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## Law Books in the Hispanic Atlantic World: Spaces, Agents and the Consumption of Texts in the Early Modern Period

The Materiality of the Printed Book: Law Books »Turned into Goods«

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## Abstract

This paper analyses the distribution channels for law books in the Hispanic Atlantic world, the agents who took part in the circulation of books, and the recipients of consignments of books. The aim is to identify the infrastructure that underpinned the transport of books from Europe to the Spanish Crown's American territories. In addition, an analysis of the distribution spaces and characteristics of supply provides an overview of the mechanisms that operated in the market for law books in the early modern period. As a result, it has been possible to identify instances of law libraries belonging to Crown and ecclesiastical officials as well as shipments delivered to booksellers, students and holders of civilian or ecclesiastical offices. It has also been possible to demonstrate the presence of pragmatic texts intended for a variety of audiences and to trace consignments bound for judicial officials and notaries, who needed compendiums of the laws and rules in effect in Spain's overseas possessions.

Keywords: circulation of books, booksellers, legal texts, law, Latin America



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At the beginning of the 18th century, Francisco Solanes, a professor of law at the University of Barcelona, penned an interesting essay on the practice of politics entitled *El emperador político, y política de emperadores* (Barcelona, 1706), which contained his reflections on the impact of the large number of law books in the discipline of civil law that was being taught in the universities.<sup>1</sup> He criticised what he regarded as the excessive amount of such books and their cost. In his opinion,

mayor es el daño, que se ocasiona de tantos libros como se hallan impresos en la facultad de la Jurisprudencia: a ese inconveniente puede fácilmente el Príncipe hallar el remedio en la prohibición de los extranjeros, y dificultad en la impresión de los naturales. Dejo el perjuicio de tanto dinero como se gasta en la compra de ellos. ([G]reat is the harm of so many books appearing in print in the Faculty of Jurisprudence: to this problem the Prince can easily put a remedy by prohibiting the foreign books, and by making it harder to print native [Spanish] ones. I'll leave aside the damage done by so much money being spent on them.)<sup>2</sup>

Solanes' desire that the production of texts be controlled was also an important element of the reform proposals addressed to the Spanish Crown by the *arbitristas*, and were in line with their mercantilist ideas. To the argument cited above, Solanes added that printed texts »[se han] mudado en mercancía« (»have been turned into goods«) to such an extent that »la multitud de tantos libros ha confundido la verdadera Jurisprudencia: el ingenio del juez se halla turbado a veces con la variedad de

los autores« (»the plethora of so many books has confounded true Jurisprudence: the ingenuity of the judge is overwhelmed at times by the variety of scholars«).<sup>3</sup> The step from texts to goods, whereby printing became a business, marked a key development. The spread of law texts opened up greater access to legal sources; as books became goods, the availability of texts grew.

The fact that books were »turned into goods« was key to the circulation of texts in the Americas. The movement of books in the Atlantic world can be studied in terms of the routes, the networks, the agents and the book trade itself.<sup>4</sup> Alternatively, attention can be given to the texts in circulation, the readers who had an interest in them, and the formation of collections by means of trade channels. Though the methodologies and research questions of these approaches differ, both entail an analysis of books moving from one set of ports to another, looking at the participants involved, the goods exchanged and the spaces in which they moved.<sup>5</sup> These multiple approaches reveal the shape of the universe of book circulation, which included international trade between continents as well as the movement of books between the different vicerealties and within each vicerealty. On this subject, Yun Casalilla cautions that the »spread of European consumption models to the Americas proved slow and difficult«, which is an aspect to bear in mind when addressing the consumption of books, which required a knowledge of Spanish (or Latin) and reading skills.<sup>6</sup>

Books as objects of communication and exchange played a prominent role in the transfer of European legal culture to the New World and its (re-)use in establishing rules and norms in the

1 This research is part of a project entitled »Networks of Knowledge: the Sale and Circulation of Printed Books in Spain and Latin America« (HAR2017-84335-P, 2018-2021),

Ministry of Science and Innovation, Spain.

2 SOLANES (1706) 22.

3 SOLANES (1706) 23.

4 IMÍZCOZ (2017); ADORNO (2008).

5 BELLINGRADT/SALMAN (2017); HINKS (2017).

6 YUN CASALILLA (2019) 73.

American territories. By following Beck Varela's approach of combining the methods of legal history with those of book history, we can analyse the spatial and temporal dimensions of the history of law books in the Americas.<sup>7</sup> The volumes that traversed Atlantic helped to establish networks and forge bonds between the two shores.<sup>8</sup> Specifically, the transport of books between Europe and the American territories revolved around commercial networks, the traffic on the *Carrera de Indias* (a system of armed Atlantic fleets), and the loading and unloading of crates between one set of ports and another. In the early modern period, the different parts of the world were connected by means of these circuits.<sup>9</sup> Indeed, Spain's system of fleets framed the overall context that governed the supply of books to its different territories. The Atlantic (and Pacific) space and the temporal rhythms of the traffic help us to grasp the possibilities for the arrival, redistribution and consumption of books in Latin America in the early modern world.

Books travelled along, but were not limited to, the established routes of early commercial capitalism. At times, individuals created their own networks to obtain copies. At other times, they turned to colleagues or friends to request manuscript copies of texts that were hard to obtain. Both formal and informal networks contributed to the creation of such contacts, increasing one's chances of obtaining texts. This necessarily raises a host of questions that we do not always have the methodological tools or the sources to answer. As Duve notes regarding the history of law, it is appropriate to »promote epistemic pluralism«,<sup>10</sup> and this view can also be applied to the history of the book, which has important connections with other research traditions.<sup>11</sup> Regarding the history of the book, for instance, Infantes emphasises the need to bear in mind the »realidad bifronte de la investigación bibliográfica«, the »two-sided reality of bibliographic research«. <sup>12</sup> On the one hand, it is necessary to engage in the physical study of a specific copy of a work (i.e. to study its formal and material structure), which offers an »internal«

history of the object by analysing the materiality of its printed editions. On the other, it is also essential to analyse the archival sources (i.e. focusing on the reconstruction of a work's publication history using documents that refer to its production, circulation or consumption), so that an »external« history of the work can be assembled. By adopting this twofold perspective of the history of the book, we can address aspects and questions such as the new forms of printed legal books, as, for example, Ruiz García has done for Castile;<sup>13</sup> how legal books came to be known to readers; how erudite or pious discourses shaped reading and gave rise to particular practices of reading and of use;<sup>14</sup> how the avenues by which printed books travelled along the Atlantic circuits became established; how bookselling agents offered these volumes for sale and attracted the interest of buyers; how book ownership can be traced (beyond post-mortem inventories); and how the uses of books can be reconstructed. Each of these issues poses a major challenge, which we will only partly address below, specifically by turning our focus to books in circulation. At the same time, however, it is important to remember that the life cycle of texts also includes control, censorship and reception.<sup>15</sup> As Hespanha notes, »here is a bundle of issues, which are clearly at the centre of the history of written legal communication«, and there is still much work to be done in order to draw connections between the issues raised in the history of the book and those raised in the history of law.<sup>16</sup>

The first step that enabled the circulation of printed books in the American territories was the emergence of networks of exchange and of agents who were able to create the necessary infrastructure. The books produced in printing presses in the Americas were essential for local communities, but they covered only a portion of their existing needs, particularly those related to missions and works in indigenous languages, works for learning Christian doctrine and educational texts.<sup>17</sup> The local output was limited and controlled by the authorities, especially the viceroy and the colonial courts known as *audiencias*. In 1575, Viceroy Martín

7 BECK VARELA (2016).

8 GONZÁLEZ SÁNCHEZ (2011).

9 COOPER-RICHET/MOLLIÉ (eds.) (2012).

10 DUVE (2016) 836.

11 TANSSELLE (2009).

12 INFANTES (2012).

13 RUIZ GARCÍA (2011).

14 NAKLÁDALOVÁ (2013).

15 BECK VARELA (2018); CAMPILLO PARDO (2017); HERNÁNDEZ SANTIAGO (2020).

16 HESPANHA (2008) 39.

17 GRIFFIN (1994); GARONE GRAVIER (2012).

Enríquez wrote to Philip II of Spain that »lo que toca a las emplantas [= imprentas] hay aquí dos y fuera de cosas que importan muy poco se les tiene bien cerrada la puerta« (»regarding printing presses there are two here, and, apart from things that matter very little, they are well locked up behind closed doors«).<sup>18</sup> The output of the printing shops in Mexico City in the 16th and 17th centuries amounted to 2307 printed books. Of the total, at least 156 were in indigenous languages: 94 printed in the 16th century and 62 in the following, especially in the Nahuatl and Purépecha languages.<sup>19</sup> During the second half of the 18th century, printing presses were also established in the interior territories of the viceroyalty, in addition to those that already existed in Mexico City and Puebla, but this did not cause the Atlantic commercial book trade to collapse. Indeed, the import of books continued and the demand grew even stronger. Between 1750 and 1778, Spain's system of fleets carried on average about 175 crates a year to the American territories, and the figure rose to an average of 213 crates a year in the period of free trade from 1779 to 1819.<sup>20</sup>

#### Atlantic networks: books shipped on the *Carrera de Indias*

The importation of books from Europe to the American territories revolved around the arrival of fleets or individual ships. By comparison, we know little of the books that sailed in the opposite direction. In any event, however, the voyages back and forth across the Atlantic world shaped the spaces of book circulation. By analysing the movement of texts, it is possible to identify the interests involved in the formation of the consumption patterns of imported works. Books circulated from Asia and Europe to the major cities of the Americas as well as from the American territories to Europe. It is important to recall that the circulation of objects (and ideas) also enabled new knowledge to reach the West from the East.<sup>21</sup>

Together, this set of factors makes the book traffic of the *Carrera de Indias* essential to an understanding of how the American book market oper-

ated. Booksellers and merchants were the main agents in the book trade. In 1605, the merchant Rodrigo Arias de Buiza, a regular traveller on the *Carrera de Indias*, bought a consignment of 24 legal books from the Seville bookseller Hernando Mexía for 34.402 *maravedís*. Arias purchased them for onward delivery to Acuña Olivera, a student at the University of San Marcos in Lima. The latter received a major consignment of works that included Juan Gutiérrez and Juan Matienzo, a *Recopilación*, the *Praxis* of Gonzalo Suárez de Paz and another by Ignacio López de Salcedo, as well as the works of other authors and a Bible.<sup>22</sup> Not only did agents like Arias play a crucial role in shaping the Atlantic trading channels, their activities also influenced the availability of books. In addition, the rhythm of the fleets, their arrival or absence, proved critical for the supply of books. The market received volumes when vessels reached port. In all likelihood, their arrival affected the prices of books as it did the prices of other goods, generally pushing them downward. Numerous bookselling businesses sprang up soon after the arrival of the ships, sparking conflicts of interest between newcomers in the trade and more established merchants. It is quite likely that the market at times became saturated with some titles. The risks for the booksellers involved, whether newly arrived from Europe or already established in Mexico City or Lima, were considerable, and some ventures failed.<sup>23</sup> In many cases, the trade was conducted using bills of exchange that hampered businesses because they required endorsements and guarantees. Indeed, payment very often remained pending, much to the dissatisfaction of European sellers. In most cases, there was a clear indication of the need to make sales in cash, not on credit, in order to obtain precious metals (basically silver coins), cocoa and indigo, which could then be loaded on the galleons for the return voyage to Spain.

The personal and commercial bonds on the two shores of the Atlantic helped to forge transnational communities that proved enormously effective in ensuring the security of exchanges.<sup>24</sup> Some book merchants were tireless travellers who accompanied consignments of books from one Spanish Crown territory to another and carried on business

18 Archivo General de Indias (AGI), Mexico, 19, n. 159, f. 1r.

19 CHOCANO MENA (2000) 225–226.

20 GÓMEZ ÁLVAREZ (2012).

21 ROMANO (2018).

22 AGI, Contratación, 1145A, *San Vicente*, f. 271.

23 JIMÉNEZ (2014).

24 PALMISTE (2010).

with both local booksellers and individual buyers. If they ran into economic problems or other difficulties, they typically turned to networks of acquaintances or relied on the help of people who came from the same place they did, even if they were not relatives and did not work in the same trade. Belonging to the same nation, being a compatriot, coming from the same place of origin, residing in the same locale, and being naturalised subjects of the Spanish Crown were all forms of sociability that helped to build the Atlantic networks. Spanish booksellers and naturalised foreigners enjoyed certain advantages because they had greater access to shipping. They could do business without the restrictions placed on foreigners or on enemies of the Spanish Crown. This was the case, for example, with the Venetian Simone Vassalini, who set up shop in Madrid as a bookseller and imported printed books from Italy. In 1597, Vassalini printed a catalogue entitled *Index librorum*, which featured a vast selection of law titles. The law books came largely from Venice, whence Vassalini typically imported books and where he even published some titles, such as the *Responsorum* (Venice, 1602) by Tiberio Deciani.<sup>25</sup> Vassalini's catalogue, which was the first sales catalogue ever published in Spain, featured books for sale in his stall in Madrid's Calle del Arenal near the steps of the Church of San Felipe, not far from other bookshops in Calle Mayor. A few years later, in 1608, documents show that Vassalini was naturalised in Castile. His new status enabled him to travel to Seville and register a shipment of books to the West Indies, which included a consignment of 666 copies of 235 different titles.<sup>26</sup>

The Atlantic circuit accounted for the prominent role played by Seville booksellers and by the merchants on the *Carrera de Indias*, who took responsibility for loading shipments of books in Seville and Cádiz, frequently set sail themselves to sell the books, and stayed in constant contact with Crown officials in customs offices and at ports. The collaboration between booksellers and merchants was commonplace on the *Carrera de Indias*. Indeed, the relationship benefited both groups. The booksellers made use of viable commercial channels with solid networks and, in exchange, could ship

books at lower risk. Many authors of legal books also used these channels to send their own works. For example, Dr Pedro Díaz Noguerol, a lawyer to royal councils and a resident of Madrid, dispatched nine crates of books to Seville in 1643. The crates, which were »aforrados de libros de la nueva recopilación de las leyes y alegaciones juris de Noguerol« (»packed with copies of the new compendium of laws and Noguerol's legal arguments«), were intended for delivery to Luis de la Barreda, a prosecutor in the Real Audiencia of Lima.<sup>27</sup> As the quotation suggests, the copies of Noguerol's *Allegationum iuris* (Madrid, 1641), which the imprint noted was produced »expensis Petri Coello« (»at the expense of Pedro Coello«), were being distributed by the author himself. In other cases, an author's heirs distributed his books. For example, »dos balas con libros impresos« (»two bales of printed books«) were sent to Lima in 1662 by the heirs of Gabriel Álvarez de Velasco.<sup>28</sup> In this case, the shipment might well have contained books by the author that had been published that same year in Lyon, specifically the *Iudex perfectus seu De iudice perfecto Christo Iesu* and the *Epitoma legis humanae, mundique fictione, veritatis divinae, aeterni, temporaliisque differentia*.

Booksellers also drew on merchants to conduct sales in Mexico. Families involved in the book trade set up networks in the main distribution centres on the basis of blood ties and professional connections. Inclusion in extensive commercial networks offered coverage and security. In this respect, the booksellers followed the model established by the merchants and traders of the *Carrera de Indias*. Drawing on wills and inventories, we can trace the blood ties that defined some of the book merchants' relationships, while dowry letters and receipts of payment provide clues about the loans, debts and other economic relationships that built agencies and created partnerships. The pieces of the puzzle are only partly known. In cases like the Calderón family, research has identified a dynasty that succeeded in establishing itself as book merchants and printers.<sup>29</sup> In other cases, we know only portions of the family trees and bookselling businesses in question, because a great deal of data is missing and the prosopographic information at

25 Cagliari, University Library, ROSS.D.115.

26 AGI, Contratación, 1150, N.S. del Juncal, f. 65.

27 AGI, Contratación, 1187, Santa Cruz y San José, f. 68; Jesús, María, José, f. 54.

28 AGI, Contratación, 1206, Santiago, s. f. (no folio).

29 WARD (2013).

times proves insufficient. This is the case with the Balli or Bally family. The family's roots can be traced back to Juan Bally, a native of Paris, who was a factor of the well-known bookseller Gaspar Techsel. Shortly afterwards, however, a member of the family appears as a visitor in Seville, following the typical approach of Castilian booksellers to travel to Seville in order to transact business in the West Indies.<sup>30</sup> Pedro Bally sailed for Mexico City and in 1595 began activities related to the book trade from the viceroyalty while at the same time launching into book printing, as he owned both a bookshop and a printing press.<sup>31</sup> In 1618, the *licenciado* Juan Bautista Bally, a lawyer and rapporteur in the Real Audiencia of Mexico City, stated that he was the

hijo legítimo de legítimo matrimonio de Pedro Bally y de Catalina del Balle difuntos vecinos desta ciudad [de México] los quales fueron hijos legítimos, el dicho Pedro Bally de Juan Baptista Bally y de Catalina Rodríguez vecinos y naturales de la ciudad de Salamanca en castilla la vieja y la dicha Catalina del Balle fue hija legítima de Salvador Rodríguez y Ana Nuñez de Ávila vecinos desta ciudad. (legitimate son of the legitimate marriage of Pedro Bally and Catalina del Balle, deceased residents of [Mexico] City, who were legitimate children, the said Pedro Bally of Juan Baptista Bally and Catalina Rodríguez, residents and natives of the city of Salamanca in Old Castile, and Catalina del Balle was the legitimate daughter of Salvador Rodríguez and Ana Nuñez de Ávila of this city.)<sup>32</sup>

The family's book businesses in Salamanca, Seville and Mexico City flourished, but the third generation chose instead to pursue studies and focus on various activities in the administration of the viceroyalty.

#### Book markets: distribution points

It is important to remember that written or reading culture formed part of a complex fabric in which an oral and visual culture was also con-

stantly present and very important in public activity.<sup>33</sup> Bernardino Fernández de Velasco, the Duke of Frías, recalled in a miscellany entitled *Deleyte de la discreción, y fácil escuela de la agudeza* that conversation was a resource as useful as the sword, that it served as a shield, and that wit was a defensive weapon

que se cultiva, imprimiendo en el archivo de la memoria auxilios a el entendimiento, valiéndose de lo que se oye, y lee, y aplicando en tiempo oportuno a los asuntos (that is to be cultivated, imprinting aids to understanding in the archive of memory, making use of what is heard or read, and applying it to matters at the right time).<sup>34</sup>

Visual, oral and written / reading culture shaped the social fabric in which books were used. By understanding the particular ways that books became available, we can see that not all legal books circulated in the same way, and that some entered more readily into the circuits of buying and selling, without forgetting that readers were faced with a limited availability of texts. In 1615, Martín Peláez wrote from Lima to the Franciscan Luis de Guzmán, who lived in Cuzco, reminding the latter that he had ordered some books. In his letter, Peláez says, »[B]uscaremos los libros en desembarcando las cargaçones« (»We will search for the books in the cargo being unloaded«). He notes, however, that »han de ser difíciles de hallar por ser tan exquisitos« (»they must be hard to find because they are so exquisite«), and asks that Guzmán »me avise vuestra paternidad de otros que sean a su propósito para que faltando los de la memoria los compremos« (»advise me, Father, of others that may serve your purpose so that we can buy them if the ones on the list are missing«).<sup>35</sup> Indeed, the relationship of supply and demand proves hard to reconstruct in the case of the world of books in the viceroyalties. There is, however, evidence of texts written for the American market and also of the interests of some readers in the Americas, who sought out certain texts. In some cases, authors showed an interest in sending their writings to readers scattered over the vast territories. Some

30 BÉCARES BOTAS (2006) 75–76.

31 JIMÉNEZ (2007) 38–39.

32 AGI, México, 234, n. 24, f. 1r.

33 BOUZA (2003).

34 FERNÁNDEZ DE VELASCO Y PIMENTEL (1749) 1.

35 Biblioteca Nacional de España (BNE), Mss. 18619 (6).

texts turned out to be ideal for settling legal questions and obviated the need to consult a great number of works by legal scholars. The Franciscan Antonio Delgado, for example, wrote *Regla y Arancel de prelados* (1598), which he dedicated to the president of the Council of the Indies and intended »para todos los eclesiásticos, seculares y regulares y para los jueces y testigos y acusadores y abogados« (»for all clerics, secular and regular, and for judges and witnesses and prosecutors and lawyers«). Delgado's book was regarded as useful

para las partes remotas de las Indias, por tener el dicho libro muchas notables y advertencias utilísimas y necesarias, para los que habitan aquellas partes (for the remote parts of the Indies, because it contains many important words of advice that are highly useful and necessary for anyone living in those parts).<sup>36</sup>

The collection was more useful than an entire set of tomes because the reader would not need to »revolver muchos libros« (»rummage through many books«) in order to find a complete list of legal facts and data.<sup>37</sup> The suitability of the work's content for the American colonies reflects the view of the Spanish Court that there was a need for useful books to ensure that American readers would not be distracted from their missions and professions.

In the American case, there is very clearly a substantial difference between the capital status of Lima and Mexico City at the head of the viceroyalties and the remainder of their respective territories. The contrast between a small number of well-supplied centres and the rest of the vast territory was stark. In places like Honduras, for example, it was necessary to import books from other points in Central America or directly from Seville, as the Dominican Domingo de Azcona did. In 1557, Azcona received a consignment of theology books, patristic texts, »un derecho canónico pequeño con glosa en tres cuerpos« (»a small canon law book with glosses in three volumes«) bound in boards covered in calfskin, and »una suma seluest[r]ina en un volumen encuadernado« (»a *Summa*

*Sylvestrina* in a bound volume«).<sup>38</sup> Spain's American territories clearly present a mixed picture with their varying densities of population and levels of wealth, and their small number of cities with bookshops, which were very few across the colonies as a whole. The commercial networks of book distribution were limited. They focused primarily on supplying urban centres and penetrated only occasionally into rural areas. Annual religious pilgrimages to chapels and saints' shrines or other festivities with large gatherings of people might have justified the occasional visit of a bookseller or merchant with booklets and verse for sale to places outside the main urban centres. These many inter-linked channels made up the overall network of book distribution, with its limitations at the local level, the occasional shortcomings of a market that was not yet well-established, and the restrictions imposed by agents of the Inquisition on the circulation of certain texts. Paying a visit to the capital of a viceroyalty or any of the other more populous cities in the colonies was an ideal occasion to buy books. In many cases, visits to sort out administrative matters, attend court proceedings or do business provided opportunities to satisfy one's intellectual curiosity and readerly interest, buying volumes in bookshops or more general stores, at stalls in the streets, or from vendors who sold their wares in markets and squares. Nor should we forget the important role of auctions, which put many books by law scholars back into circulation when they were bought by booksellers or individual buyers.<sup>39</sup>

Regarding the circulation of books, we have to some extent a better understanding of supply than of demand. It proves complex to find out the reasons for the acquisition, exchange and lending of books. Correspondence and the records of the Inquisition are two essential sources for learning who read what and for determining the contexts in which texts were circulated, read and used. The lists of shipped books, the accounts of visiting commissioners, and the lists of seized books submitted to the Mexican inquisitors offer clues of enormous interest. Even so, the information is limited to a small sample of the books in circulation, and it yields hardly any clues about the readers or their

36 DELGADO (1598).

37 DELGADO TORRENEIRA (1598) ¶3v.

38 AGI, Contratación, 1079, n. 8, *Los Tres Reyes*, f. 67r.

39 GARCÍA (2019).



reasons for purchasing and consuming texts. Prominent in the book business in Mexico City, for example, were several networks like that of Diego Navarro Maldonado, who was very well-connected to booksellers in Medina del Campo and Seville. In 1597, Ambrosio Duport, who was a factor and brother-in-law of the Lyon bookseller Pierre Landry, sent 12 crates of books valued at 119.000 *maravedís* from Medina del Campo to Seville; the books were then registered by Domingo de Corcuera for delivery to Diego Navarro Maldonado.<sup>40</sup> Maldonado also had a relationship with another bookseller in Medina del Campo, Benito Boyer. Boyer had 25.758 volumes in his bookshop in 1592. Some of these made the journey to Mexico City, when substantial consignments of his books were shipped at the behest of his widow Beatriz Delgado for delivery to Diego Navarro Maldonado, including books that he received in 1595 at a value of 582 *reales*.<sup>41</sup>

At the beginning of the 17th century, the bookseller Diego López opened up shop in the Mexican city of Puebla, which was known in colonial times as Puebla de los Ángeles. López's bookshop lay in the «calle del Carmen que va a la iglesia mayor» («calle del Carmen that leads to the main church»). That is, the shop was situated in the vicinity of Puebla Cathedral, a key location for potential ecclesiastical customers and a visible spot for the large number of visitors who had dealings with the church and diocesan administration. Something similar also occurred in Mexico City, where the main bookshops were located in thoroughfares that enjoyed the foot traffic of potential buyers, which in urban centres tended to be near the courts, ecclesiastical seats or municipal buildings. These well-known shops were run by specialist booksellers. However, books also circulated by being sold at stalls in a number of the city's public spaces, such as squares and markets. In the market of El Parián and the nearby Portal de Mercaderes de México, passers-by could purchase not only goods from Asia or Europe, but also local products

including printed books and *menudencias* (chap-books).<sup>42</sup> Stalls of this kind also existed in other cities, such as Lima, creating simple points of sale that were small, well-defined spaces built of wood or masonry. The texts on offer must have been more limited than those available in the bookshops, and their supply was likely tailored to suit the public who visited these bustling parts of the city to do their daily shopping. In one of the stalls in the market of El Parián, in 1758, the bookseller Cristóbal de Zúñiga y Ontiveros had 2032 titles (with 6000 copies), mostly small-format booklets, pamphlets or single sheets.<sup>43</sup> In addition to these fixed points of sale, others sprang up on city corners, in the doorways of buildings, and even on some of the bridges of Mexico City. These spaces, which were regulated by the municipal government, attracted modest sellers who set up a little stall or small table to sell their wares, which in some cases included books. In addition, street vendors often hauled a crate or basket on their backs or shoulders, bringing devotional booklets, simple, cut-price school texts, printed sheets of verse and accounts of events to the least well-served parts of the city.

Many Mexicans also went to bookshops to sell books, and it was not unusual for readers to disencumber themselves in this manner when they moved to another city or left in search of brighter prospects. In other cases, books came up at auction. In wills, books were very often treated as goods to be sold like any other household item, so that executors would be able to carry out the provisions of wills. The result was a constant circulation of texts that would re-enter the channels of buying and selling. Booksellers seized the opportunities available to them and attended public auctions in order to acquire volumes at good prices. Auctions might also draw individual buyers interested in the purchase of particular titles. The sale of second-hand books helps to explain the continuing survival of certain works and their return to circulation, extending their useful life-

40 AGI, Contratación, 1125, *Santa Elvira*, f. 143r–144v; *El Espíritu Santo*, f. 140r–143r.

41 AGI, Contratación, 1112, *La Concepción*, f. 28; see BÉCARES BOTAS / IGLESIAS (1992).

42 MORENO GAMBOA (2009).

43 SUÁREZ RIVERA (2013) 219–250.

span and presence in the hands of readers. For instance, it accounts for the presence of works by Erasmus and other early humanists in the late 16th century in Mexico and elsewhere. While book merchants sent barely any copies of such texts from Europe, a number of second-hand specimens passed through successive hands. These humanist works retained their prestige among learned individuals like Francisco Rodríguez de Valcárcel, who was appointed bishop of Cartagena in 1650 and set sail for the New World with an exquisite library that included some »*Apophthegmes* of Erasmus« and expurgated texts like the »lexicon de Calvino expurgado« (»expurgated lexicon of Calvin«).<sup>44</sup> In other cases, auctions featured books that were out of date. These items included medical texts, legal texts and liturgical texts published prior to the Council of Trent, which might ultimately have been discarded, sold as packing paper, or recycled as endpapers in bindings.

#### Readers in search of texts: supplying the libraries of individuals

In some cases, readers could satisfy their interests outside of the circuits of bookshops in Mexico City or Lima. Informal supply channels were critical in areas with limited provision, in distant territories, and in areas with little commercial traffic, but the overall scope of such informal exchanges is, of course, very hard to determine. Mechanisms of circulation that helped to address any shortages or needs for books in a relatively unstructured book market with significant supply shortfalls included obtaining and exchanging books through local or regional networks, drawing on personal favours and making use of friendships and other relationships. In areas off the main trade routes, having an acquaintance or relative pay a visit from the capital of the viceroyalty or being able to rely on a contact in Europe might also prove useful. In addition, readers occasionally formed alliances to obtain books. In 1633, the

Discalced Carmelite Francisco del Espíritu Santo submitted to the inquisitors of Seville a list of books that he was sending to the Bishop of Guadalajara three titles in nine volumes »in a small crate«:

obras de Stefano Graçian que se intitulan *Disceptationes forenses* en cinco tomos de folio y las obras de Tomás Sánchez, los tratados de matrimonio en dos cuerpos y en otros dos los tratados de los preceptos del decálogo (works of Stefano Graziani entitled *Disceptationes forenses* in five folio volumes and the works of Tomás Sánchez, the treatises on marriage in two volumes and the treatises on the precepts of the Ten Commandments in two other volumes).<sup>45</sup>

The crate was shipped to the bishop, but it was also accompanied by six additional crates for the Discalced Carmelites of Mexico City to »repartirlos en la provincia« (»distribute them in the province«). This was a favour, like many others, among members of the clergy who could obtain supplies of books through networks of contacts and exchange.

At another level, some individuals also had relationships with merchants or agents who took charge of managing their book requests in Europe.<sup>46</sup> Many of the shipments leaving Seville and Cádiz were dispatched to such individuals. For instance, Captain Juan de Manurga took part in book shipments between 1656 and 1680. In 1680, we can find »two crates of books« addressed to Fr. Fernando de Rojas (O.F.M.) in the province of Yucatán, together with »un cajón de libros retulado al Ilustrísimo señor obispo de Guadalajara« (»a crate of books addressed to His Holy Grace the Bishop of Guadalajara«) and another »tres cajones de libros« and »dos cajones de pinturas retuladas a Don Phelipe de Sabalza can[ónigo] de Mechoacan« (»three crates of books [and] two crates of paintings addressed to Don Phelipe de Sabalza, canon of Michoacán«).<sup>47</sup> In other words, Manurga shipped books to individuals in three

44 AGI, Contratación, 1197, N.S. del Rosario y San Francisco, f. 27r.

45 AGI, Contratación, 1179, San Esteban, f. 30r. The text refers to Stefano Graziani and his work entitled *Disceptationum forensium iudiciorum* (Romae: typis Iacobi Mascardi,

1615–1625, 5 vol.). The editions of works by Tomás Sánchez are *De sancto matrimonii sacramento disputationum* and *Operis moralis in præcepta Decalogi*.

46 GARCÍA/MONTIEL (2010).

47 AGI, Contratación, 1234 and 1235.

different destinations in Yucatán, Guadalajara and Michoacán, none of which had bookshops or printing presses, so that the recipients could obtain consignments of books directly via the *Carrera de Indias*. If we go one step further, we can also find readers who sent letters to Mexican or European booksellers to obtain the books they needed. However, the low number of surviving letters makes it difficult to gauge the scale and significance of this way of acquiring books. That said, there is some evidence in notary archives and court proceedings. In any event, booksellers responded to the requests, prepared the packages and sent them to their recipients through intermediaries, although we cannot attribute to the latter any role as cultural mediators.<sup>48</sup> In this respect, a degree of caution is called for because the intermediaries might conceal who the key players actually were, for example, when foreign booksellers used factors to gain entry to the American market. The documentary evidence shows that there were requests for books from America sent to Spain, either to colleagues in the same profession or to family members. Those in America could also count on the help of the *peruleros* (Peruvian merchants who travelled to Spain or Iberian merchants with interests in Peru), to whom private individuals gave money to buy books in Spain for sending back to Mexico or Peru.

The recipients of consignments of professional books included not only councillors in the courts, lawyers and other legal professionals, but also Crown officials of varying ranks. In some cases, jurists also distributed books either as a favour to other colleagues or as a collaborator in the distribution of certain books. Owners of legal books were highly diverse and it is hard to summarise their reading interests. They appear as frequent buyers in the documents, but there are significant differences as well as commonalities among their interests, depending on their income, post and profession. Their requests for books from Europe reveal their professional interests, particularly regarding books that were necessary to carry out

their work, given that many of those asking for books were jurists, theologians or teachers in schools and universities. In some cases, they were in charge of administering assets, preparing reports or pleading cases in court. As a result, the books were a necessary instrument for the conduct of their professional activities, the pursuit of their academic studies or the performance of their duties in colonial institutions. For instance, after holding various offices in the colonial administration, Alonso Gómez de Cervantes succeeded in obtaining the post of city councillor in Mexico City in 1604. In 1603, he had ordered a shipment of six books to be sent from Seville, including

un derecho civil de los nuevos, un derecho canónico gregoriano, las obras de Bartulo, la nueva recopilación de las añadidas, lexicon juris, esposiçio Tito Livium (one of the new books on civil law, a volume on Gregorian canon law, the works of Bartolus, the new compendium of added laws, a *lexicon juris* and an exposition of Livy).<sup>49</sup>

This was a modest consignment with some of the basic works needed by a jurist, namely Justinian's corpus of civil law and the canon law of Pope Gregory's decretals, the remarkably successful legal works of Bartolus, the *Nueva Recopilación* of the laws of Castile, a lexicon of law and a book with commentary on a classical author.

The judges and prosecutors in the *audiencias* were doubtless one of the core groups to collect legal books, which they built into professional libraries that followed them to various destinations as they rose through the ranks of the courts.<sup>50</sup> Antonio López de Calatayud y Sandoval wrote to the Spanish king from Riobamba to request a position as judge, recalling that he had spent six years in various posts and had been trained «en los estudios mayores en Salamanca en entrambos derechos» («in higher studies in Salamanca in both areas of the law»).<sup>51</sup> Shortly thereafter, he was

48 HERRERO SÁNCHEZ/KAPS (2017).

49 AGI, Contratación, 1142, N.S. de la Candelaria, f. 228.

50 MÁRQUEZ MACÍAS (2002). For the «travelling libraries» of Portuguese magistrates, see the article of RIBEIRO DA SILVA in this Focus.

51 AGI, Quito, 30, n. 3.

appointed to the position of judge in Guatemala City, where he carried on in the role from 1622 to 1632. While he was in the city, a relative named Antonio López de Calatayud, who was also a judge, sent him a consignment of 20 titles in 1625. The consignment contained the »works of Farinaccio in 14 volumes«, the »works of Paulo de Castro in eight volumes«, Juan Pedro Moneta, Antonio Fabro, Giacomo Antonio Marta, Agustino Capucii (the *De regimine principis*, uncommon in other shipments), the recently published *Tractatus de iurisdictione* (Zaragoza, 1624) of Luis de Saravia, and the *Política para corregidores* by Jerónimo Castillo de Bobadilla, together with other law books and a few history books in Spanish.<sup>52</sup> In short order, he went on to be named judge in the Real Audiencia in Charcas (1632–1636) and then in Lima (1636–1643).<sup>53</sup> His career reflects a *cursus honorum* that appeared to be restricted to the West Indies for those who entered the service of the Spanish Crown. As Juan de Solórzano Pereira reminded the Count-Duke of Olivares in his request to return to Spain in 1623,

[Nuestros] servicios se hacen en partes tan remotas y los señores de la cámara de Castilla nos tienen como por vasallos de otro Rey, lo que recibimos por premio, nos sirve de sepultura, y mientras vamos adquiriendo más méritos y antigüedad, venimos a hallarnos más olvidados, atrasados y desfavorecidos. ([We] carry out our services in very remote parts and the lords of the Chamber of Castile keep us on as vassals of another king, [so that] what we receive as our reward serves as a tomb, and while we continue obtaining more merits and seniority, we come to find ourselves more forgotten, left behind and disadvantaged.)<sup>54</sup>

In other cases, we can glean information on book shipments from their declaration as goods, typically at the time of loading for the *Carrera de Indias* by servants or other shipping agents who specialised in cargo bound for the West Indies. In 1608, a servant of Bartolomé Morquecho, a prosecutor in the Real Audiencia of Panama, submitted

cargo for shipment with a »Memoria de los libros que llevo« (»Report of the books that I carry«), containing 59 entries from a collection of both branches of law, a Bible and the *Politica* of Justus Lipsius.<sup>55</sup> It was common for servants or colleagues to manage the registration and embarkation of a shipment in order to facilitate its passage through customs, which was an onerous task involving considerable red tape and several visits to various offices of Seville's *Casa de la Contratación* and the customs inspectors. Lists of titles point to the works that jurists selected to take with them for their jobs in the Americas. When the judge Miguel Calderón de la Barca went to Mexico City in 1692, for instance, he took a total of »cuatro cajones de libros vistos por el Santo Tribunal« (»four crates of books inspected by the Tribunal of the Holy Office of the Inquisition«) and »otro cajón con un reloj« (»another crate with a clock«). Unfortunately, we do not have any details of the specific titles in his library.<sup>56</sup> The formation of libraries often preceded their shipment. In many cases, however, it is not possible to determine why some books were selected for the journey. Examples include readers who took books for entertainment, holders of posts in the local administration who were fond of poetry, and scholarly interests that bore little relation to an individual's professional areas of activity. The variety of printed matter that crossed the Atlantic reflected the particular interests of individuals and gave rise to disparate and sometimes heterodox libraries.<sup>57</sup>

#### Practical books, common readings

As Korpiola notes, »a »legal professional« is a vague concept«. In addition to jurists with a university education, it also included people from a wider range of backgrounds. Nor should we forget the importance of apprenticeship and learning on the job, as in the case of notaries. In the early modern period, many individuals started their careers in other activities and then went on to work for the Crown or the ecclesiastical administration or to hold posts in the justice system.<sup>58</sup>

52 AGI, Contratación, 1174, *Nuestra Señora del Pilar de Zaragoza*, f. 103.

53 SCHÄFER (2003), vol. II, 475, 483 and 507.

54 BNE, Mss. 9373, f. 198r.

55 AGI, Contratación, 1153B; Contratación, 5297, n. 52.

56 AGI, Contratación, 1252.

57 RAMOS SORIANO (2011) 229–239.

58 KORPIOLA (2019) 1.

The Lima notary Pedro Pérez Landero addressed the subject in his book *Práctica de visitas y residencias apropiada a los reinos del Perú* (Naples, 1696):

No suele ser el mejor abogado en los estrados el jurista, que en las escuelas ganó los aplausos de más ingenioso, y sutil; sino el que con muchos años de abogacía adquirió un conocimiento experimental del modo más acertado de conducir a feliz expediente los pleitos. (The best lawyer on the benches is not typically the jurist who wins plaudits in the schools as the most astute or subtle, but rather the one who has in many years of working as an advocate acquired experiential knowledge of the most successful way to guide cases to a happy resolution.)<sup>59</sup>

Such professionals could obtain a practical education in the courts and needed a number of books to understand administrative proceedings, the rules of institutions, etc. In the following, we will seek to identify the variety of interests in pragmatic normative literature, which has been analysed by Duve and, in the case of shipments of such works to Latin America, by Danwerth.<sup>60</sup>

Searching for the most relevant books for a jurist could bring into play an entire family network. For instance, relatives living in Cáceres offered to send a consignment of legal books to the Mexican branch of the family, so that a young student named Gonzalo would have the tools necessary to launch his professional career. After various difficulties, the books finally reached the New World, but the young man's father, in 1613, wrote from Mexico City to his relative in Spain complaining about the delivery. He notes that

no puedo dejar de sentir el antigüedad de los libros que vuestra merced envió a Gonçalo, y sin Partidas, ni Recopilación y Covarrubias y Antonio Gómez y obras de Navarro. (I cannot help but regret the age of the books that you sent to Gonzalo, which did neither include the *Partidas*,

nor the *Recopilación*, Covarrubias, Antonio Gómez, nor the works of Doctor Navarrus.)<sup>61</sup>

His remarks offer a very interesting insight into the preferences for certain basic titles of Spanish law and their commentators as well as for the works of Martín de Azpilcueta, who also went by Doctor Navarrus. Such disagreements over the usefulness of specific books also prove to be highly valuable for understanding the renovation of legal texts. Characterising some books as »old« and specifying the titles absent from the ideal library of a jurist indicates precisely what the preferences were.

In many cases, Crown officials, municipal office holders and other officials in the administration did not require any formal legal training. Such readers needed practical books to perform their daily tasks in the administration or courts. Pedro Pérez Landero wrote as much in his *Práctica de visitas y residencias*, when he proposed to the reader that the text could »facilitar este género de estudio experimental« [»facilitate this type of experiential study«], and recalled that »en todas artes se han escrito diversos libros de prácticas« [»various books of practices have been written in all the arts«].<sup>62</sup> Some authors identified these new audiences, wrote texts for distribution as commercial goods, and even took part in their distribution. In 1601, two vessels set sail on the *Carrera de Indias* from Seville with a total of 36 copies of »las políticas de Bouadilla« (»the *Política* of Castillo de Bobadilla«). In this case, the books were sent »por cuenta del licenciado Castillo de Bovadilla porque son suyos y le pertenecen« (»at the expense of the licentiate Castillo de Bobadilla because they are his and belong to him«).<sup>63</sup> That is, the author himself, Jerónimo Castillo de Bobadilla, was sending a consignment of his *Política para corregidores y señores de vasallos en tiempo de paz y de guerra* (1597), which provided guidance on matters of government, settling matters of *ius commune* and particularly on applying Spanish royal law.<sup>64</sup> The

59 PÉREZ LANDERO OTAÑEZ Y CASTRO (1696), Al lector.

60 DUVE (2020); DANWERTH (2020).

61 SÁNCHEZ RUBIO / TESTÓN NÚÑEZ (2018).

62 PÉREZ LANDERO OTAÑEZ Y CASTRO (1696), Al lector.

63 AGI, Contratación, 1137.

64 DANWERTH (2016).

book reached the hands of magistrates like Luis Enríquez de Monroy, who obtained it in 1621,<sup>65</sup> a year after his appointment to the bench.<sup>66</sup> Shortly after taking his post as magistrate of San Felipe de Austria, Monroy received a consignment of 25 titles from Seville. The books included basic legal texts such as «un derecho civil» («a civil law book»), a copy of the *instituta canónica* («institutes of canon law») and the *Partidas* of Gregorio López, but also practical books such as the *Instrucción política y práctica judicial* by Alonso de Villadiego, the above-mentioned *Política para corregidores* by Jerónimo Castillo de Bobadilla, the *Tratado de escrituras* by Antonio de Argüello, a book on *Arte legal* («legal arts») almost certainly by Francisco Bermúdez de Pedraza, and the *Examen de testigos* by Francisco González Torneo. In addition, the shipment contained other books on subjects that related to these concerns, including works on morality, politics and religion, such as *Gobernador cristiano* by Juan Márquez, which offered moral reflections on justice and rule.

Books were consumed in a more limited manner than other goods. They were cultural objects in use by diverse social groups, particularly among peninsular and creole Spaniards, but also among indigenous people. In Oaxaca, the chronicler Francisco de Burgoa encountered a *cacique* (an indigenous leader) seated at a table in the middle of a hall «con anteojos puestos y algunos libros» («with his spectacles on and some books»), which included the *Curia filípica*, the *Escrituras* of Tomás de Palomares «y otros pleitos de litigantes» («and other

cases of litigants»).<sup>67</sup> Books that contained the rules of a community could hold the key to the functioning of a religious community, the administration of a municipal government, or the legal framework of the justice system. Some sources – such as the description by Judge García de Palacio of his visits to Yucatán, analysed by Cunill – show the importance of the written document, the spoken word transformed into documentary records, and the ritual of displaying the exercise of authority.<sup>68</sup> Within these textual frameworks, the writing of agreements and the reading of ordinances and rules were matters of daily practice, which were transformed into notarial deeds that, in the case of the Andes, «provid[ed] a transcultural interface in which Spanish officials, European landowners, and Pasto *caciques* created written artifacts of colonial culture».<sup>69</sup>

In conclusion, the aim of this paper has been to identify the intermediaries engaged in the traffic of books and trace some of the legal texts in circulation. Clearly, not every published book was available to readers in the Americas or circulated widely. The rhythms of provisioning, the supply that circulated, and the availability at points of sale depended on, and thus were shaped by, the traffic of books on the *Carrera de Indias*. This is particularly clear for many of the technical or professional books used by legal professionals, but it is also true for practical books and texts on *ius commune*.



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65 AGI, Contratación, 1171, *El Espíritu Santo*, f. 118.

66 AGI, Contratación, 5793, l. 1, f. 288–291.

67 BROKMANN HARO (2008) 173.

68 CUNILL (2016).

69 RAPPAPORT/CUMMINS (2012) 123.

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