits conceived for their schools were educating pagans and the Christian laity, and training new missionaries. The schools helped reproduce their missionary enterprise in this way, and it was only after the establishment of these schools that the Jesuits began to consistently produce missionaries for the field without having to request that new levies of Jesuits be sent from Europe. On the other hand, the main obstacle to the development of the Jesuit schools in Brazil was that the Constitutions prescribed that the members of the order engage only in higher education. The Brazilian schools, however, also provided primary education for the children of the colony. Still, the Brazilian Jesuits succeeded in

¹⁹⁸ For an analysis of the sixteenth century Jesuit schools in Brazil, see Júlio César Faria, "Os Jesuítas e o Ensino: métodos, aparelhagem, doutrina e desenvolvimento da instrução nos colégios da Companhia de Jesus" in Anais do IV Congresso de História Nacional (21-28 April, 1949), vol.8, IHGB, Imprensa Nacional, RJ, 1951, pp.99-185.

persuading their leaders in Rome to allow them to educate young children.

The troubles and difficulties associated with ruling the *Aldeias* and converting the Indians led the new generation of Jesuits to remain in the schools in the towns. But as these schools expanded, so did the demand for the Jesuits to devote themselves to the temporal administration of the emerging institutions. Several letters from Brazil during this period denounced the local hierarchy for paying too much attention to the temporal matters of the schools and neglecting, as a result, the spiritual concerns that oriented the Brothers' mission.

Under the Jesuit Constitutions, the schools were far more flexible institutions than the Jesuit houses; the houses' income was always limited by the Jesuits' vow of poverty. The schools, however, were allowed to own farms to produce income for the benefit of the students and the Jesuits who lived there.

During the first half of the 1560s, the colonial government gave at least four pieces of land (*sesmarias*) to the Jesuits. A *sesmaria* was a gift that made ownership of the land contingent upon effective economic exploitation of its riches and payment of tithes to the crown. In 1560, Mem de Sá donated a *sesmaria* to the Jesuit school in

Piratininga. In 1562, he gave the largest piece of the land held by the Jesuits until that date, the *sesmaria* in Camamu; this land measured one hundred and forty four square-leagues. In 1563, Mem de Sá made another gift of land to the Jesuits in Bahia and in 1565, yet another piece of land was donated, this time in Rio for the future establishment of another school.¹⁹⁹

In the first decade of the missions, the Jesuits relied upon subsidies from the Portuguese crown to carry out their missionary enterprise. By the 1560s, however, sugar-cane farms became the main source of funds for the schools and for the Brazilian Jesuits as a whole.²⁰⁰

Nóbrega strongly defended the establishment of this Jesuit economy in Brazil. After he passed on the Provincial post to Luis de Grã in 1559, Nóbrega became concerned with the new leader's insistence that the Jesuits respect their vow of poverty. In particular, after

¹⁹⁹ The documents of these land donations were all included in the missionary correspondence. Cf. MBIII-33, MBIV-3, and MBIV-19 all three transcriptions of donations of lands to the Jesuits.

²⁰⁰ For the role of Jesuit farms, see Dauril Alden, "Sugar Planters by Necessity, Not Choice: The Role of the Jesuits in the Cane Sugar Industry of Colonial Brazil, 1601-1759" in Jeffrey A. Cole, editor, The Church and Society in Latin America, Tulane University, Center for Latin American Studies, 1984.

becoming Provincial, Luis de Grã moved to curtail the Jesuit houses from holding any kind of slaves. In his opinion, such practice constituted a violation of the vow. Nóbrega claimed he held the same opinion when he was Provincial, but after seeing how different Brazil was from Portugal, he changed his mind. In 1562, he wrote a letter to the General Diego Laynes:

I am of the opinion (unless it is against some determination of holy obedience), that the Society should have and justly acquire, through all means allowed by our Constitutions, whatever we can have for our schools and houses of children. No matter how much we have, there will still be so much poverty.²⁰¹

The growth of the Jesuit enterprise required steadier and larger resources to reproduce it, especially a workforce to carry out the maintenance of the schools. Nóbrega argued that even if the Jesuits held African slaves, they would still be poor.

Ignatius' conception of the religious vow of poverty, as expressed in the Formula of the Institute and in the Constitutions, defined it as a way for *religiosi* to show their indifference to worldly things. Although that concept was different from the Franciscans' radical

²⁰¹ Fr. Manuel da Nóbrega, letter to Fr. Diego Laynes, 12 June 1561, MBIII-52, p.365.

approach to the issue, the argument of relative poverty made by Nóbrega was a convenient way to justify holding slaves. In the process, however, Nóbrega all but abandoned the original intent of the Jesuit vow of poverty. His main justifications for the development of autonomous sources of income for the missions was his fear that the Jesuits' new missionary institutions could not rely solely on the charitable donations made by the crown:

And we should not want to have the king providing for us all the time, for we do not know how long his charity will last. We should perpetuate the Society in these lands by all means, so that the workers increase in numbers and do not wither away.²⁰²

Nóbrega eventually won the battle of arguments against Grã. By 1584, Jesuits in the Bahia school were already discussing whether 100 slaves were enough to run its daily business.²⁰³

Like the *Aldeias* and the schools, the Jesuits farms were also reason for many debates in the Jesuit houses in Europe. First of all, did the existence of these farms imply that the Jesuits were property-holders? If this was the case, the Jesuits were violating the apostolic vow of

²⁰² idem.

²⁰³ cf. *Lus.* 68, p.416.

poverty. The Jesuits treated the farms as Church property, and the rights they held over these lands were *de facto* property rights, even if *de Iure* the Jesuits did not possess those lands. For instance, although in principle the Jesuits could not sell the lands the governor donated to them, they often did so. In 1579, for example, the Jesuit General Mercurian wrote a letter to José de Anchieta, then Provincial of Brazil, telling him that even though the Pope was not too happy about the Jesuits' sale of a piece of land in Brazil, he had nevertheless consented to it. Mercurian recommended that before selling lands they no longer wanted, the Jesuits first attempt to rent them, a right they undoubtedly held under the Constitutions.²⁰⁴

In a matter of eight years (1558-1566), the Jesuits under the leadership of Luis de Grã and, with the support of the new governor Mem de Sá, expanded their activities in Brazil to a total of three schools, four farms, and over a dozen of *Aldeias*. In 1556, there were twenty-four Jesuits living in Brazil; by 1567, the number had grown to sixty-one, and in 1574, one hundred and ten Jesuits lived in Brazil. The number of converted Indians living in the

²⁰⁴ Cf. *Bras.2*, p.48.

Aldeias, in the meanwhile, was measured in the tens of thousands.²⁰⁵

This impressive expansion of the Brazilian activities of the Society of Jesus consolidated the Jesuits' political role in the colony's affairs. Even though the schools and farms were justified for their respective roles in providing more missionaries for the *Aldeias* and an economy for the settled Indians, their activities shifted the attention of the growing contingent of Jesuits in Brazil away from the conversion enterprise that had brought them to the colony in the first place.

The ensuing decline of missionary fervor was countered, however, with a growing interest amongst the younger Jesuits in Brazil in the educational activities they carried out in the schools: teaching and studying. Indeed, the declining missionary fervor of this younger generation was a source of the conflict of opinions between Nóbrega and Caxa about the justice of the voluntary slavery of the Tupi Indians. It is in light of Caxa's commitment to the growing school institutions that we must understand why he elected to "excuse" the enslavement practices of the Brazilian settlers. And it is in light of Nóbrega's

²⁰⁵ *Bras.5 (I): Catalog of Jesuits in Brazil.*

commitment to the original missionary agenda of the Brazilian enterprise that we must understand why he elected to denounce the settlers' practices, and to beg the Portuguese crown to ignore the adaptations of Thomist natural law theory proposed by his younger peer.

2. The Theoretical Context of the Caxa v. Nóbrega Debate: the Justification of Slavery in Thomist Natural Law Theory

Four months after the Jesuits arrived in Brazil, Nóbrega was already arguing that the wars waged against the native pagans were not just, and that their slavery was not justified:

I write to Your Reverence about the assaults that occur in this land... Some say they can do this because the Negroes have done prior harm to the Christians. But even if this were the case, it has not been without prior harm inflicted by us. I dare one to find a place in these lands where the Christians are not the cause of war and dissension ... The first scandals are caused by the Christians...²⁰⁶

By arguing that the wars of the Portuguese settlers against the Indians were being waged without a just cause, Nóbrega was resorting to the widely accepted Thomist claim that one could only wage wars against those who had inflicted prior harm. The authoritative legal source for this claim was

²⁰⁶ Fr. Manuel da Nóbrega, letter to Fr. Simão Rodrigues, 9 August 1549, MBI-7, pp.121-2.

the *ius gentium* as originally developed by the Roman jurists of the Digest. Under the *ius gentium*, the victorious party in a just war was entitled to kill its enemies, but could also elect to punish them less drastically, by enslaving them. Victors in a just war had true *dominium* over the lives of the defeated prisoners.²⁰⁷

When Thomas Aquinas made his synthesis of Aristotelian and Christian thought, he concurred with Aristotle on the existence of natural inequalities among human beings. Nevertheless, Thomas rejected Aristotle's claim that there were people who were slaves by nature (*natura servi*). Thomas argued, instead, the impossibility of slavery in man's natural condition before the Fall. For him, slavery was not possible in the state of innocence because every human being seeks his own good and, consequently, would not choose to submit to another's good. For Thomas Aquinas, slavery after the Fall was only justified by the law of nations (*ius gentium*). It was an institution that was legitimate only if it had resulted from the captivity of prisoners in a just war. Most important, in order to be just, that war had to be waged by a just authority with a

²⁰⁷ Digest, I, 5, 4, ed. Mommsen et al, Philadelphia, 1985, p.16. See also W.W. Buckland, The Roman Law of Slavery, Cambridge University Press, Cambridge, 1908.

just purpose.²⁰⁸

Since the first *junta* of lawyers and theologians was called by King Ferdinand in 1504 to discuss the rights of the Spanish crown in the New World, controversies in Europe over the matter focused on determining whether the wars waged against the American Indians were just. The Holy See had granted rights of conquest to the Iberian empires. In 1455, Pope Nicholas V conceded to the king of Portugal, Afonso V, the right to reduce the inhabitants of Africa to perpetual slavery. In 1493, a bull of donation by Pope Alexander VI granted the Castillian crown the right to conquer and enslave the inhabitants of the recently discovered Antilles.

But while lawyers and theologians in Europe were not inclined to consider the Jews or the Saracens as natural slaves, the apparent barbarian state in which the New World inhabitants lived prompted a few to apply the Aristotelian theory of natural slavery to their status. The first to do so was John Mair, the Scottish theologian and historian of the Collège of Montaigú in Paris, who in his 1509 commentary on Peter Lombard's Sentences defined the peoples of the Antilles as fitting the Aristotelian description of

²⁰⁸ Thomas Aquinas, Summa Theologiae, 2ae.2ae, q.57.

the natural slave.²⁰⁹

Juan Gines de Sepúlveda, the humanist author of the Democrates Secundi mentioned in the previous chapter, became the main exponent of this argument in the sixteenth century. In his famous controversy with the Dominican Bartolomé de Las Casas in 1550 at Seville, however, Sepúlveda did not rely exclusively on the argument that the Indians' natural condition justified their slavery. Among the four arguments he presented for justifying the Spanish conquest of the Americas, only one relied on describing the Indians as natural slaves (*natura servi*). All other arguments conferred rights to the Spanish in the Americas based on the Indians' sins against nature and Christianity. He contended that the Spanish crown had the right to subject the Indians to its temporal rule, and thus the right to enslave them from the justice of the wars that could be waged to achieve that temporal subjection.²¹⁰ Sepúlveda therefore also justified Indian slavery in the terms set by the laws of nations (*ius gentium*): the

²⁰⁹ See Lewis Hanke, Aristotle and the American Indians. Indiana University Press, Bloomington, 1959, pp.14ff.; and Anthony Pagden, The Fall of Natural Man, p.27ff.

²¹⁰ Juan Gines de Sepúlveda, Democrates segundo, o de la justas causas de la guerra contra los indios, Angel Losada (ed.), Madrid, 1951.

Indians' barbaric condition justified subjecting them to Spanish rule and warring against those who resisted.

For Dominicans such as Francisco de Vitória and Bartolomé de Las Casas, the Indians violated the laws of nature in many ways, but their complete ignorance of these laws meant that they could not be considered guilty or punished for these violations.²¹¹ The Dominicans were therefore confronted with the task of justifying the conquest of the Americas without recourse to, and against the Aristotelian position advocated by Mair and Sepúlveda. Francisco de Vitória's Relectio de indis (1539) provided the most systematic justification for the Spanish rights to occupy the new continent without deriving that right from the natural condition of the Indians.²¹² Vitória argued that the occupation of the new continent could not be made

²¹¹ See Francisco Vitoria, "Lectiones in Summa Theologiae 1a 2ae, 90," in Vitoria: Political Writings, ed. A. Pagden and J. Lawrence, Cambridge University Press, Cambridge, 1991, p. 160; and Bartolomé de Las Casas, Apologetica Historia Sumaria, Edmundo O'Gorman (ed.), Mexico, 1967.

²¹² Lewis Hanke places greater emphasis on the arguments presented by Bartolomé de Las Casas in his 1550 debates with Juan Gines Sepúlveda. This debate was no doubt the most publicized discussion of the right to conquest and occupation of the Americas but, essentially, Las Casas only reproduced the arguments put forward by Vitoria in the 1539 relectio De indis. See Hanke, Aristotle and the American Indians, p.14ff.

legitimate on the basis of the sovereignty of the pope or of the Emperor, for neither had temporal authority over those lands and peoples. Nor could the sins and paganism of the New World inhabitants justify the conquest. To thus justify it, was to wrongly assume that the Indians were under the jurisdiction of either Spanish or ecclesiastic courts.

According to Vitória, the right of the Spaniards to occupy the new lands was justified by (a) the right they have to natural partnership and communication, (b) the right to preach the Christian religion (*ius predicandi*), (c) to protect the innocent against tyranny and converts against pagans, or (d) the consent of the natives, either by the will of the majority or the desire for a war alliance with the Spanish against other barbarians. Just wars could be waged against the Indians only if they violated any of these rights or if they had themselves initiated a war against the Christians.²¹³

This Dominican interpretation of the Thomist justification for slavery was the prevailing interpretation within the Iberian universities in which Jesuit

²¹³ Francisco Vitoria, relectio De indis, ed. L.Pereña and J.M.P.Prendes, Consejo Superior de Investigaciones Científicas, Madrid, 1967, pp.76-99.

missionaries such as Nóbrega and Caxa were educated. It was also the point of departure for their colonial debate on the voluntary slavery of the Tupi Indians. The justification of Indian slavery via the *ius gentium* was an undisputed tenet of Thomist natural law theory. But the justification of voluntary slavery was a problematic and contentious issue in Thomism.

According to the settlers, the Indians often "chose" to become slaves, voluntarily selling their liberty or the liberty of their relatives to the settlers. For the Indians, selling oneself and one's relatives might indeed have been a convenient way of protecting themselves from settler attacks and of avoiding being forced to live according to the Christian mores, as they were in the *Aldeias*. By voluntarily becoming slaves in the farms of the settlers, the Indians could continue practicing their native customs. As long as the Indians worked and obeyed, the settlers did not care whether they kept many wives and ate their enemies.

The first mention to voluntary slavery in the Jesuit missionary correspondence dates from 1555:

Oh, my dearest brothers in Jesus Christ! How many tears would fall from your eyes if you saw these creatures of God living almost in the manner of beasts, without king, without law and without reason ... Among them there is no love or

loyalty. They sell themselves, putting more value on a wedge or a knife than on the liberty of a nephew or a closer relative. They exchange them for iron, and their misery is such that sometimes they exchange them for a little flour.²¹⁴

According to the Jesuits, Indians in Brazil had been selling their relatives and themselves since the early days of the colonial occupation. But as Nóbrega claimed, they did not have this habit before their encounter with the Europeans:

Another sin is also born from this infernal root that the Christians have taught the pagans both to steal from each other and to sell themselves as slaves.²¹⁵

It is hard to know whether the Indians practiced slavery prior to the arrival of the Portuguese. Even if there were sufficient evidence of these practices, it would still be difficult to determine which Indian groups practiced slavery and which ones did not. One of the few sources in this regard is a 1551 letter by the Jesuit João de Azpicuelta Navarro, in which he narrates the case of some Indians who were being held captive by their enemies to be eaten during

²¹⁴ Fr. Antônio Blásquez, letter to the Fathers and Brothers at Coimbra, 8 July 1555, MBII-40, p.252. Nóbrega had already mentioned these practices in 1550; see his letter to Fr. Simão Rodrigues, 6 January 1550, MBI-10, p.155f.

²¹⁵ Fr. Manuel da Nóbrega, letter to Tomé de Sousa, former governor of Brazil, 5 July 1559, MBIII-13, p.79.

the ensuing feast. The captive Indians were asked whether they would prefer to be sold as slaves. One of the prisoners promptly replied that he did not want to be sold because it was "more honorable to die as a valiant captain."²¹⁶

Ultimately, however, it did not matter whether the Indians had learned the practice from the Europeans or not. Under Thomist natural law theory, voluntary slavery was justified only if it had occurred in conditions of extreme necessity. The Jesuits had to decide, therefore, whether the cases of voluntary enslavement in the colony had resulted from extreme necessity. They had to produce binding rulings on the question of Indian slavery and, in the process, take sides on the theoretical issues that remained unresolved in Thomist doctrine.

3. The Indians Who Sell Themselves: the Caxa v. Nóbrega Debate on Voluntary Slavery.

After his removal from the Provincial post, Nóbrega left Bahia and returned to São Vicente. During the war against the French invaders in Rio, he and José de Anchieta acted as mediators in the conflict between the Tupinambá Indians of São Vicente and the Tamoio Indians of Rio.

²¹⁶ Fr. João de Azpicuelta Navarro, letter to the Fathers and Brothers at Coimbra, August? 1551, MBI-35, p.279.

Those two Indian groups had been at war with each other at Iperoig, on the northern coast of São Vicente, and because the Tamoio Indians were supporting the French against the Portuguese, the Indian conflict became a reason for concern. Nóbrega and Anchieta traveled to Iperoig, and succeeded in resolving the Indian dispute. The Portuguese defeated the French and re-conquered Rio in 1566.

Immediately thereafter, the king founded the Jesuit school in Rio. When Nóbrega was called to give his opinion on the *Monitoria* in 1567, he had moved to Rio, where he became the rector of the newly founded Jesuit school.

In 1566, Mem de Sá convened a *Junta* in Bahia with the *Ouvidor* Brás Fragoso and the bishop Pedro Leitão. On July 30, that *Junta* enacted the first comprehensive Brazilian legislation on Indian affairs. For the first time in Brazil, a law regulated the voluntary enslavement of natives. The law determined that Indians could sell themselves as long as it was under extreme necessity and the central authorities had first examined all such cases.²¹⁷

The *Junta's* legislation had a short existence,

²¹⁷ See "Resoluções da Junta da Bahia sobre as Aldeias dos Padres e os Índios", 30 July 1566, MBIV-44, pp.354ff.

however. Due to the lengthy delays in the correspondence between the metropolis and the colony, while Mem de Sá was convening the *Junta*, a letter from the king of Portugal was on its way to Bahia. The letter ordered that Mem de Sá convene another *Junta* to deliberate on Indian matters. The new *Junta* was to be comprised of not only the governor, *ouvidor* and the bishop, but also three Jesuits: the Provincial Luis de Grã, Manuel da Nóbrega, the Visitor (*Visitador*) from Portugal, Inácio de Azevedo.

The deliberations of this second *Junta* resulted in the legislative act known as the *Monitoria*. Following the prescription of Thomist natural law theory, the *Monitoria* determined that Indian slavery was only just if it had resulted from a just war promulgated by a rightful authority, i.e. the governor, or if it was voluntary in a case of "great" necessity, either a father selling his child or an Indian over twenty-one years of age selling himself. From this piece of legislation, a document which is now lost, all that has been preserved are the judicial opinions produced by Quirício Caxa and Manuel da Nóbrega in 1567.²¹⁸

²¹⁸ "Se o pai pode vender a seu filho e se hum se pode vender a si mesmo - Respostas do P. Manuel da Nóbrega ao P. Quirício Caxa", 1567, MBIV-54, pp.387ff. Referred to hereafter as the

In the Caxa v. Nóbrega Debate, the two Jesuits went to the core of the ambiguities concerning Thomas Aquinas' interpretation of liberty and *dominium*. Nóbrega elected to bypass those scholastic ambiguities, and argued that the Indians were always illegally captured and that their slavery was unjust. Quirício Caxa, on the other hand, used those ambiguities to sustain a position increasingly popular with the rising contingent of Jesuits living in and off the growing colonial schools: if the Indians of the increasingly burdening *Aldeias* wanted to sell their liberty to the settlers, let them do so.

In 1567, Quirício Caxa was only twenty-nine years old, but he already was the secretary of the Jesuit school in Bahia. Born in the Spanish town of Cuenca, Caxa became a member of the order in 1559, and departed to Brazil in 1563. For most of his life, Caxa worked as a professor at the Bahia school. He taught Latin for three years, Cases of Conscience for eight years, and Speculative Theology for eleven years. In the years after the controversy, he became an important member of the Jesuit hierarchy in Bahia, being appointed secretary of the first Provincial Congregation of Brazil. He longed to become rector of the

Caxa v. Nóbrega Debate

Bahia school, but never succeeded because he was not much liked amongst his peers. Towards the end of his life, he wrote a short biography of José de Anchieta.²¹⁹

The first mention of Caxa in the Jesuit correspondence is a 1562 edifying report from the house at São Roque in Lisbon, announcing that he was going to Brazil and that he had studied Theology for many years.²²⁰ In 1565, Fr. Antonio Blásquez told his Portuguese peers that Caxa was building a reputation in Brazil as a professor of Theology.²²¹ Caxa wrote his first letter from the colony that same year, an edifying report commissioned by the Provincial Luis de Grã. In that report, Caxa described the Portuguese victory against the French and praised Nóbrega and Anchieta's role in the peace between the Tupinambá and the Tamoio Indians. The next document in the Jesuit correspondence authored by Caxa is his judicial opinion on

²¹⁹ Quirício Caxa, Breve Relação da Vida e Morte do Padre José de Anchieta, Editora Obelisco, São Paulo.

²²⁰ "Quadrimester of the Casa de S. Roque," 31 December 1562, MBIII-69, pp.516ff.

²²¹ Fr. Antônio Blásquez, letter to Fathers and Brothers of Portugal, 9 May 1565, MBIV-16, p.195.

the *Monitoria*.²²²

The only manuscript copy of the Caxa v. Nóbrega Debate is at the municipal library at Évora. In it, the opinions by Caxa and Nóbrega are grouped together, even though they were written separately. Caxa wrote his opinion in Bahia. Afterwards, the opinion was sent to Nóbrega in Rio, where he wrote his reply. The document consists of two arguments by Caxa, and Nóbrega's reply to each one of them.²²³

Caxa's first argument provided a juristic justification for the *Monitoria*'s determination that a father had the right to sell his son in cases of great necessity. According to the Justinian Code, a father could sell his son in 'extreme' poverty or necessity of food (*nimiam paupertatem egestatemque*).²²⁴ In the determinations of the Board of Conscience and Orders in Portugal, that Roman law had been rewritten to read that such sale could occur if the father were subjected to 'great' necessity. Caxa defended this revised version of the Roman law,

²²² Fr. Quirício Caxa, letter to the Portuguese Provincial, 15 July 1565, MBIV-21, p.255ff.

²²³ Livro sobre os Índios do Brasil, Códice CXVI/1-33, f.145-6.

²²⁴ See W.W. Buckland, The Roman Law of Slavery, pp.402ff.

claiming that the Justinian Code had been rationally extended by the Portuguese jurists to cover cases of necessity which were 'great' and not only 'extreme':

And because the reason of this law is to attend to the necessity of the father, it is reasonable to extend the law to any other extreme necessity ... it is therefore not abusive for the prince to broaden common law in this matter to cases where there is great necessity, as it was done with royal authority by the members of the Board of Conscience, for it does not seem to be against natural law.²²⁵

Typical of a prudent Jesuit who spent his days studying manuals of confession, Caxa's first argument was essentially philological, seeking to relax the conditions determining legitimate slavery. His defense of the right of the father to sell his children in necessity concerned the use of the Latin term *nimiam* as the adjective which qualified that necessity in the Roman law. Extending the law to include cases of 'great' necessity was rational, according to Caxa, and therefore legitimate:

Casus exceptus a regula extenditur ad similem et ubi eadem est ratio, idem debet esse ius. [The case excepted from the rule is extended to similar ones and, where it is rational, it shall be right.]²²⁶

Thomas Aquinas first analyzed the concept of "extreme

²²⁵ Caxa v. Nóbrega Debate, pp.399-400.

²²⁶ idem, p.400.

necessity" in his inquiry into one's right to steal in extreme necessity. Human beings had this right, according to Thomas Aquinas, because 'extreme necessity' restored human beings to their natural condition, and nature allows all to appropriate that which is necessary for their survival.²²⁷ The same argument justified one's right to forfeit his liberty in conditions of extreme necessity. Extreme need dissolved property. Like property (*dominium directum*), Thomas Aquinas had defined liberty as a secondary precept (*secunda praecepta*) of natural law; the laws of nature do not prescribe liberty to human beings but only incline them towards it.²²⁸ Extreme need thus also dissolved one's obligation towards his divinely instituted liberty. Slavery was an acceptable institution even if it did not exist in nature.

This Thomist interpretation of slavery was grounded on the concept of *dominium*, for what characterizes a slave is that he is under the *dominium* of a master. According to Thomas Aquinas, there were only two forms of *dominium* that exist in nature. First, there was a right to appropriate

²²⁷ Thomas Aquinas, Summa Theologiae, 2ae.2ae., 66.7.

²²⁸ idem.

and use what is needed for life (*dominium utile*).²²⁹ Second there was the *dominium* of a superior over an inferior for the good of the latter.²³⁰

Under this second form of *dominium*, Thomas included political *dominium*, when rulers aim for the good of their subjects, and the father's *dominium* over his children. This *dominium* was different from the *dominium directum* a master held over his slave or a proprietor over his land. The laws of nature prescribed the father's *dominium* over his child, because the father was better equipped to care for his son's private good than the child himself. The objective right (*ius*) of a child to his liberty was therefore subject to a special kind of *dominium* that the father held over him. This *dominium*, moreover, was neither a natural usufruct right (*dominium utile*) nor a property right (*dominium directum*).²³¹

²²⁹ idem, 1a.2ae., 94.5.

²³⁰ As in the case of the theoretical context of the slavery debates, this genealogy of the concept of *dominium* in political theory is limited to the authors and cases relevant to the Thomist agenda before Nóbrega and Caxa. A complete history of the concept would require an analysis of the other meanings attached to the term, in particular in the contexts of debates on property and despotism.

²³¹ idem, 1a.1a., 96.4.. Before Thomas, most jurists also argued that young children could not be sold even under the pressure of poverty. A father, though he had in theory *ius vitae necisque* over his issue, could not sell them into

By utilizing the term *dominium* to describe paternal authority, Thomas Aquinas had created a conceptual dilemma that could not be resolved from within his moral theology. If the claim that the father had natural *dominium* over his son meant that he could dispose of his child's liberty in extreme necessity, the child's liberty was not an objective and inalienable right (*ius*). Conversely, if the claim meant that the father's right against his child was not truly *dominium* but some form of *ius utendi*, the father held no right to sell his child's liberty. By defining paternal and political authority as forms of natural *dominium*, therefore, Thomas Aquinas had created a conceptual ambiguity concerning whether *dominium* existed in the state of innocence and whether it produced a corresponding

slavery. Paul states that such a sale cannot prejudice the child's *ingenuitas* since a freeman has no price (*nullo pretio aestimatur*) (P.5.1.1.). Caracalla and Diocletian concur. Moreover, they argued that such a sale is punishable. Constantine also lays down this rule as late as 315A.D. and 323A.D. (C.Th.4.8.6. and C.Th.11.27.2.). But a constitution before these dates lays out an exception: Constantine, as early as 313 A.D. treats as valid the sale of a new-born child (*sanguinolentus*) (C.Th.5.10.1.). The novelty of Constantine's enactments lies in the conditions of such sale: the buyer may only sell the child for paying debts and the price must be just; and the seller or person sold may redeem him on the price he is worth or by giving slave of equal value in his place, but there is no right of redemption if the child is the result of union with a barbarian. This formulation is the one in the Justinian codes (c.482-565 A.D.). Cf. W.W. Buckland, The Roman Law of Slavery, p.420ff.

natural right (*ius*) to dispose of that over which one was *dominus*.

Caxa's first argument exploited these ambiguities concerning natural *dominium* in Thomas Aquinas' moral theology, and sought to extend the law to cases in which a father sold his son in conditions that were not extreme, but perhaps great. Evidently, behind this semantic argument lay a desire to see the application of the law relaxed so as to legitimize cases in Brazil.

In his reply to Caxa's first argument, Nóbrega did not contest the father's right to sell his son's liberty in extreme necessity, but wished to limit this practice to cases that explicitly fell under the title of 'extreme necessity'. Nóbrega had been one of the members of the *Junta* that promulgated the *Monitoria*, and for him the objective of that law had been to deliberately limit voluntary slavery to cases of extreme necessity. The language of the law, however, had created a breach: it spoke of great (*grande*) necessity and not extreme (*extrema*).

Nóbrega argued that in the law, the term great meant extreme. The problem, from his perspective, was only defining what cases constitute extreme necessity. The only conditions that can appropriately be named 'extreme

necessity', and under which one can alienate his child's liberty, are those in which the objective *ius* (right) of the child conflicted with a higher natural law:

Natural law indeed allows one to alienate his liberty in order to preserve his life, but that one have his liberty taken away for the sake of another's life, the equity of the [law] allows only in cases of extreme necessity of the father.²³²

The term 'great,' according to Nóbrega, applied only to cases in which the father's duty to self-preservation conflicted with his child's liberty. But even if the Portuguese jurists of the Board of Conscience had intended to extend the law to cases of 'great' necessity, Nóbrega argued that the new law would have been unjust:

... it follows that the members of the Board of Conscience did not intend to use the authority conferred to them by the prince in order to make a new law, as there is nothing stated that would imply this intention. Even if they had determined that the law include any other necessity, I would have considered such law unjust because it would not meet the conditions of a good law.²³³

For Nóbrega, laws could be rationally extended only when, as stated in the Roman Digest, "it is to no one's advantage and for the utility of the civil community [*nullo*

²³² Caxa v. Nóbrega Debate, MBIV-54, p.409.

²³³ idem, p.410.

privato commodo, sed pro communi civium utilitate conscripta." The law in this case was for the private advantage of the Portuguese, against the natives, and therefore not for the 'utility of the common good.' For Nóbrega, it seems, the reform had made the Indians into members of the colonial polity, and under the *Aldeia* system, their welfare fell within the boundaries of the civil community. Any law to their disadvantage was unjust.

Nóbrega thus relies upon the distinction between the status of those who belong to the civil community and those who did not. The Dominicans had produced similar distinctions. Vitória, for instance, did not contest the justice of the voluntary slavery practiced in Africa, since the Europeans made no claims to temporal sovereignty in those lands; the Africans did not belong to the Christian civil community.²³⁴ Nóbrega also did not question the justice of African slavery; but the Brazilian Indians were different because, under the reformed missionary enterprise, those who lived in the *Aldeias* were members of the colonial polity.²³⁵

²³⁴ Francisco de Vitória, letter to Bernardino de Vique, O.P., 18 March [1546?], in *Vitoria: Political Writings*, ed. A. Pagden and J. Lawrence, pp. 334-335.

²³⁵ In The Problem of Slavery in Western Culture, David

Nóbrega's reply displayed a formalist tone, demanding that the law be taken by its word. But his concerns extended beyond the wording of the law and into the concrete cases in Brazil:

Because my intention in these matters is limited to analyzing the cases that pertain to the practices on the coast [of Brazil] for truth's sake and to bring tranquility to the penitents' conscience, I will treat the question *quid facti*.²³⁶

Nóbrega contrasts two cases of fathers selling their sons in Brazil. The first case was that of the Potiguares of Pernambuco who, according to Nóbrega, sold their children into slavery out of pure hunger. Their slavery was thus legitimate for it stemmed from extreme necessity. The second case was that of some Bahia Indians; these sales were not legitimate, Nóbrega argued, for there was no extreme necessity in that case. Some Indians were lying when they said they were fathers; others had been coerced by the settlers. Nóbrega wanted the right of the father to

Brion Davis cites extensively from the missionary experience in Brazil when discussing views of slavery in the sixteenth century. Although Davis noticed that black and Indian slavery were treated separately, he failed to see why. Ultimately, the distinction was not ethnic (Indians versus Africans) but political: members of the community vs. those outside of it. Cf. Davis, The Problem of Slavery in Western Culture, Cornell University Press, Ithaca, 1966.

sell his son completely deleted from the *Monitoria*. He wanted laws to help manage the facts in hand, and these facts demanded the law be abolished to protect the Indians from the lies and coercion of other Indians and the settlers.²³⁷

Nóbrega thus turns to concrete cases that had occurred in Brazil in order to show that his peer's scholastic twists with the meaning of the term "extreme" were to no avail. No matter how one interpreted the writing of the law, the facts showed that the settlers' claims to have bought the liberty of Indians were unjust. Curiously, it is Caxa, the professor of Cases of Conscience who spent his days training his pupils into Jesuit casuistry, who reasons like a Law professor, from the laws to the facts, and through the hermeneutical nuances of the wordings of the law in case. And it is Nóbrega, the Canon Law graduate who reasons from the facts to the laws to show that his adversary has construed a false case through his legal exegesis.

In his second argument, Caxa provided a juristic justification for one's right to sell his own liberty

²³⁶ Caxa v. Nóbrega Debate, p.413.

²³⁷ idem, p.401.

whenever he so desired. According to Caxa,

... one can sell himself because each one is master of his own liberty, because [its price] can be estimated, and because it is not prohibited by any law ...²³⁸

This argument was a major departure from the settled tenets of the Dominican interpretation of Thomism. The crucial part of his argument was that one has the right to sell himself at will because a free human being is the master (*dominus*) of his liberty. It entailed that man had *dominium directum* over his natural liberty and therefore that such *dominium* existed in the state of innocence. This justification of voluntary slavery via the conflation of the concepts of *libertas* and *dominium* was one of the first times (if not the first one) that a Jesuit had moved away from the political theory of the Dominicans and their Thomist interpretation of liberty as an objective and inalienable right (*ius*).

As we saw earlier in this chapter, Thomas Aquinas argued that the only kinds of *dominium* that existed in the state of innocence was a *dominium utile* (the right to appropriate all things of nature for private use), and the *dominium* of superiors over inferiors, whether fathers or

²³⁸ idem, p.403

political rulers. Since the natural right to usufruct did not entail the subsequent right to sell what had been rightfully appropriated for the satisfaction of human needs, Caxa's claim that one has the right to sell his own liberty could not be derived from the *dominium utile*.

In order to justify voluntary slavery, Caxa resorted to the subtle distinction developed in Thomas Aquinas' Summa Theologiae between primary and secondary precepts of natural law (*prima* and *secunda praeceptae*). Following Thomas Aquinas, Caxa argues:

... if liberty is part of natural law, it is not because nature thus inclines, as it inclines one not to do harm to another, but because *quia non inducit contrarium licet ars adinvenerit* [it allows that which is not against it]."²³⁹

In nature, human beings wandered around naked and held property in common, and yet natural law did not prohibit wearing clothes or holding private property. Similarly, Caxa argued, natural law could not be the source of any prohibitions against one selling his liberty. The argument that liberty was a secondary precept of natural law was thus perfectly consonant with Thomas Aquinas' natural law theory. But Caxa's previous argument that liberty was a *dominium* had been the subject of centuries of controversy

²³⁹ idem, p.402.

amongst Christian theologians.

Thirteenth century Franciscans were the first to attempt to resolve this ambiguity built into the Thomist argument. Their solution was to exclude any form of *dominium* from the state of innocence. For them, the tenet of natural law stating that all things were held in common in nature was not a *seconda praeceptae* which could be changed by human laws but a precept that excluded all forms of property from the divine providence. For instance, drawing from the bull *Exiit qui seminet* issued by Pope Nicholas III in 1279, Dun Scotus argued that the only natural right of this kind that existed in the state of innocence was the *simplex usus facti*, that is, a usufruct right with no associations to the concept of *dominium*. Indeed, it was through this critique of natural *dominium* that the Franciscans, in their attempt to mirror life in the age of innocence, justified their radical vow of apostolic poverty.²⁴⁰

Alarmed by the threat the Franciscan position presented to the legitimacy of the expanding Church property, the papacy began to move against this

²⁴⁰ On the development of the Franciscan concept of *dominium* and the ensuing controversies within the Roman Church, see Richard Tuck, Natural Rights Theories, pp.21ff.

interpretation of natural law in the 1320s. In the bull *Quia vir reprobus* (1329), Pope John XXII rejected the Franciscans' radicalism, stating that God's *dominium* over the world was conceptually the same as man's *dominium* over his property and that, consequently, Adam had true *dominium* over all temporal things in the state of innocence.

Calling the papal bull 'heretical,' Marsiglio di Pádua and William of Ockham denied that God's spiritual *dominium* over the world was analogous to the temporal *dominium* that the Church had over the faithful. For them the temporal authority of the Pope over the faithful did not result from God's grace, but from the consent of the Church hierarchy and its followers. All *dominium* in this world was derived from human judicial institutions.

The Franciscan controversy lasted until the end of the fourteenth century, when nominalist theologians in Paris such as Pierre D'Ailly and Jean Gerson articulated a novel solution to the conceptual dilemmas about the relationship between the terms '*ius*' and '*dominium*.' In his mystical theology, Gerson argued that *dominium* was a category of divine law:

... the humble have been given a right to all things which are to be possessed and held in

dominium, not by civil law but by divine law.²⁴¹

Following D'Ailly's assertion that all human *dominium* was derived from God's lordship over the world, Gerson expanded the concept of *dominium* to include all forms of rights (*ius*). For him, God's will was the source of all right (as opposed to the Thomist stress on God's intellect), and rights, therefore, were the result of God's *dominium directum* over his creation, not objective tenets knowable to human beings through their rational access to divine reasons.²⁴²

Gerson thus expounded a voluntarist rights theory, defining *ius* as a *facultas* or power, although consistent with right reason. If an agent had a power to do something (i.e., he was *dominus* of that thing), he had a right to it. Effectively, Gerson conflated the concepts of *ius* and *dominium*; the rights that were derived from the natural laws consisted of subjective claims which human beings possessed as claims to *dominium* against other men:

²⁴¹ Cited in Steven E. Ozment, Homo Spiritualis, E.J.Brill, Leiden, 1969, p.58.

²⁴² On Pierre D'Ailly and his concept of *dominium*, see Francis Oakley, The Political Thought of Pierre D'Ailly, Yale University Press, New Haven, 1964, chap.3. On Jean Gerson's derivations of this argument, see Richard Tuck, Natural Rights Theories, pp.24ff.

There is a natural *dominium* as a gift from God by which every creature has a *ius* directly from God to take inferior things into its own use for its own preservation. Each has this *ius* as a result of a fair and irrevocable justice, maintained in its original purity, or a natural integrity ... To this *dominium* the *dominium* of liberty can also be assimilated, which is an unrestrained *facultas* given by God ...²⁴³

Human beings could therefore, he concluded, dispose of their liberty at will. Voluntary slavery was justified even if there was no extreme necessity.

As seen in this brief review of rights theories before the Jesuits, Caxa revived the subjective concept of rights first articulated by Gerson. Like those before him, he exploited the ambiguities in Thomas Aquinas' definition of liberty in order to adjust natural law theory to his definition of liberty as *dominium*. Interestingly, however, Caxa never cited Gerson or any other nominalist sources. The Jesuits certainly knew about Gerson, for they read Thomas à Kempis' Imitation of Christ at night in the houses, believing then that Kempis' book had been written

²⁴³ 'Erit igitur naturale *dominium* donum Dei quo creatura jus habet immediate a Deo assumere res alias inferiores in sui usum et conservationem, pluribus competens ex aequo et inabdicabile servata originali justitia seu integritate naturali ... Ad hoc *dominium* spectare potest *dominium* libertatis, quae est facultas quaedam libere resultans ex dono Dei' Jean Gerson, De Vita Spirituale Animae, written in 1402. Cited in Richard Tuck, Natural Rights Theories, p.27.

by *Gersonçito*, as they affectionately called the nominalist theologian.

In 1586, Cristovão Gouveia, the second visitor to Brazil, wrote a report in which he prescribed that in those classes the Jesuits read Thomas Aquinas' speculative theology, and the manuals of confession by Cardinal Cajetan and Manuel de Azpicuelta Navarro.²⁴⁴ The sources Caxa enlists in favor of his novel definition of liberty as *dominium* were the ones he used in the Cases of Conscience classes he taught. Caxa's nominal target was Cardinal Cajetan, who explicitly argued that human beings are not masters (*dominus*) of their own liberty.²⁴⁵

First published in 1550, Navarro's Manuales de Confessores e Penitentes was firmly rooted in the Thomist revival occurring in the Iberian peninsula. Most of the passages from Navarro cited by Caxa were taken from his discussion of usury in that manual, where he argued that it was licit for one to sell himself.²⁴⁶ But as Nóbrega points out, Caxa misinterpreted Navarro, who limited such sales to

²⁴⁴ Cf. *Bras.2*, p.139.

²⁴⁵ Cardinal Cajetan, or Thomas de Vio (1468-1533).

²⁴⁶ Martin de Azpicuelta Navarro, Manual de Confessores e Penitentes, Coimbra, 1552, cap.23, n.95-97, p.565.

cases in which one needs to pay debts or save his life. In other words, Navarro's argument pertained only to cases that could be defined as 'extreme necessity'. More importantly, Navarro argued that the one who sells his liberty always has the right to buy it back, even against the will of the owner.

The other authority Caxa enlists in his favor is the Franciscan friar Dun Scotus, who in Commentaria in 4 libros Sententiarum argued that slavery was legitimate when one voluntarily subjected himself. But Caxa cuts his reference to Scotus short of the subsequent argument presented by the Franciscan theologian. Scotus argues in the passage omitted by Caxa that voluntary slavery is nevertheless foolish and perhaps even against natural law.²⁴⁷ Following the Franciscans' stress on consent and contract, Scotus argued furthermore that voluntary slavery was legitimate only because the one who becomes a slave by virtue of his own will must carry out his part of the bargain.

Caxa not only fails to mention Scotus' contractual argument as a justification of voluntary slavery, but also neglected other important sixteenth century sources within

²⁴⁷ See Duns Scotus, Opera Omnia, vol. XIX, d.36, q.1, Paris, 1894, p.446; and Duns Scotus on the Will and Morality, ed. Allan B. Wolter, Washington, 1986, p.525.

Thomism who had argued his case. The two most striking absences from Caxa's gathering of authoritative sources in his favor were the Sylvestro Mazzolini de Prierio and Johannes Driedo. In his 1515 Summa Summarum quae Silvestrina nuncupatur, Mazzolini argued in favor of voluntary enslavement and explicitly defined liberty as a *dominium*.²⁴⁸ This authoritative source was widely available in Europe, as Vitória, for instance, cites Mazzolini extensively in his writings. In his 1540 De Libertate Christiana, moreover, Johannes Driedo argued that liberty could be defined both, as an objective right or as *dominium*.²⁴⁹ The Summa Summarum and the De Libertate would no doubt have been the strongest support Caxa could have gathered for his case.

Caxa's array of authoritative sources is impressive. But his misinterpretation of Navarro, his truncated citations from Scotus, and his ignorance of Mazzolini de Prierio and Driedo give the impression of a Cases of Conscience professor with little training in natural law theory, gathering sources from the only books available to

²⁴⁸ Sylvestro Mazzolini de Prierio, Summa Summarum que Silvestrina nuncupatur, Lyons, 1524, p.175.

²⁴⁹ Johannes Driedo, De Libertate Christiana, Louvain, 1540, pp.97-98, 116.

him at the school in Bahia. Even though Caxa never engages the main Dominican natural law theory treatise available to him, Domingo de Soto's De Iustitia et Iure, he chose one of the most famous Dominican commentators of Thomas Aquinas, the Cardinal Cajetan, as his nominal target, thus clearly suggesting Caxa was fully aware of his departure from the Dominican interpretation of Thomism.

Nóbrega, in his reply to Caxa's second argument, agreed with Caxa that the contention concerned whether one was master or not of his liberty. According to Nóbrega, however, all who live in slavery somehow consented to it. The problem was deciding when reason, thinking according to natural law, forces one to sell his liberty, and thus justifies it. The crucial distinction was the one between necessity and free will. The will may consent to slavery, but should do so only under the dictate of right reason; one may sell his liberty only when reason dictates that it is an extreme necessity.²⁵⁰

Nóbrega's reply was based upon the Dominicans' interpretation of the concept of liberty in Thomas Aquinas. The Dominican Francisco de Vitória had encountered the Gersonian subjective concept of rights in his student days at the Collège de Montaigú in Paris. But when he began his

lectures on Thomas Aquinas at Salamanca in 1526, he restated the Thomist concept of *ius* as an objective right derived from God's reason. For Vitória, humans could gain insight into God's reason through the use of their own reason, and they did not have the right to dispose of their liberty at will because God's intellect had prescribed liberty to all men. Citing Vitória's pupil Domingo de Soto in his argument, Nóbrega concurred with the Dominicans in defining liberty as a gift of God's grace which human beings therefore could not dispose of at will.²⁵¹

Nóbrega also warns that one should not become too attached to the opinion of Navarro cited by Caxa, because not only is he the sole authority to argue in favor of voluntary slavery, but the necessary free will for voluntary slavery did not exist in the cases in Brazil. Navarro should not be interpreted outside of the cases that he was addressing. Both Navarro and Soto, Nóbrega claimed, stated that the only cases in which one could sell his

²⁵⁰ Caxa v. Nóbrega, p.406.

²⁵¹ idem, p.405. Nóbrega cites Soto instead of Vitoria because Soto's De Iustitia et Iure had been published four years earlier than the first publication of Vitoria's Relectio de indis in 1557. At that time, Soto's treatise was the standard reference for the Dominicans' legal theory. See Anthony Pagden's introduction to Francisco de Vitória, Political Writings, Cambridge University Press, Cambridge, 1991.

liberty was either to save his life (when his liberty conflicted with his duty to self-preservation) or to pay one's debts.²⁵²

Nóbrega argues, furthermore, that when two natural laws contradict each other, the strongest one prevails: thus the law that preserves one's life is stronger than the one that preserves one's liberty. Only in cases in which there were just causes (i.e., extreme necessity) could one sell his liberty. Citing Thomas Aquinas, Nóbrega argued that "when reasons for the profit of human life are lacking, one cannot lose his liberty and violate the natural law."²⁵³

Nóbrega knew that these controversies over one's relation to his own liberty had originated in the ambiguities of Thomas Aquinas' Summa:

[Caxa] says that there is no law of nature which prohibits [selling one's liberty]. He seems to see a difference between the natural rights towards which nature inclines us, and the natural rights *quia natura non inducit contrarium*. He claims that St.Thomas makes this distinction. Therefore, he argues, natural law does not oblige men to keep their liberty. This needs to be corrected. St.Thomas says that "communal possession of all things and that all be free, are from the natural law, different from property and slavery, which nature does not induce

²⁵² Caxa v. Nóbrega, p.406.

²⁵³ idem, p.420

towards, but are created by man out of reason and the utility for human life" [*communis omnium possessio et omnium una libertas esse de Iure naturali, distinctio vero possessionum et servitus non sunt inducta a natura, sed per hominum rationem ad utilitatem humanae vitae*], which seems not to serve [Caxa's] purposes but to contradict them. [The passage] proves that liberty is a natural right and that in order to save one's life one may dispose of his possessions and cause servitude; but unless there are reasons to save one's life, one cannot lose his liberty and violate the natural law.²⁵⁴

This is the only passage of the Debate in which Nóbrega replied to Caxa's adaptation of Thomist scholasticism. Nóbrega knew that Caxa's opinion represented a departure from the prevailing interpretation of liberty and one's rights over it. And although Nóbrega argues against Caxa's defense of voluntary slavery, he does not challenge the claim that liberty was a *dominium*. Instead, Nóbrega ignores Thomas Aquinas' precept that liberty under natural law is a secondary one and restates that liberty is a precept of natural law, and that any act of the will to dispose of it that did not come out of extreme necessity violated natural law. According to Nóbrega, furthermore, the Board of Conscience did not wish to create a new law, but only to follow the prescriptions

²⁵⁴ idem, p.407.

of Soto's natural law treatise.²⁵⁵

After Nóbrega identifies and refutes Caxa's departure from the Dominicans' interpretation of Thomist natural law theory, he once again analyzes concrete cases of Indian sales in Brazil. These cases, Nóbrega argues, showed that the Indians of Brazil are constantly tricked by the settlers into selling their liberty; often, the natives did not even know what were the consequences of the sale:

...experience has shown that these Indians are easy to fool when they are subjected and afraid, and therefore we should presume that all Indians that sell themselves do it by mistake.²⁵⁶

Worst of all, Nóbrega claimed, even when the Indians had apparently sold themselves because of an extreme necessity such as hunger, this necessity had often been produced by the settlers who were eager to buy the Indians' liberty. Only in one case, that of the Potiguar Indians, hunger had not been the settlers' fault and thus their sales could be considered legitimate.

The reform devised by Nóbrega transformed the natural equality of the Indians (their potential for reasoning) into a form of political equality (they have equal rights

²⁵⁵ idem, p.410.

²⁵⁶ idem, p.427.

and duties before the law). The question thus arose concerning their duties: was it not the Indians' obligation to preserve their liberty? Could they sell that liberty if they so wished?

Quirício Caxa sought to adapt the tenets of Thomist natural law theory and to demonstrate that the colonial law complied with those tenets. He reasoned through scholasticism and altered the Dominican interpretation of Thomas' concept of liberty to justify the voluntary slavery of the Brazilian Indians. Nóbrega, on the other hand, countered Caxa's argument with the contention that, regardless of whether voluntary slavery was in conformity with Thomism (and it was not in his opinion), the justice of the colonial practices was to be resolved *quid facti* and not *quid Iure*. And from the standpoint of the facts, Nóbrega argued, the voluntary slavery of the Brazilian Indians was a farce created by the settlers.

In the previous chapter, we saw how Nóbrega's justification for the reform of the missionary enterprise anticipated the Jesuit consent theory of the origins of political *dominium*. And yet, as we saw in this section, it is Nóbrega's adversary in the Nóbrega v. Caxa Debate who anticipates the subjective concept of rights. Nóbrega had been hitherto the main intellectual of the mission and, as

such, was the main force behind the first conceptual change that took place with the reform of the missions. Why is it, then, that Caxa, and not Nóbrega, revives the subjective concept of rights?

The consent theory of the origins of political *dominium* that justified Nóbrega's reform was based upon the concept of fear. It combined forcing the Indians into submission and protecting them thereafter from the settlers. As a contract for protection, therefore, it embodied two conflicting concepts: coercion into civility and protection from the settlers. Nóbrega stressed the original intentions of the reform of the missions (protecting the Indians against the settlers), elected to bypass the ambiguities of Thomism, and argued that justifying voluntary slavery was an excuse for the settlers to continue carrying on their illegal assaults on the natives living in the *Aldeias*. In his argument, Nóbrega thus stressed the sanctity of liberty under natural law, and argued its inviolability except in cases of extreme necessity.

The young Caxa, on the other hand, was part of a generation of Jesuits in Brazil disillusioned with the conversion enterprise. They saw more virtue in the coercive aspects of the reform than in its protective

dimension. Correspondingly, Caxa argued that the crown should let the Indians sell themselves; or better, he argued that the crown should legitimize the settlers' claim to have bought the liberty of the Indians they enslaved. Caxa used the ambiguities of Thomas Aquinas' Summa to change the meaning of the concepts of liberty and natural rights under Thomist natural law theory. He thus stressed the secondary nature of the precept of liberty under natural law to justify the legitimacy of voluntary slavery, and revived the nominalists' subjective concept of rights.

There is, therefore, nothing contradictory in the fact that Nóbrega, the main intellectual of the reform, was arguing against the subjective concept of rights introduced by Caxa. Nóbrega did not have to address his opponent's adaptations of Thomism, for the settlers were simply lying about the transactions in which they presumably bought the Indians liberty.

In retrospect, the Caxa v. Nóbrega Debate had a limited but important role in the crafting of Portuguese laws on Indian slavery after 1567. In March 20, 1570, the recently enthroned King Sebastian promulgated a law banning all voluntary slavery. Pressures against the law, however, led the king to transfer the decision on the issue to the colonial administration. In a colonial law issued some

time in the mid-1570s, the colonial authorities legalized voluntary slavery.²⁵⁷

When the Castillian King Phillip II claimed the Portuguese throne in 1580 - following the death of King Sebastian in Africa - Brazil was placed under the administration of Manuel Teles Barreto (1583-1587). Barreto's tenure was a difficult period for the Jesuits. In a 1585 letter to King Phillip, the Jesuit Luis da Fonseca complained about the *ouvidor* the governor had appointed, and about the problems the governor created for the Jesuits. He also mentioned the bad things the governor said in public about the Jesuits: for example, that he would rather give money to the schools of the Turks than to the Jesuits', and that he would rather not go to Paradise if the Jesuits were going to be there.²⁵⁸

After the Spanish annexation of Portugal, the Jesuit enterprise in Brazil experienced a steady decline. The schools had large debts, the Jesuit farms' financial exemptions were reason for many complaints by the settlers, and plague and famine had struck the Bahia Aldeias. Most important, in 1587, Phillip II passed a law ordering that

²⁵⁷ See Serafim Leite, História da Companhia de Jesus no Brasil, tome II, book II, chap.IV, pp.207ff.

²⁵⁸ *Lus.*69, p.13.

the Jesuits accompany all settler expeditions into the backlands to act as witnesses and decide whether Indian enslavements were just and voluntary.

The 1587 law thus acknowledged and legalized the practice of voluntary slavery; but the focus of the law shifted to insuring that all enslavements were truly voluntary and not due to the coercion of the settlers. On July 26, 1596, Phillip II issued another law furthering the intentions of the 1587 law: only Jesuits were entitled to bring Indians from the backland expeditions and they all came as free men.

Slowly, the problem of justifying voluntary slavery became overshadowed by the Jesuits efforts to simply insure that the Indians would not be taken as slaves after unjust wars against them. With the intensification of settler slaving expeditions, the Jesuits were far more concerned with helping the Indians defend their liberty than with deciding whether Indians could voluntarily sell their liberty, something the natives most of the times did not even wish to do. Legislation, correspondingly, empowered the Jesuits in the concrete negotiations involved in defending the Indians' liberty, but abandoned in the process the difficult and unsettled Thomist dilemmas concerning voluntary slavery.

The Jesuits failed to accompany many of the settler expeditions and even when they did, they failed to deter the violence against the Indians. The Jesuits' participation as legal witnesses to the justice of the settler expeditions legitimated these expeditions, and when these expeditions intensified at the turn of the seventeenth century, the Jesuits no longer could control the Indian question in Brazil. The early years of the seventeenth century were the period of most intensive settler expeditions into the backlands. Known in Brazilian historiography as the *Entradas and Bandeiras*, this period resulted in the most drastic reduction in the Indian population in Brazil until that date.

Settler opposition to the Jesuits also intensified at the turn of the seventeenth century. The most significant settler attacks directed against the Jesuits came in 1592 and 1610. In 1592, a renowned settler named Gabriel Soares presented a list of complaints against the Jesuits to the crown in Spain. This list, the Chapters of Gabriel Soares, reached the Jesuits who replied item by item. In 1610, settlers revolted against the Jesuits in Bahia and demanded they be thrown out of the colony. Following the advice of his Jesuit and Dominican advisors, King Phillip II had just enacted a new law on the Indian question that declared all

Indians unconditionally free (07/30/1609). The city council of Bahia convened to discuss the law, repudiated it, and after the session, all went to the streets to protest with guns in hands. They declared the Jesuits "enemies of the common good and of the Republic," and citing the recent Jesuit troubles in Venice, went to the governor's house to request their expulsion from the colony.

The next day, the councilmen demanded that the Jesuits issue a document certifying the legality of Indian slavery in Brazil. The fearful Jesuits complied. In the certificate they issued, they stated that the new law should not be taken to mean that the government could free the Indian slaves that had been deemed legal under previous laws. They stated, furthermore, that they did not intend to use the law to try to take those Indians away from the settlers. The next year, the law was revised, and the revolt subsided.²⁵⁹

The decline the Brazilian missions experienced during the first half of the seventeenth century is also evident in the numbers of Jesuit missionaries in the colony. By 1601, the number of Jesuits in Brazil had grown to 162.

²⁵⁹ cf. *Bras.8(I)*, p.114.

The Jesuit contingent in the colony rose to 187 brothers in 1631, but fell to 162 by 1654.²⁶⁰ As the coastal missions declined, the missions to the Carijó Indians in Paraguay expanded and became the most important site of Jesuit missionary activity in the New World. Nóbrega had wanted to establish these missions, but the Brazilian Jesuits played almost no role in the establishment of the new Paraguayan missions. Instead, Jesuits were sent directly from Spain.

But the conceptual changes Nóbrega and his peers furthered throughout the sixteenth century did not wither. On the contrary, like the consent theory of the origins of political *dominium*, the subjective concept of rights was later systematized by Jesuit theologians in Europe.

4. Liberty and Natural Rights in Jesuit Political Theory

While the Jesuit consent theory of the origins of political *dominium* was best articulated by Juan de Mariana in his De Rege, the Jesuits' revival of the Gersonian subjective concept of rights was best articulated by Luis de Molina, another Jesuit who, like Caxa, was also born in

²⁶⁰ Cf. *Bras.5(1)*, a catalog of Jesuits in Brazil.

Cuenca.²⁶¹ From his treatise on divine foreknowledge, the Concordia (1588), to the natural law treatise he concluded before 1592, Molina explicitly developed the Jesuit soteriology into a justification for reviving the Gerson's subjective concept of rights.

Molina wrote the Concordia in the context of the sixteenth century theological debates concerning the role of human free will in divine providence. His main concern was articulating Ignatius of Loyola's soteriology into a coherent doctrine of God's foreknowledge of (and responsibility for) human sin. According to Ignatius,

we ought not to speak so lengthily and emphatically about grace that we generate a poison harmful to freedom of the will. Hence one may speak about faith and grace as much as possible, with God's help, for the greater praise of his Divine Majesty; but not in such ways or manners, especially in times as dangerous as our own, that works and free will are impaired and thought worthless.²⁶²

Ignatius' soteriology was an attack on the Lutheran stress on predestination which haunted those "dangerous times." He thus stressed that good works and charity indeed helped one being saved. From the perspective of the negative

²⁶¹ Luis de Molina (1535-1600) entered the Society in 1553. He taught at the Jesuit university at Évora, in Portugal, for most of his life.

²⁶² Ignatius of Loyola, Spiritual Exercises, p.213.

obstacles free will created to salvation, however, Ignatius' voluntarist soteriology led into a difficult question: If God has complete knowledge of the world he created, is he not responsible for the sinful elections human beings make therein? In other words, what is God's responsibility for human sin?

In the Concordia, Molina voiced a radical theory of the relationship between human free will and divine knowledge, later coined 'Molinism' after him. According to Molina, God's knowledge of future contingencies cannot be derived from the simultaneous existence in eternity of all past and future contingencies. If this 'existence' in eternity is understood as prior in time, that would entail God's prior knowledge of (and, above all, his responsibility for) human sin. Divine foreknowledge had to be reconciled with the contingencies produced by human election:

What freedom was there in the angels when they sinned, or in us when we sin, such that if we did not will to sin, then we would not sin? Likewise, in what sense is it true that God has placed us in the hand of our own counsel, so that we might strive after what we will? Again, what grievance will God have on Judgment Day against the wicked, since they were unable not to sin as long as God did not efficaciously incline and determine them to the good, but rather by His own free will decided from eternity not to so determine them? Most assuredly, if this position is accepted, then our freedom of choice is

altogether destroyed, and God's justice with respect to the wicked vanishes, and a manifest cruelty and wickedness is discerned in God. That is why I regard this position as extremely dangerous from the point of view of the faith...²⁶³

Molina's solution to this problem was typically scholastic. God has a middle knowledge (*scientia media*) of contingent events, and this knowledge stands in between his natural knowledge and his free knowledge:

By His natural knowledge God knows that it is metaphysically possible but not metaphysically necessary that Adam will sin if placed in the Garden; by His free knowledge He knows that Adam will in fact be placed in the Garden and will in fact sin. What he knows by His middle knowledge, on the other hand, is something stronger than the former but weaker than the latter, namely, that Adam will sin *on the condition* that he be placed in the garden. So God has middle knowledge only if He knows all the conditional future contingents.²⁶⁴

While natural knowledge is the knowledge God has of all possible worlds, free knowledge is his knowledge of the actual or absolute future contingents. His middle knowledge, like his free knowledge, is a knowledge of metaphysically contingent events over which He nevertheless has no control. In this sense, God's *scientia media* is a

²⁶³ Luis de Molina, Concordia, Disputation 50, par. 14, p.139.

²⁶⁴ See Alfred Freddoso, introduction to Luis de Molina's Concordia, p.47.

knowledge of conditional or subjunctive future contingencies.

The concept of *scientia media* represented a systematic solution for the dilemmas that had been introduced by the Protestant stress on predestination and divine volition. In this way, Molina was capable of preserving the role of divine providence in Christian theology, without eliminating man's moral responsibility for his own elections and its role in producing damnation or salvation.²⁶⁵

When Molina drew the juridical implications of this argument in his natural law treatise, De Iustitia et Iure (1593), he understood that if human free will was to be held accountable for sin, there had to be a natural covenant by which God transferred these responsibilities to human beings. The counterpart to the obligations transferred were evidently rights, and this natural covenant entailed that rights were not simply the objective moral tenets that could be derived from God's design of nature and the scriptures, as the Dominicans' had defined it. In his De Iustitia et Iure, written

²⁶⁵ For the context of Molina's concept of *scientia media*, see Alfred J. Freddoso's introduction to Luis de Molina, On Divine Foreknowledge (Part IV of the Concordia), ed. Alfred J. Freddoso, Cornell University Press, Ithaca, 1988.

before 1592 but only published in 1606, Molina wrote:

... [right] is the faculty [*facultas*] of doing something, getting something, holding onto something, or being in such a position that to be impeded without legitimate cause would be an injury...²⁶⁶

For the Dominicans, God's complete knowledge of future contingencies (whether free or natural) entailed that what is right (*ius*) is that which is prescribed by Him based on that knowledge. Therefore, natural and divine laws prescribe against certain sinful choices human beings might make, such as selling oneself to share profit from the price of the transaction. For Molina, on the other hand, a human being's choice to commit that sin still constituted a *ius* (right), because for him *ius* was simply the exercise of the faculties with which man is endowed. All natural rights are faculties, but not all faculties are *dominium*.

But in Molina's political theory, some natural faculties, such as reason, are not alienable. Liberty is a *dominium* because it is a faculty that pertains to one's "honor and fame":

Man is *dominus* not only of his external goods,

²⁶⁶ Luis de Molina, *De Iustitia et Iure*, Coloniae Allobrogum, 1733, tract.II, disp.I, p.15. "Est facultas aliquid faciendi, sive obtinendi aut in eo insistendi, vel aliquo ali modo se habendi, cui si, sine legitima causa, contraveniatur, injuria sit eam habenti."

but also of his own honor and fame; he is also *dominus* of his own liberty, and in the context of the natural law can alienate it and enslave himself. [The Roman law imposed conditions on voluntary slavery, but they only applied to Rome.] It follows ... that if a man who is not subject to that law sells himself unconditionally in some place where the relevant laws allow him, then that sale is valid.²⁶⁷

Molina's argument was based on differentiating one's honor, fame, and glory (over which one had subjective claims) from one's body and members (over which one had no claims, thus outlawing suicide and mutilation.)

Richard Tuck ascribes Molina's revival of the subjective concept of rights to the survival of nominalist theories at the University of Louvain in the Netherlands, where Johannes Driedo and other theologians sought an alternative to the Thomism of the Dominicans.²⁶⁸ Tuck links Molina's revival of the concept to the Jesuits' interest in the Louvain ideas during the 1580s, especially after the Jesuit Leonard Lessius arrived there to teach theology.²⁶⁹

Although Tuck is not wrong about the connections between Louvain and the Jesuits, Lessius was not the

²⁶⁷ Luis de Molina, De Iustitia et Iure, tract.II, disp.XXXII, p.86.

²⁶⁸ See Richard Tuck, Natural Rights Theories, p.52.

²⁶⁹ idem, p.51. Tuck sustains the same argument in the more recent Philosophy and Government (1572-1651), Cambridge University Press, Cambridge, 1994, pp.137ff.

crucial link, and the 1580s were not the crucial period. The nominalist ideas of Louvain reappeared amongst the Portuguese Jesuits in the latter sixteenth-century because these ideas had migrated to Portugal much earlier in that century. For instance, Diogo de Murça was appointed rector of the university at Coimbra after King João III reformed it in the early 1540s; he had studied at Louvain. The theologian Martim Azpicuelta Navarro, and many other jurists teaching at Coimbra, had studied in Toulouse, one of the places where the Louvain nominalist ideas had also managed to survive over the first half of the sixteenth century. André de Resende -- a Portuguese humanist who also studied at Louvain -- founded a school at Évora in 1533, and brought his Louvain professor Nicholas Clenardo to educate King João III's brother, D. Duarte. Clenardo, along with another Portuguese who studied in Louvain, Damião de Góes, were two of Erasmus' closest friends and had been amongst the main exponents of the humanist movement in the Netherlands.²⁷⁰

Many Jesuits were educated at Coimbra and Évora, and

²⁷⁰ On the development of humanism in sixteenth-century Portugal and the Louvain influences therein, see J.S. Silva Dias, A Política Cultural da Época de D.João III, 2 vols., Universidade de Coimbra, Coimbra, 1969.

their contact with the Louvain ideas indeed clarifies some of the intellectual sources of the revival of the subjective concept of rights after 1580. But it fails to explain it for, as Frank Costello has pointed out, Molina started work on his De Iustitia et Iure in the 1570s.²⁷¹ Therefore, he must have encountered the subjective concept of right before Lessius arrived at Louvain. Moreover, how are we to explain the appearance of that concept among the Jesuits in Brazil as early as 1567?

The colonial debates on Indian slavery, and Caxa's opinion in particular, played an important role in Molina's revival of the subjective concept of rights. There are three pieces of evidence that establish a clear connection between Caxa and Molina. First, when Molina discussed the question of voluntary slavery in De Iustitia et Iure, he cited the Brazilian and Ethiopian cases, and repeated *ipso literis* the opinion Caxa had produced earlier in Brazil.

²⁷¹ Cf. Frank Costello, The Political Philosophy of Luis de Molina, Gonzaga University Press, Spokane, 1974. The other main secondary sources on Molina and his works are Friedrich Stegmüller, Geschichte des Molinismus, Münster, 1935; Joannes Rabeneck, S.J., "De vita et scriptis Ludovici Molina", AHSI, XIX (1950); and José Maria Díez-Alegría, S.J., El desarrollo de la doctrina de la ley natural en Luis de Molina y en los Maestros de la Universidad de Évora de 1565 a 1591, Consejo Superior de Investigaciones Científicas, Barcelona, 1951.

Like Caxa, he argued that fathers could sell their children not only in 'extreme' but also in 'great' necessity (*extremam aut gravem*). Like Caxa, he argued one is master of his liberty and can dispose of it at will.²⁷²

Second, a year after Molina wrote his natural law treatise, he wrote another lesser known book called Commentaria in Primam Divi Thomae Partem (1593). In that book, he discussed a question much debated in Portuguese universities at the time: are there pagans whose ignorance of God is impossible to overcome? Molina believed there were such pagans, and once again cited the Brazilian Indians as an example.²⁷³

Third and most important, throughout his tenure as the Prima Professor of Theology at the University of Évora, Molina was a consultant for the Board of Conscience and Orders (*Mesa de Consciência e Ordens*), the court

²⁷² Cf. Luis de Molina, De Iustitia et Iure, Tract.II, disp.XXXIII, p.89.

²⁷³ Luís de Molina, Commentaria in Primam Divi Thomas Partem (1593), q.1a, 1.d.1., pg.3a. Other Jesuits such as Leonardo Lessius did not believe there was such a thing as the pagans who will never know God. On the controversies over this issue, see Pedro S. de Achútegui, La Universalidade del Conocimiento de Diós en los Paganos según los primeros Teólogos de la Compañia de Jesús, 1534-1648, Consejo Superior de Investigaciones Científicas, Delegación de Roma, Rome, 1951.

responsible for all the New World legal affairs of the Portuguese crown. In a 1583 letter, the Jesuit Cristovão de Gouveia mentioned that he was taking with him to Brazil the opinions of some theologians concerning the legality of slavery. He wanted to discuss those matters with two "men of letters" (*letrados*) in Brazil. One of those men of letters was the other Jesuit from Cuenca, Quirício Caxa.²⁷⁴

Two of the opinions Gouveia took to Brazil were by Molina. The first one was an opinion on the Brazilian Indians' marriage practices and the recent bull on consanguineous matrimony issued by Pope Pius V. The second opinion dealt with a variety of matters, including whether the Jesuits could press wine and confess through interpreters. Its most important passage discussed what should be done with Indian slaves when there were doubts about the legality of their captivity. Molina argued that the owner of the slave could keep him and sell him if he wished, and that the slavery of an Indian was to be treated as legal until proven otherwise.²⁷⁵

Juan de Mariana's knowledge of the Brazilian missionary experience is uncertain. But the above evidence

²⁷⁴ *Lus.* 68, p.337.

²⁷⁵ Manuscript, *Livro sobre os Índios do Brasil*,

clearly suggests that Luis de Molina saw the opinions Caxa and Nóbrega wrote in 1567. Caxa's justification of voluntary slavery migrated to Europe through the Jesuits' institutional correspondence, and reached Luis de Molina's desk at Évora. One should not forget as well, that Molina and Caxa were born in the same small Spanish town (Cuenca) only three years apart from one another. Although there is no evidence of correspondence between the two Jesuits, this should not be taken to mean they did not know each other; as shown in chapter one, the Jesuits controlled and curtailed the Brothers' private correspondence.

Molina's natural law treatise also helps us understand why Nóbrega resisted the position advanced by Caxa and Molina. There was an important subtlety in the Jesuits' subjective concept of rights that has gone unnoticed by Richard Tuck and others. Even though the subjective concept of rights was at the core of the definition of liberty as *dominium*, the two are not the same. In Molina's natural law treatise, the subjective-concept-of-rights claim (*ius* as *facultas*) is made in the context of injury: only acts of free will are exercises of faculties (*facultas*), and thus there is a violation of one's rights only when there is injury to one's exercise of natural

Cod.CXVI,/1-33, f.120, Biblioteca Municipal de Évora.

faculties. Nobody violates the rights of a stone by not letting it exercise its capacity to fall down - the stone has no free will. The point is that defining natural rights as *facultas* only entails the power and right to do something without injury from others.

While the concept of liberty as *dominium*, on the other hand, was justified through the subjective concept of rights, it was not its only possible derivation. Locke and Rousseau, for instance, both subscribed to the subjective concept of rights, and yet found the definition of liberty as *dominium*, as well as the ensuing justification for voluntary slavery, deeply offensive. At the crux of the subjective concept of rights lay the claims one was entitled to on the basis of preventing injury by the free will of others; the concept of liberty as *dominium*, on the other hand, defined the claims to which one was entitled on the basis of the particular characteristics of certain natural rights, i.e., those that pertained to one's honor and fame.

The difference between the subjective concept of rights and the more specific concept of liberty as *dominium* becomes even more evident in light of the subsequent development of justifications for slavery in the Jesuit missions in the Amazon Basin, led by Antônio Vieira in the

second half of the seventeenth century.²⁷⁶ By Vieira's time, Caxa and Molina's definition of rights had become the standard interpretation in Thomist natural law theory. Vieira explicitly lays out the subjective concept of rights as the operating force behind his reasoning:

liberty is the right and the faculty that each one has of doing with oneself and one's things whatever one desires.²⁷⁷

In yet another twist in the convoluted history of conceptual change in Thomist natural law theory, Vieira found a way to argue against voluntary slavery through the same subjective concept of rights which had justified it a century earlier. Citing Solorzano y Pereira's Politica Indiana, Vieira argues,

...even though sometimes it is customary to tolerate perpetual pacts to provide labor, any pact which entails perpetually forfeiting one's liberty is invalid, for even though one is master of his liberty, nobody is owner of his body...²⁷⁸

²⁷⁶ Antonio Vieira was the most famous important Jesuit in Brazil throughout the colonial period. There is a vast literature on his prolific opus in both Portugal in Brazil. For an introduction to Vieira in English, see Thomas Cohen, The Fire of Tongues: Antônio Vieira and the Christian Mission in Brazil, Ph.D. Dissertation, Stanford University, 1990.

²⁷⁷ Antônio Vieira, S.J., "Voto sobre as dúvidas dos moradores de S. Paulo acerca da administração dos índios," in Obras Escolhidas, vol.V, Livraria Sá da Costa, Lisboa, 1951.

²⁷⁸ idem. See also Juan de Solorzano y Pereyra, Politica

Notice that Vieira argues that even though people possess their liberty as property, voluntary slavery is illegal because people do not possess their body.

This distinction is the same one found in tome IV of Molina's De Iustitia et Iure, but Vieira extends the argument even further. For Vieira, contracts on one's liberty were only valid if they were contracts on one's labor. Entering a perpetual agreement to forfeit one's liberty was equivalent to selling one's body. Nobody owns his body, Vieira claimed. Contracts on liberty had to have a time-limit to them. According to Vieira, the Indians could not be forced into slavery; they could only be forced to become wage workers.

The rights theories found in seventeenth century natural law theorists after Hugo Grotius no doubt tended to define one's relation to his liberty as unrestricted ownership. Antônio Vieira, however, like Locke and Rousseau after him, did not believe the concept of liberty as *dominium* entailed the right to sell away one's liberty, as if it were a piece of land. Although Caxa and Molina endorsed this argument, the development of a counter-interpretation of rights, from Nóbrega to Vieira, points to

Indiana, tome I, Ediciones Atlas, Madrid, 1972.

the ambiguities that remained in the Jesuit interpretation of the Thomist concept of rights.

Antônio Vieira's reinterpretation of the subjective concept of rights evinces a crucial aspect of that concept. If all rights are defined as *dominium*, as they were in Jesuit political theory, they still do not become possessions of which individuals may dispose at will. Although connected in Jesuit political theory, the subjective concept of rights and the concept of liberty as *dominium* were arguments with distinct *loci* in the general framework of their Thomist natural law theory: one justified human free will's role in salvation, the other justified voluntary slavery. The first one was a moral theology argument in the context of deciding humans' participation in God's reason through their own exercise of right reason. The other was a political theory argument in the context of justifying slavery. Eager to make the Jesuits into the door to the future of political theory, Richard Tuck does not sufficiently distinguish between the Jesuit subjective concept of rights and the latter transformation of that concept in the seventeenth century, especially after Grotius, into what Macpherson has named

the "theory of possessive individualism."²⁷⁹ Only after Grotius were those two Jesuit arguments conflated.

As shown throughout this study, the Jesuits' missionary experience in the second half of the sixteenth century was the context of justificatory practices that gave birth to the effort of those Jesuit theologians in Europe like Mariana and Molina, who were engaged in an effort to formalize and translate into doctrine the interpretations of the Jesuit institutional practices as well as the natural and human laws enacted respectively by God and by the order's secular allies. Like Mariana, who did not "invent" the concept of consent "out of fear", Molina did not "reinvent" the nominalists' subjective concept of rights. With more diligence and extensive theological argumentation, Mariana and Molina articulated Jesuit theology into the same languages of political theory that Caxa and Nóbrega had developed two decades earlier in Brazil.

²⁷⁹ According to Tuck, Macpherson's analysis is limited, for it explains possessive individualism only in terms of the "social realities of the day." But Tuck never moves beyond the concept of possessive individualism, and imputes it errs when he imputes it to sixteenth century Thomists. Cf. Natural Rights Theories, p.3. See also C.B. Macpherson, The Political Theory of Possessive Individualism, Oxford University Press, Oxford, 1962.

Chapter Six
The Jesuit Missions and the Languages of Political Theory
in Early-Modern Europe

This study has mapped the development of the two conceptual changes furthered by Jesuit political theory, in the writings of the Jesuit missionaries in Brazil during the formative period of the Jesuit institution. In the Dialogue on the Conversion of the Pagans, Nóbrega argued the natural equality of the Indians from the perspective of the theological problem of conversion. He claimed the universality of the potential to use human reason, and justified the continuation of the missionary enterprise on the basis of the equal prospects of reaping fruits for the Faith, whether pagans were civilized (harder to convert but better at keeping the faith) or uncivilized (easier to convert but worse at keeping the faith).

In the Civilizing Plan, Nóbrega proposed a political solution for the theological problem of conversion. The Indians would consent "out of fear" to live in the *Aldeias* and thus be assimilated into the Christian polity that was being erected in Brazil. In this new political status, upon their conversion, the Indians would be granted most of the rights and obligations held by the other Christians in the colony. The natural equality argued by Nóbrega in the Dialogue translated into a form of political equality in the Civilizing Plan.

Finally, in the Caxa v. Nóbrega Debate, Nóbrega

defended the protective aspects of the reform he had proposed, while his peer Caxa exploited the coercive aspects of that reform. Nóbrega denounced the settlers; his opponent, Caxa, on the other hand, "excused" the enslavement practices of the settlers and legitimized the voluntary slavery arguments they utilized to justify the Indian slaves they held.

From within the epistolary institution, reasoning from theology to political theory, Nóbrega and his peers gradually arrived at the two main concepts later introduced by Jesuit theologians in the Iberian peninsula: the consent theory of the origins of political *dominium* and the subjective concept of rights. As shown in this study, the adaptive and tolerant ways of the Jesuits' method of practical reasoning, i.e., their "way of proceeding", was the source of the conceptual changes that led to these concepts. Moreover, the Jesuits' departure from the Dominican interpretation of Thomist natural law theory was prompted by the tensions between that interpretation and the voluntarism of Ignatius of Loyola's theology.

In order to understand the revival of Thomism in the sixteenth century, therefore, we must grasp the ruptures as well as the continuities between the Dominican and the Jesuit interpretation of Thomism. For it is in the

transition from Dominican to Jesuit hegemony within the *seconda scholastica*, that the major contributions of sixteenth century Thomism to seventeenth century political theory can be traced.

Richard Tuck is perhaps the only scholar to have paid attention to the differences between the Jesuit and Dominican theologians of that period. The main differences, as Tuck rightly points out, are the elements of voluntarism present in Jesuit theology. The Jesuits advocated a position in between the radical voluntarism of the *devotio moderna* followers and the radical realism and rationalism of the Dominicans' *via antiqua*.²⁸⁰

As shown in chapter one of this study, the voluntarism of Ignatian theology indeed played a vital role in the development of Jesuit political theory. But Tuck bypasses the mediating role of the Jesuit order and the transformation Ignatian theology underwent in the institutionalization process that converted it into a method for collective and organized apostolic activity in the world. In that process, those elements of voluntarism translated into a stress on the exercise of prudence, and

²⁸⁰ Richard Tuck, Philosophy and Government (1572-1651), Cambridge University Press, Cambridge, 1994, p.139.

into the epistolary institution, the instrument through which the Jesuits exercised their prudence and eventually carried out the conceptual changes mapped in this study. As shown in chapter two, it was because of the New World encounters in Brazil that the Jesuits first began to adapt their theological worldview.

This study, therefore, has helped us understand the role of the Jesuits' early-modern missions in the development of Jesuit political theory. The Jesuit interpretation of the New World encounters played a vital role in the self-definition of the Jesuits and their distancing themselves from the exegetical norm-production methods derived from the natural law *ratio* of the Dominicans. As shown in chapters three and four, this distancing from the Dominicans eventually led the Jesuits in Brazil to articulate the two conceptual changes later introduced by Jesuit political theorists.

The Jesuits' missionary experience in the second half of the sixteenth century provided, in this way, the context of justificatory practices that gave birth to the efforts of those Jesuit theologians in Europe like Mariana and Molina, who were engaged in an effort to formalize the Jesuits' self-interpretations of their institutional practices. While the political theory treatises by Mariana

and Molina evince the role of the Jesuits in the development of the languages of political theory in the early-modern period, the political justifications articulated in the Jesuit epistolary institution evince the *loci* where the conceptual changes furthered by the Jesuits *de facto* took place.

Political theory treatises punctuate the history of the languages of political theory, but conceptual change takes place in justificatory practices: we must write their history if we are to understand the history of the languages of political theory. This is the methodological contribution of this study: it is an example of how to connect political theories to the justifications that antecede them.

There is a contingent, and not necessary, relationship between political justifications and theories. Court opinions are systematized into law treatises; advice to rulers becomes manuals for princes. What ties theory and justification together in the case of the early-modern Jesuits is the institutional ethos of their religious order: Ignatian spirituality, a Thomist natural law theory, a casuistic method of inquiry, and above all, a strong sense of loyalty to their religious institution. Missionary letters, in this way, prepared the way for

Jesuit political theory.

As J.G.A. Pocock argues, "the creation of new language may take place in the attempt to maintain the old language no less than in the attempt to change it."²⁸¹ Mariana and Molina created a new language of rights in an attempt to maintain the old languages of Thomism. But before them, Nóbrega and his peers in Brazil altered the old languages of Thomism, thus making new concepts seem like old ones. The conceptual changes articulated by Mariana and Molina were already current ways of interpreting the languages of Thomism from within the Jesuit institution.

Theories must exist before political justifications are produced, for theories are often the sources of justifications, especially in legal debates. But these theories need not be political doctrines. In the case of the sixteenth-century Jesuits, for instance, political justifications were derived primarily from theology, and dilemmas concerning political concepts were subjected to inquiry in light of their subordination to theological

²⁸¹ Cf. J.G.A. Pocock, "The concept of a language and the *métier d'historien*: some considerations on practice," in Anthony Pagden, ed., The Languages of Political Theory in Early-Modern Europe, Cambridge, 1987.

justifications.²⁸²

While some form of doctrine always antecedes political justification, new political theories follow changes in justifications for political practices. And justifications live in institutional contexts, not on the desks of theorists. As Donald Kelley has pointed out, it is to the civil lawyers of the early-modern period that we must look if we wish to understand the development of natural law arguments by theorists of the seventeenth century, from Grotius to Pufendorf.²⁸³ Likewise, it is to the missionaries in the New World and elsewhere that we must look if we wish to understand the development of natural law arguments by Thomist theologians in Europe during the sixteenth century. In the world of the Roman Church, the Jesuits in Brazil were something like those civil lawyers: it was their practical reasoning and justifications that

²⁸² It is precisely this primacy of theological justifications over political theories that Pagden overlooks in The Fall of Natural Man. By failing to distinguish between the Dominican and Jesuit missionary experiences, Pagden neglected how their diverging interpretations of Thomist moral theology led to different missionary enterprises, different approaches to the New World Encounters, and eventually, different kinds of comparative ethnology.

²⁸³ Cf. Donald Kelley, "Civil Science in the Renaissance: the problem of interpretation," in Anthony Pagden, ed., The Languages of Political Theory in Early-Modern Europe,

produced the changes in arguments that were later systematized by theorists in Europe.

Quentin Skinner argues that we must search for that which is beyond and beneath authorial intent if we are to understand the place of theories in their historical contexts. According to Skinner, that which is beyond intention is the linguistic context and the practical imperatives theorists confront in historical time; that which is beneath intention is the life history of the author and his creativity.²⁸⁴ As demonstrated in this study, that which was beyond Caxa and Nóbrega's authorial intent was a linguistic context defined by Thomist moral theology, and practical imperatives defined by the missionaries' conversion practices. Nonetheless, that which was beneath the intentions of Nóbrega and his peers was not their creativity or their life histories. It was, instead, their institution, the Society of Jesus, which oriented the decisions they made and the letters they wrote while reforming their politics in Brazil. In particular, their intellectual endeavors were oriented by the Jesuit "way of proceeding."

What underlies the intention of the author,

Cambridge, 1987.

accordingly, are institutions, which orient what one writes, for what purposes, and through which rhetorical modes. Some institutions, like the Jesuit order, are more formalized; but less formal institutions are also capable of making authors internalize norms that are simultaneously rhetorical, semantic and moral. The justifications required in institutional practices are the very site of change in the languages of political theory. It is in justifications that norms and practices interact, not in theory. Some of those working within institutions such as Nóbrega apply and adapt norms to practices to insure that practices conform to theories. Others, however, such as Caxa, apply and adapt norms to insure their conformity to interests. And yet all must insure that practices conform to the justifications they utter.

This is the other side of the history of the languages of political theory; it may be a darker and harder one to study, for in justifications, concepts are concealed, loosely defined and often hidden within discourses that are almost formulary, such as the Jesuit letters. But justifications are nevertheless an important site of conceptual change in the languages of political theory.

Skinner and Pocock's contextualist approaches have

²⁸⁴ Skinner, *op.cit.*, p.50ff.

given us a way to catalogue and understand the internal logic of the languages of political theory in their historical contexts. Now we must move beyond, and write the history of how political theories change in these contexts. Theories no doubt play an important role in the transformation of political ideas: often they constitute the authoritative sources that those in legal debates, like Nóbrega and Caxa, use to justify and legitimate their opinions. But the institutionally bound discourses of those who justify political practices are often more important than prior doctrines in changing the languages of those theories. The pen is indeed a mighty sword, as James Tully has reminded us, but it is mightier in the hands of those who must justify political practices than in the hands of those who write treatises.²⁸⁵

This study is intended as a small contribution toward unraveling the other side of the history of the languages of political theory. Concepts and meanings migrate -- and languages are constituted --from **within** the languages of justification and their ambiguities, **through** the institutions that convert the norms stemming from these

²⁸⁵ Cf. James Tully, Introduction to Meaning and Context: Quentin Skinner and his Critics, Princeton University Press, Princeton, 1988.

languages into institutional practices, and **because** of the justificatory demands stemming from these institutional practices. As shown in this study, the Jesuits in Brazil articulated the consent theory of the origins of political *dominium* and the subjective concept of rights from within the languages of Thomist moral theology and the ambiguities of the concepts of liberty and *dominium* therein, **through** their 'way of proceeding', and **because** of the justificatory demands prompted by the reform of the missions.

Table I: The Jesuits, the Missions and Thomist Natural Law Theory

<i>Thomist Natural Law Theory</i>		<i>The Jesuits and the Missions</i>	
Thomas Aquinas' <i>Summa Theologiae</i>	12c.		
Liberty as secondary precept of natural law			
Gerson's <i>De Vitae Spirituali Animae</i>	1402		
Subjective concept of rights			
Thomas à Kempis' <i>Imitatio Christi</i>	1427		
Devotio moderna spirituality			
		1492	Discovery of the Americas
		1493	Establishment of patronage system in New World
		1500	Discovery of Brazil
Thomas' <i>Summa</i> replaces Peter Lombard's <i>Sentences</i> as set text at the Collège de Montaigu on the Rue St. Jacques.	1507		
Francisco de Vitória at Collège de Montaigu	1509		
Mazzolini's <i>Summa Summarum</i>	1515		
Subjective concept of rights			
Vitória begins teaching theology at the Collège.	1516		
		1522	Ignatius of Loyola at Manre Reads Kempis' <i>Imitatio Christi</i> Ignatius' <i>Spiritual Exercis</i>
		1524	Ignatius at Salamanca
Vitória professor of theology at Salamanca. Delivers his <i>Relectiones</i> once a year until 1540. Objective concept of rights.	1526		
		1528	Ignatius at Paris
		1532	Establishment of the Board Conscience and Orders in Portugal
		1534	Captaincy system establishe in Brazil.
		1537	Pope Paul III's <i>Sublimus De</i>
		1539	Foundation of Jesuit order
		1540	Pope Paul III's <i>Regimini militantis ecclesiae</i> Confirmation of Jesuit orde

		1542	Francis Xavier to India
Beginning of Trent Council	1545		
		1547	Juan de Polanco letter sets up epistolary institution
		1549	Arrival of Jesuits in Brazil Central government established in Bahia
		1550	Arrival of second levy of Jesuits in Brazil
Domingo de Soto's <i>De Iustitia et Iure</i> . Objective concept of rights	1553	1553	Separation of Brazilian Province of the Jesuit order From Portuguese one
			Arrival of third levy of Jesuits in Brazil
		1556	<i>The Constitutions of the Society of Jesus</i> Ignatius' death <i>Nóbrega's Dialogue on Conversion</i>
		1558	Francisco de Borgia elected General of the Society of Jesus <i>Nóbrega's Civilizing Plan</i>
Deliberations of Trent Council	1563		
Luis de Molina professor at Évora university		1566	Portuguese reconquer Rio fr the French
		1567	<i>Caxa v. Nobrega Debate</i> Subjective concept of right
Molina member of Board of Conscience and Orders (<i>Mesa de Consciência e Ordens</i>)		1570	Voluntary slavery is outlaw in Brazil
		1574	Voluntary slavery is legalized in Brazil
		1580	Annexation of Portugal to Spain
Luis de Molina letter to Generalate announcing plans to rewrite Thomist natural law theory.	1582		
Molina opinions on Brazilian Indians.			

		1587	Voluntary slavery is outlaw in Brazil
Luis de Molina's <i>Concordia</i>	1588		
Luis de Molina's <i>De Iustitia et Iure</i> . Subjective concept of rights	1592		
		1593	Luis de Molina's <i>Commentari</i> Brazilian pagans's reason i incapable of receiving the faith.
		1595	New law in Brazil overlooks voluntary slavery. Jesuits to accompany settle expeditions. Intensification of settler expeditions. <i>Entradas e Bandeiras</i>
Mariana's <i>De Rege et Regibus Institutione</i>	1599		
		1610	Baia settler revolt against Jesuits
Francisco Suarez's <i>De Legibus ac Deo Legislatore</i> Subjective concept rights	1612		
Hugo Grotius requests Suarez's book from a friend	1618		
		1624	Dutch invade Brazil
Hugo Grotius' <i>De Iure Belli ac Pace</i> Subjective concept of rights	1625		
		1626	Antônio Vieira's first edifying report from Brazil

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qui in Brasilia frequenter occurrunt: á Pe. Ferdinando
Peres.
 Fol.113 - *Aliae á Pe. Gaspere Gonçalves*
 Fol.120 - *Aliae á Pe. Molina* (em castelhano)
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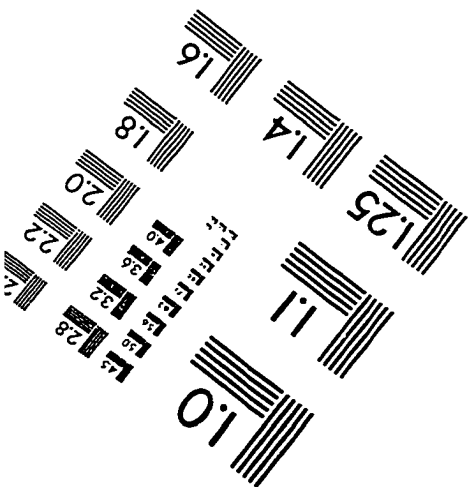
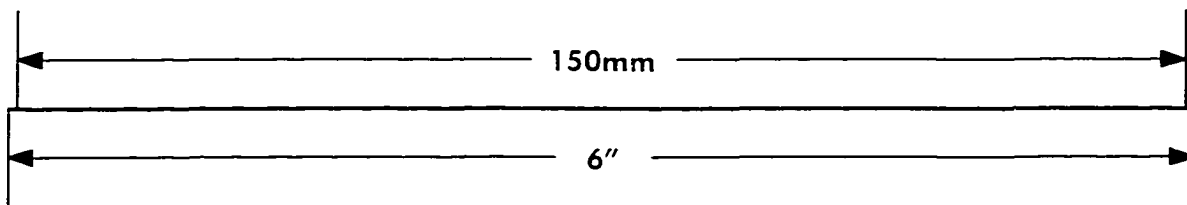
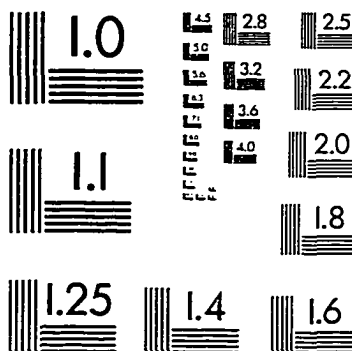
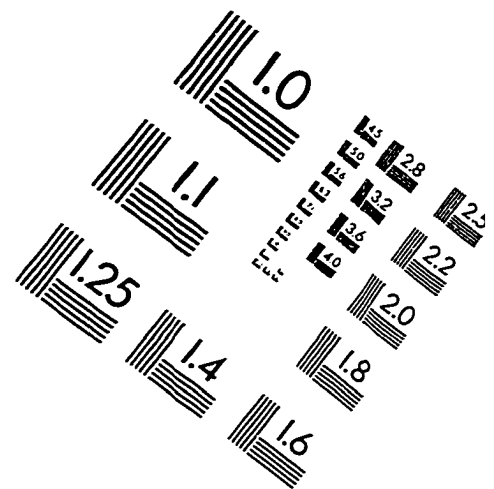
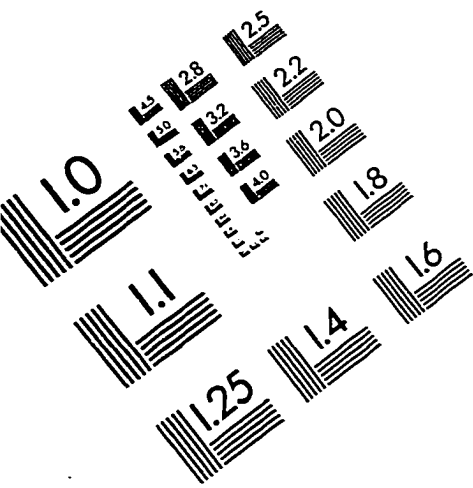
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IMAGE EVALUATION TEST TARGET (QA-3)



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