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During that time, I met other researchers who worked on similar themes. Because of that, I was suggested to change topics, even after having obtained all credits necessary and all was left was to finish my thesis. Maybe they did not realize how vast the field of Japanese slavery can be, and even if we had many more working on it there still would be new questions to be made and more areas to be explored. And here is where my stubbornness came in handy.

Nevertheless, after devoting almost all of my adult life to this project, I found a perspective that did not focus on trade, commercial networks, the geographic spread of Japanese slaves throughout the world or any other topic analyzed by others. The always present issue of interpretation and justification, put forward by Jesuit missionaries in Japan to their superiors, caught my attention and became my main object. Thus, even though not everything was fun and games during my stint as a doctorate student, the hardships I faced were also a big factor in this dissertation's final shape.

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Introduction

For more than thirty years, the Japanese Domingas da Paixão (?-1640) was in charge of the outer gates of the convent of Santa Monica of Goa¹. The Augustinian monastic community had been created in 1606 by the then Archbishop of Goa D. Frei Aleixo de Meneses (1559-1617), who designed it for one hundred “*virtuous maidens and widows*”². The foundation of nunneries could, in the opinion of the clergy, “*sanctify the cities, keeping women away from worldly dangers and bringing them closer to the feminine ideal designed by [the Council of] Trent.*”³

Domingas was a young Japanese “*damsel, very loving of purity and honesty*” when she arrived at the monastery few years after its establishment. The founding priest put her in charge of taking and sending messages, as well as other menial tasks regarding the outer entrance of the convent, the first barrier separating the cloister from the outside world. At the end of her life, she had become known as Sister Domingas da Paixão, a pious and virtuous lay nun professed by other sisters after three decades working as a servant at the convent. Domingas became a dedicated nun, who had visions and dreams of St. Augustine and Jesus, and came to predict many of the successes and misfortunes that would happen to her monastery.

Nevertheless, the Augustinian Agostinho de Santa Maria, who registers her story, offers no details in regard to the circumstances surrounding her arrival in Goa. Given the context at the beginning of the seventeenth century, he imagines, however, two possibilities: she could have either arrived with her parents who, although the chronicler ignored their identities, could have fled persecution in Japan; or she might have been enslaved by the Portuguese on the eastern seas and brought in shackles to India. Even when the friar wrote, by the end of that century, the memory of Japanese people in Goa was still closely related to the persecution of Christians in Japan and to the enslavement of Japanese men and women by the Portuguese.

During the fifteenth and sixteenth centuries, the Portuguese created a network of settlements encompassing South America, Africa and Asia. Wherever they went, merchants and Royal officers brought along their will to participate in local slave trade.

¹ SANTA MARIA, Agostinho de. *Historia da Fundação do Real Convento de Santa Monica da Cidade de Goa....* Lisbon: Antonio Pedrozo Galram, 1699, pp. 770-2.

² SERRÃO, Vitor. *Pintura e devoção em Goa no tempo dos Filipes: o mosteiro de Santa Mónica no ‘Monte Santo’ (c. 1606-1639) e os seus artistas*. Report of a research conducted in Goa with a short-term scholarship by Fundação Oriente. January 2008, p. 15.

³ OLIVEIRA, Rozely Menezes Vigas. *No Vale dos Lírios: Convento de Santa Mônica de Goa e o modelo feminino de virtude para o Oriente (1606-1636)*. Dissertation submitted for the State University of Rio de Janeiro, 2012, p. 74. Available at www.ppghsuerj.pro.br/ppg/c.php?c=download_dissert&arg=94, retrieved in February 9th 2015.

In the process, colonial societies were the stage of a series of transformations regarding labor relations and human bondage. Numerous ideas and definitions concerning slavery and the social role played by slaves appeared simultaneously. This wide array of different projects of slavery influenced each other in a complex matrix of connections founded on perceptions regarding bondage and the nature of the slave-master relationship. Ultimately, Black African slavery would become the hegemonic project, equating Black Africans to early modern slavery. However, other existing notions of slavery coexisted in a series of projects of bondage and servitude that became lesser evident in modern historiography.⁴ The present thesis focuses on Japanese slavery, one of the many different projects of colonial slavery competing during the sixteenth and seventeenth centuries. We analyze how members of the Society of Jesus justified their intermediation of the slave trade in Japan, which at times traded Chinese, Japanese or Korean men and women to European merchants between the second half of the sixteenth century through the first half of the seventeenth century. Japanese slavery was, indeed, a theological problem for the missionaries, and the history of their measures and understandings of this problem is the main focus of this research.

The definition of Japanese slavery is very problematic. Although the use of the term slavery indicates the existence of a system or a society based upon a system of forced labor – *sociedade escravista*, in Portuguese – slavery recently came to be used in a wider context. Books such as Joseph Miller’s *The Problem of Slavery as History* and Michael Zeuske’s *Handbuch Geschichte der Sklaverei* propose solutions for the use of the term to identify a number of forms of unfree labor.⁵

During the second half of the sixteenth century and at least the first half of the seventeenth century, Japanese slaves were spread throughout the globe. There are indications of their presence not only in Lisbon, Porto, Goa, Macao, Malacca, Seville, Mexico City, and Lima, but also Italian cities and even Northern Africa. For example, João Carvalho Mascarenhas’ account on the nationalities of slaves held in Algiers includes Japanese people among those imprisoned in the city:

“Haverá cativos Christãos em Argel sómente da Igreja Romana oyto mil, & se não fora a muyta peste, que sempre ha, foram muytos mais em numero, porque por hum, que vay em liberdade, entram de novo mais de vinte: De outras naçoens haverá outros tantos, & mais, como sam Framengos, Inglezes, de

⁴ The enslavement of Brazilian natives is an example of parallel slavery practice that came to be overtaken by the hegemony of Black African slavery in Brazil. On the enslavement of Brazilian natives, see MONTEIRO, John Manuel. *Negros da Terra: índios e bandeirantes nas origens de São Paulo*. São Paulo: Companhia das Letras, 1994; and EISENBERG, José. ‘A escravidão voluntária dos índios do Brasil e o pensamento político moderno’. In: *Análise Social*, vol. XXXIX, 170. 2004.

⁵ MILLER, Joseph. *The Problem of Slavery as History: A Global Approach*. New Haven: Yale University Press, 2012; ZEUSKE, Michael. *Handbuch Geschichte der Sklaverei: Eine Globalgeschichte von den Anfängen bis zur Gegenwart*. Berlin and Boston: De Gruyter, 2013.

*Dinamarca, Escoceses, Alemaens, Irlandezes, Polaceos, Moscovitas, Bohemios, Ungaros, da Noruega, Borgonhoens, Veneseanos, Piamonteses, Esclavonios, Surianos de Egypto, Chinas, Japoens, Brazis, de nova Hespanha, & do Preste Joaõ, & destas mesmas partes, ha tambem renegados, & de outras muytas em grande quantidade.”*⁶

[Considering only those of the Roman Church, there are eight thousand Christian captives in Algiers, and if it wasn't for the plague, which there is always, they would be many more in numbers, because for each one freed, twenty others are captured. From other nations there are many as well: Flemish, English, from Denmark, Scottish, Germans, Polish, Muscovites, Bohemians, Hungarians, from Norway, Burgundians, Venetians, Piedmonts, Slovenians, Assyrians [?] from Egypt, Chinese, Japanese, Brazilians, from New Spain, and the Prester John. And from these same parts there are also renegades [converted to Islamism], and from many other [nations] in great numbers.]

Regardless of its geographic reach, the phenomenon of Japanese slavery did not involve millions, or even hundreds of thousands, like it would happen to African slaves brought to the American continent during the following centuries. This numerical limitation may have contributed to the overshadowing and little exploration and research of the issue, as well as to the limited number of sources. Nevertheless, this movement of forced migration was, as pointed by Tatiana Seijas, “*less significant in economic terms than the transfer of silver and textiles, but no less important in human terms.*”⁷ Along those lines, we believe that deepening the understanding of said phenomenon could contribute to the general debate of the history of slavery itself, indicating new understandings and conceptual frameworks to work on the topic.

In recent years, the research on Japanese slavery has been witnessing considerable progress. A number of researchers in Japan, Mexico and the United States have been responsible for these advances. In Japan, the works of Oka Mihoko and Lúcio de Sousa, in particular, have been presenting a more concrete scenario of the spread of Japanese slaves throughout the globe and the network responsible for it by unearthing little known sources and bringing them to light. On the other side of the Pacific, Deborah Oropeza Keresey and Tatiana Seijas, among others, have compiled extensive research on the

⁶ MASCARENHAS, Joam Carvalho. *Memoravel Relaçam da Perda da Nao Conceiçam...* Lisbon: Antonio Alvares, 1627, p. 38. This account would be later on included on the *História Trágico-Marítima*. This passage has been transcribed before by Dieter Kramer in an onomastics study to showcase examples of core demographic sources. See KRAMER, Dieter. “Ausländer im Lissabon des 16. Jahrhunderts.” In: *Namenkundliche Informationen*, 101/102. Leipzig: Universität Leipzig, 2013, p. 102.

⁷ SEIJAS, Tatiana. ‘The Portuguese Slave Trade to Spanish Manila: 1580-1640.’ *Itinerario* 32 (1). p. 19.

presence of slaves of Japanese, Chinese and ethnic origins who crossed the ocean mainly from the Phillipines to Mexico.⁸

Nevertheless, there is still much to be explored, especially considering the relation Jesuits in Japan developed with the phenomenon of Japanese slavery. Thus, we understand Japanese slavery not only as the sale of Japanese, Korean and Chinese men and women to foreign merchants in Japan, but also as a process of conceptual enslavement, understood as the labelling of unfree laborers as slaves during their transfer from Japan to colonial societies. The participation of Jesuits in this process is fundamental to understand how such labelling took place. Nevertheless, none of the studies mentioned above focuses on the issue of justification, a central problem to understand the involvement of Jesuit missionaries with the slave trade.

In the early modern period, namely the sixteenth century, slavery was one of the main topics debated by theologians and legal experts in Europe. It was a central theme of the discussion regarding the legitimacy of the Spanish conquest of America. As such, in Portugal as well, it emerged from time to time as a difficult issue, more specifically when debating the right to subjugate other peoples to servitude. The most well-known example in Portuguese historiography is the debate over Brazilian slavery, which was discussed in Brazil and in Portugal by theologians and missionaries, resulting in a long process of prohibitions and regulations. Similarly, Japanese slavery was analyzed by missionaries and targeted by royal legislation. As a theological problem, it was complicated by the fact that early modern taxonomies considered the Japanese, as well as the Chinese, a race superior to Africans and other Asians. The legitimacy of Japanese slavery became thus a worrisome problem for Japan Jesuits and others.

Even though specific moments of this relationship, such as the 1598 gathering in Nagasaki, when the missionaries condemned the enslavement of Japanese and Korean men and women and their trade overseas, have become well known among the academic community, the way Jesuits related to the local slave trade in Japan is still a lacuna that needs further clarification. In face of changes brought along the Japanese invasions of the Korean Peninsula and the campaigns of repression against Christianity in seventeenth-century Japan, attempts carried out by missionaries failed. But where Jesuits failed, Japanese legislation ultimately succeeded on the creation of an environment where slave trade became virtually impossible, establishing a tight control of their maritime borders, as well as diplomatic and trading relations. The history of Japanese slavery was, in this sense, a history of bondage and human relations squeezed between two groups with different sets of values, as well as objectives and ideas concerning the role of labor – missionaries on one side and the centralized Japanese authorities on the other.

⁸ For more on these works, see our historiographical balance on Chapter 1.

While decisions taken by central authorities – Toyotomi Hideyoshi, the Tokugawa Bakufu, the Portuguese crown, and so on – determined the background against which Japanese slavery developed, the analysis needs to be furthered. Considering the process of justification by the Jesuits, this study reveals a social facet of the phenomenon equally important in determining conditions for the enslavement of Japanese individuals. Thus, our work is focused in understanding the historical relation developed between missionaries in Japan with slavery in connection with two inextricably related fields: theology and law.

Among the vast amount of material left by theologians, especially Jesuit theologians, considering early modern slavery, Japanese slavery comes up sparsely. The multitude of ideas and perceptions surrounding slaves and servants becomes clear when we analyze those who studied and used these concepts in the sixteenth and seventeenth centuries. The direct influence theologians enjoyed on policy making, as well as social practices and relations in markets, palaces and streets everywhere, must not be underestimated.

Next, we consider legislation, which also had a profound, direct impact on social practices, mobility, and labor relations, not only on the European side, but also on Japanese labor relations and regulations. Although we must admit that this proposition departs from the strong “*belief in the law as a ‘higher’ legitimizing social force*”⁹, there is no question that legal sources represent a privileged point of view to assess slavery and the conflicts resultant of the evaluation by Europeans of Asian social and economic relations.

Theological and juridical discussions form a very symbolical instance of conflict between different ideas in regard to bondage and labor. On the stage of casuistry, local practices are measured against the authoritative texts of moral theological jurisprudence. On the other hand, slave trade, or human trafficking, also represents an instance where different notions of slavery are in direct, physical contact. Seller and buyer share different ideas about contracts, periods of servitude, rights and obligations. In the Japanese case, the purchased individual could also have an active role in the negotiation, whether circumstances allowed. In these situations, not only prices and servitude periods are discussed, but allegiances and loyalties to one or other ideology are negotiable. Conversely, theological interpretations present struggles between various notions of labor relations in a different way. Unlike participants in trade, theologians were themselves responsible for defining and defending Christian ideology and European notions of labor relations. Discussions in gatherings, congregations and in synods were the stage where

⁹ AKSIKAS, Jaafar, and ANDREWS, Sean Johnson. (2014): Neoliberalism, Law and Culture: A Cultural Studies Intervention After ‘The Juridical Turn.’” *Cultural Studies and/of the Law*, vol. 28, Issue 4-5. 2014, p. 14. Available at <http://www.tandfonline.com/doi/abs/10.1080/09502386.2014.886479?journalCode=rcus20>, accessed in 20 July 2016.

Asian captivity's legitimacy was brought up to the spotlight for the scrutiny of these ideologues.

These discussions also indicate the position and the distinctive place given to Japanese and other Asians in the Iberian world in relation to other peoples. As historians of racism confirm, the theological discourse organized the world view in the Iberian world, including all its administrators and missionaries, in the sixteenth and seventeenth centuries.¹⁰ Similarly, legislation reflected attempts to curtail movement. These attempts were originated not only from the Iberian side, but also from authorities in Japan. Law enactment, be it ecclesiastical or secular, reflected changes in the process of formalization of the relations between enslaved individuals and their masters, and how they could interact with colonial societies, from its elites to its very lowest classes.

As for historical documentation, sources regarding Japanese slaves are scarce, and there are no long series of data available to consider statistics and numbers. There is simply no way to give any secure number of enslaved Japanese, exactly because the very definition of slave itself was so vague in the sixteenth century. Nevertheless, we can concatenate a very colorful puzzle of situations and cases on which Asians are displayed as slaves, or places where the nature of their labor and legal situation are discussed. Namely, we used Jesuit documentation – letters, confession manuals, printed works and others – and Japanese legal documentation to build this puzzle. This allowed us to review ideas about slavery and understand the historical process in which Jesuits related to the issue.

The present work aims to be, ultimately, a link between Brazilian and Japanese historiography. The ideas here presented were conceived long ago, and years were necessary to gather enough sources and organize this research. Since Brazilian historiography has become closer to Portuguese academia, this work is an attempt to bring Japanese historiography closer to other researchers working on Iberian Empires in the early modern period.

For the historiography of the Iberian Empires, the present thesis analyzes the issue of Japanese slavery under the same lenses used to observe colonial slavery in other areas, by underlining similarities and disparities. While the phenomenon of Japanese slavery could be labelled as an exceptional case, the surge of exceptional cases in studies developed recently indicates the need to revise historical definitions of slavery. The best example would be the study developed by Thiago Krause concerning communities in Bahia during the seventeenth century.¹¹ As pointed by his analysis, the variety of patterns

¹⁰ See, for example, Bethencourt's analysis of early modern religious taxonomies. BETHENCOURT, Francisco. *Racisms – From the Crusades to the Twentieth Century*. Princeton and Oxford: Princeton University Press, 2013, pp. 79-83

¹¹ KRAUSE, Thiago. 'Compadrio e escravidão na Bahia seiscentista'. In: *Afro-Ásia*, 50. Salvador: Universidade Federal da Bahia, 2014.

regarding *compadrazgo* or *compadrio* relations – joint fatherhood or cronyism, in English – between slaves and others indicates the need for more case studies “*na tentativa de ultrapassar as limitações inerentes a uma análise estatística que transforma em gráficos e números relações pessoais vividas pelos agentes históricos*” [in the attempt to go beyond inherent limitations of statistical analysis, which transforms personal relations lived by historical agents in charts and numbers.]¹²

In that same vein, the present study aims at opening new possibilities, indicating the need to go beyond statistics and consider the nature of master-slave relations in the early modern colonial empires. By considering other forms of slavery in the Portuguese and Spanish Empires, a revision of models of resistance, dominion, servitude and other aspects of slavery becomes crucial. At the same time, we draw parallels showing that Japanese slavery had more in common with the interpretation and justification of other forms of slavery than previously considered. For example, similar theological arguments used to justify the enslavement of Africans are applied to the Japanese case, showing that the justification of slavery goes beyond the use of Papal bulls in the early modern period.

In his seminal study published in Brazil in the year 2000, Luiz Felipe de Alencastro changed the axis of analysis from Brazil to the Southern Atlantic, reiterating the role of relations between Africa and Portuguese America. What he did then needs to be done for the history of colonial slavery. When Brazilian historians moved beyond the models of colonial pact, from the determinism of triangular relations between Brazil, Portugal and Africa, they showed that case studies have a lot to contribute to the restructuring of colonial studies. As studies on colonial slavery are mainly focused in intrinsic aspects of slavery in Brazil or Portugal, our desire is that cases such as Japanese slavery and other forms of bondage in Portuguese and Spanish Asia ought to be considered when comprehensive theories of slavery are designed by historians of the Iberian Empires. Or else the risk of keeping inaccurate and dissatisfactory theoretical models to explain colonial slavery will not be overcome.

Structure and problems

The structure of the present thesis follows the chronological process of development of the relation between the Society of Jesus and the issue of Japanese slavery. The chapters were divided as follow. The first chapter analyzes past research on slavery, ending with a reconstitution of the historiography of Japanese slavery. It reviews the history of slavery research in Japan, identifying lacunas that need to be addressed. Tracing the loose field of Japanese slavery allows us to glimpse questions raised until now

¹² KRAUSE, Thiago. *Idem*, p. 227.

regarding theme and to perceive how it needs to be brought up to speed with contemporary studies in the history of slavery.

As the focus is not trade, we begin analyzing how theology started being used in support of colonial or early modern slavery. The second chapter discusses the doctrine of just war, as it was the main principle to be used as a legitimizing factor for slavery, thus giving birth to what we consider early modern slavery. As the medieval problem of justice regarding wars was torn between the ethical and the procedural, early modern empires – in our case, the Iberian empires – seized this ambiguity to justify overseas conquests and, in the process, the enslavement of foreign non-Christian populations. The power to decide the legitimacy of these issues would thus fall on the hands of theologians in the sixteenth and seventeenth centuries, especially Jesuits. This chapter focuses on the association of just war theory as part of the early modern slavery, and how the argument of just war was gradually incorporated into this discussion between the thirteenth and the fifteenth centuries. As for Portuguese-controlled Asian territories, we analyze legislation and how these texts reflect a deep concern for the limits of slave trade and its effects on the economical and politically more important spice trade. This chapter develops an in-depth analysis of the history of the theory of just war in tandem with slavery, the development of correlated concepts in confession manuals¹³, and how these ideologies formed the basis for the debate on Asian slavery in following centuries. Also, this chapter considers the issue of slavery among the Jesuits before the First Goa Council, as the use of slaves conflicted with the principles of humility that defined the Society of Jesus. Finally, we consider the first texts on Japan and how the process of identification of forced labor relations in the Japanese society led to the creation of the very notion of Japanese slavery among the Portuguese.

The following chapter considers the first official and comprehensive attempt to formalize and frame slavery in the Asian context by residents of Portuguese India – the First Goa Council. This chapter is centered on the analysis of the synod as it aimed at unifying religious practices and liturgy among clergymen in Portuguese territories according to the determinations of the Council of Trent. The Council was apparently the first instance where the medieval notion of slavery was challenged in Portuguese Asia, adapted and expanded, in order to include local enslavement practices that could be considered just and disregard those that did not attend the requirements necessary for the Christian recognition. The resulting decrees and the Constitutions of the Archbishopric of Goa would thus become the general guidelines according to which disputes were to be resolved by ecclesiastical justices and confessors. In the decrees, slavery was one of the main topics discussed: the priests debated the relation between slavery and the

¹³ These works were, since the late twelfth and early thirteenth centuries, the preferred means of filtering canonists and theologians ideas into everyday clerical practice. See GILCHRIST, John. “The Medieval Canon Law on unfree persons: Gratian and the decretist doctrines c. 1141-1234”. In: *Studia Gratiana* XIX. Rome: University of Bologna, 1976, p. 275.

Sacraments, the limits and rules governing master-slave relations, as well as how the relations between non-Christians – specifically Muslims and Jews – and slavery translated to Portuguese Asia. Most importantly, these texts offer the definitions of legitimate slavery for the Asia. Next, we analyze the constitutional text. Slavery is discussed in regard to its relation to the Sacraments, admonitions, their participation in the Christian community, and so on. The Constitutions determined the place occupied by the slaves in the parishes and the relation other Christians ought to have with their servants. Both texts reveal the thick matrix of behavior and social codes under which slaves were subjected to. By analyzing the Council's decrees and its diocesan constitutions, this chapter aims at contributing to a more comprehensive understanding of the rapid changing world of the Religious Reformation in Europe associated with the developments seen in Portuguese in Asia.

The fourth chapter discusses the earliest royal Portuguese attempt to regulate Japanese slavery: Dom Sebastião's charter of 1570-1571. The effects generated by this fundamental piece of legislation have been overseen by researchers who, given the expansion of Japanese slavery since its enactment, consider it to be largely a political failure. The idea of legislative failure, although not untrue, does not necessarily explain the shockwaves caused by the charter. However, this chapter questions this assessment. We analyze how the charter was enacted, how the Jesuits influenced the process, and explore the charter as part of a larger effort. Indeed, it was an important piece in a set of laws addressed to reinforce the relations between the Portuguese crown and local *daimyō* in Kyushu, while at the same time securing the missionaries' safety in Japan. In India, the principles established by the charter were defended by the special judges sent by the crown to implement the set of laws in favor of local converts, the so-called *Alçada*. At the same time, we investigate how it created the necessary conditions for the success of the Japan Jesuits strategies regarding the Japanese slave trade, and how this charter, as well as other laws curtailing slave trade in Asia in the same period, were received.

The fifth chapter deals with the strategies developed by the Japan Jesuits to assess slavery in the archipelago since the 1560s until the arrival of Alessandro Valignano, Jesuit Visitor to the mission, in 1579. Cosme de Torres, the second superior of the Japan Jesuits, was the first to establish the practice of enacting licenses or permits to Portuguese merchants, in an attempt to establish control and curtail abuses committed by these merchants against purchased servants in Japan. Next, we analyze the actions of Valignano in India and Japan. A central figure on the rearrangement and reorganization of the Japanese mission and elsewhere in Asia, Valignano's participation in local consultations and his writings left a large trail of opinions and views regarding Japanese slavery, and how Jesuits in the Far East dealt with the issue. In this chapter our analysis centers on how their attitudes toward bonded Japanese servants changed with time, especially after the arrival of Valignano. This chapter also describes how people were normally captured and enslaved in Japan, and how the Jesuits suffered amidst the local wars and lived in

fear of captivity. Next, we present the different ways according to which Japanese and other Asians were subjected to bondage relations and servitude to Iberian masters, and how they developed a new vocabulary to deal with these labor relations.

The sixth chapter focuses on the first Japanese attempt to control emigration of individuals from the archipelago to the outer world – the 11-article memorandum enacted by Toyotomi Hideyoshi in 1587. Differences in chronology as related in European and Japanese sources are presented as a historical problem. Furthermore, the negotiation between Hideyoshi and the missionaries is assessed as a series of offers which the Jesuits refused, leading to dire consequences. As a result, the Kanpaku enacted a series of actions that attempted to assess the forced migration problem, while the Jesuits revised their understanding and use of servants in their residences and churches. We considers these developments and policy-making decisions against the background of the process of Japanese-Portuguese relations, especially considering the place occupied by the missionaries in these relations and the meaning of Japanese legislative actions described by missionaries, such as the *hitogaeshirei* 人返令, by contextualizing their significance.

The seventh chapter is central to understand the interpretation the Jesuits had of Japanese slavery until the 1590s and their change of attitude by the end of that decade. Fast-paced changes led to a total revamp of attitude towards the enslavement of Japanese and Koreans as well as in regard to the slave trade itself. We begin by showing how Valignano developed what we have called his ideology of labor, especially the idea of the “tolerable slavery” of Japanese and Koreans serving Portuguese people. During the 1590s, though, the Japanese military campaigns in the Korean Peninsula and the entering of thousands of Korean captives in Japan prompted changes in the mission structure, as well as admonitions and appraisal of Christian lords who took part in the process. By the end of the decade, the missionaries, led by these political factors, as well as by changes in theological arguments used by the order in Europe, changed their position from tolerating slavery to totally condemning the practice in 1598. This chapter ends by showing how the Japanese mission, led by the Bishop of Funai, D. Luís de Cerqueira, recused itself from taking part in the slave trade and started a campaign to obtain from the crown a complete prohibition against the enslavement and trade of Japanese and Korean from Japan.

The last chapter deals with the reception of this change of principles by local elites of the Portuguese Empire, namely the Portuguese elites in India. After the turn from the sixteenth to the seventeenth century, Filipe II of Portugal (Filipe III of Spain), the second ruler of the Iberian Union, moved by Jesuit requests, attempted to assess Japanese slavery by reenacting the 1571 charter. His policy met much discontent from the Goa population, and a long process of negotiation led to the failure of the Jesuit lobby. We also analyze how the Jesuits dealt with the continuity of the issue of Japanese slavery after the 1598 gathering. Lastly, we evaluate how the issue of Japanese slavery became for a short period

an exemplary topic for European theologians such as Molina, Rebelo and others. Even though their interpretations may have had little influence on decisions taken in Japan, their work shows how the issue contributed to the larger theological discussions regarding slavery.

In the morning of September 9th, 1640, Sister Domingas da Paixão died after years living in the Convent of Santa Monica of Goa. The chronicler responsible for telling her story did not know whether she was or not a slave, and probably neither the people who met her in person could tell it. After her arrival to Goa, her slow transformation from a young girl into a lay sister who had visions of St. Augustine and Jesus pushed her enslavement into the background. At her death bed, she was already a freed Christian subject of God.

In the end, she became an exemplar Christian. This uncertainty, the ambiguity surrounding definitions and notions of slavery and labor relations, is at the root of the theological framework that allowed hundreds of Japanese men and women to be taken out of their homelands, voluntarily or not, and be received into colonial families under cruel and inhumane treatment. Or more agape lifestyles, like Domingas da Paixão.

Note on quotations and abbreviations

As far as possible, we decided to present translations for all quotations, both for primary sources and secondary bibliography. Original quotations in Western languages are italicized, while Japanese texts are quoted using unaltered font. Whenever available, translated texts are quoted italics between quotation marks from already published translations – sources are indicated in footnotes. Otherwise, translations done by myself are written using unaltered font, between square brackets, without quotation marks. Any mistranslations are fully my responsibility.

Abbreviations are used mainly to indicate widely known sources and common expressions, according to the following list:

ANTT Arquivos Nacionais da Torre do Tombo / National Archives Torre do Tombo, Portugal

- APO Joaquim Heliodoro da Cunha Rivara. *Archivo Portuguez Oriental – 6 fasc. Em 10 vol.*. New Delhi, Madras: Asian Educational Services, 1992)
- Ajuda Biblioteca do Palácio Nacional da Ajuda / Library at the Ajuda National Palace, Portugal
- BNP Biblioteca Nacional de Portugal / National Library of Portugal, Portugal
- BRAH Biblioteca de la Real Academia de História / Library at the Royal Academy of History, Spain
- Bullarium... Visconde de Paiva Manso. *Bullarium Patronatus Portugalliae Regum in Ecclesiis Africae, Asiae atque Oceaniae, Bullas, Brevia, Epistolas, Decreta Actaque Sanctae Sedis ab Alexandro III ad hoc usque Tempus Amplectens – Appendix – Tomus I*. Lisbon: Typographia Nacional, 1872.
- Cartas I *Cartas que os Irmãos e Padres da Companhia de Jesus, que andão nos Reynos de Iapão escreuerão aos da mesma Companhia da India, & da Europa, desde anno de 1549 até o de 1580, Primeiro Tomo*. Évora: Manoel de Lyra, 1598.
- Cartas II *Cartas que os Irmãos e Padres da Companhia de Jesus, que andão nos Reynos de Iapão escreuerão aos da mesma Companhia da India, & da Europa, desde anno de 1549 até o de 1580, Segundo Tomo*. Évora: Manoel de Lyra, 1598.
- DMLI Duarte de Sande. *De missionum legatorum Iaponensium ad Romanam curiam, rebusq; in Europa, ac toto itinere animaduersis dialogus*. Macao: Societatis Iesu, 1590
- DHMPPO António da Silva Rêgo. *Documentação para a história das Missões do Padroado Português do Oriente: Índia*. Lisboa: Agência Geral das Colónias, 1947-1958 (Comissão Nacional para as Comemorações dos Descobrimientos Portugueses, Fundação Oriente, 1995)
- DI Joseph Wicki (ed.). *Documenta Indica*, 18 Vol. Rome: Monumenta Historica Soc. Iesu, 1948-1988
- DJ Juan Ruiz-de-Medina (ed.). *Documentos del Japón*, 2 Vol. Rome: Instituto Histórico de la Compañía de Jesús, 1990-1995.
- DK Diels and Kranz Numbering System, by Hermann Alexander Diels and Walther Kranz
- DPMAC *Documentos sobre os Portugueses em Moçambique e na África Central 1497-1840, Vol. 8 (1561-1588)*. Lisbon: National Archives of Rodesia,

Centro de Estudos Históricos Ultramarinos da Junta de Investigações Científicas do Ultramar, 1975.

- ep. epistola
- Fasc. Fascículo
- HJ Luís Fróis (auth.) and José Wicki (ed.). *Historia de Japam*. Lisbon: Presidência do Conselho de Ministros, Secretaria de Estado da Cultura, Direcção-Geral do Patrimônio Cultural, Biblioteca Nacional de Lisboa, 1976-1984
- JapSin Japonica-Sinica collection in the Roman archives of the Society of Jesus, Italy
- JTSC Derek Massarella and J. F. Moran. *Japanese Travellers in Sixteenth-Century Europe: A Dialogue Concerning the Mission of the Japanese Ambassadors to the Roman Curia (1590)*. London: Hakluyt Society, 2013.
- Leys 1570 *LEYS e Provisões que elRey dom Sebastião[os] nosso senhor fez depois que começou à governar*. Lisbon: Francisco Correa, 1570
- Leys 1816 *LEYS, e Provisões, que ElRey Dom Sebastião Nosso Senhor fez depois que começou a governar, Impressas em Lisboa per Francisco Correa em 1570. Agora novamente reimpressas por ordem chronologica, e com a numeração de §§, que em algumas faltava, seguidas de mais algumas Leis, Regimentos, e Provisoens do mesmo Reinado, tudo conforme às primeiras ediçoens. Ajuntou-se-lhes por appendix a Lei da Reformação da Justiça por Philippe II, de 27 de Julho de 1582*. Coimbra: Real Imprensa da Universidade, 1816.
- LM Raymundo Antonio de Bulhão Pato (dir.). *Documentos Remetidos da India ou Livros das Monções*, 10 volumes. Lisbon: Academia Real das Ciências, 1880-1982.
- Lib. Liber
- MHJ Josef Franz Schütte. *Monumenta Historica Japoniae I*. Rome: Institutum Historicum Societatis Iesu, 1975
- MI *Monumenta Ignatiana series*
- MX *Monumenta Xaveriana*, 2 vol. Madrid: Augustini Avrial, 1899-1912.

NKKS	Tōkyō Daigaku Shiryō Hensanjo (ed.). <i>Nihon Kankei Kaigai Shiryō – Iezusu-kai Nihon Shokan, Genbun</i> , 3 volumes. Tokyo: Tōkyō Daigaku Shiryō Hensanjo, 1990-2011.
OA	Ordenações Afonsinas / Afonsine Ordinations
OF	Ordenações Filipinas / Filipino Ordinations
OM	Ordenações Manuelinas / Manueline Ordinations
Partida	<i>Las Siete Partidas</i> / The Seven-Part Code
T.	Tomo / Tome
Tit.	Titulo / Title
Vol.	Volume
a.	articulo / article
arg.	argumentum / argument
art.	articulo / article
cap.	Capitulo / Chapter
disp.	dispositio / disposition
f.	folio
ff.	folios
n.	number
nn.	numbers
q.	quaestio
tract.	tractatus
v	verso

Chapter I – Perspectives and crumbs

In 1666, a Japanese female slave named Catalina de Bastidos married a Portuguese free man in Mexico. As a result of the marital bonding, she was manumitted. Catalina then managed to open a store to sell wool in Tlaxcala¹⁴. As it is the case with many other enslaved Japanese, this is all the information we have available about her life. Records on the lives of slaves can be found in a wide array of forms. Data is scattered around sources in various forms – sometimes, a probable Japanese man or woman is mentioned only by name, leaving countless uncertainties regarding his or her identity. Many times, the toponym “*Japão*”, “*Japón*” and its many variants, used in lieu of a surname, were the only indications of geographical origin. Their social and juridical status – whether they were slaves or not – can be extremely vague. Careless analysis could lead to mislabeling any Japanese individual as a slave. In other instances, a document presents us with a long account on the person’s life. The diverse nature of sources and information available to researchers mandates a coherent method of analysis. As much as we can find details about some of the lives of these people on court cases, inquisition records, census lists, and others, they can hardly be used to make anything more than general statements. Unlike powerful men, authorities, viceroys, inquisitors and others, whose lives are registered not only on contemporary sources but also on later records, creating a whole historical persona or personas regarding one’s biography, the record of a slave life poses a constant dilemma to the researcher – although we can gather some information about an individual life, the fact is that his or her biography represents a very small influence on contemporary societies. They could hardly win against the weight of established social institutions and structures at that time, and now the small scar they managed to leave on the historical record doesn’t seem enough to change much of the paradigm. However, bringing these sources to the spotlight may reveal a complex reality, formed of multifaceted institutions and social practices. The mission of the historian is, thus, to bring these readings to a new angle, sewing up a complex historical patchwork in order to form a larger set of slaves’ micro biographies and allow them to have a resounding, larger impact on history.

Recent studies on Asian slaves in Portuguese and Spanish colonial societies have been adamant on sticking to one common assessment about the theme: historiographical production on Asian slavery in the Iberian empires has been, at best, scarce. This affirmation has been repeated countless times, while at the same time a relatively small number of articles and books have been constantly mentioned, over and over, as the only sources for previous perspectives on the topic. Minor contributions remain silent and lost

¹⁴ OROPEZA KERESSEY, Deborah. “La esclavitud asiática en el virreinato de la Nueva España, 1565-1673”. In: *Historia Mexicana*, vol. LXI, núm. 1, July-september, 2011. Mexico: El Colegio de Mexico, p. 42; OROPEZA KERESSEY, Deborah. *Los ‘indios chinos’ en la Nueva España: la inmigración de la nao de China, 1565-1700*. Thesis presented at the Colegio de Mexico, A.C., 2007, p. 122.

in the vast sea of academic publications. Even though the research may have been scant and sparse, the theme has been explored many times before, although unarguably collaterally and during short-lived peaks of popularity, when it was brought up by media and academia as a historical curiosity. Hence, this chapter will attempt to convene previous studies, even if it means to establish impossible dialogues between different historiographical practices which do not necessarily dialogue to each other. This rhetorical historiographical discussion allows us to perceive some of the hindrances to deeper analyses that may have presented themselves so far, in order to harness their contributions to the field and help us to reevaluate Asian slavery against the background of contemporary studies in the history of slavery and wider cultural and relational theories.

Perspectives on slavery

Slavery is a very politically charged issue. As put by William Gervase Clarence-Smith, it “*is a topic that all too often encourages silence.*”¹⁵ Nevertheless, it is still one of the most prolific fields in the historical sciences. Unarguably fueled by the search for a reasonable explanation to the horrors of their own pasts, Brazil and the United States are the countries that produce most of the research in this area. As explained by German historian Michael Zeuske:

*“Slavery research has been dominated since c. 1970 by two cultures of historiography and memory: those of the USA and Brazil – though completely unbalanced from a European perspective, with some 80 per cent of publications and research originating in the USA against 10 per cent in Brazil (...). Brazilian global-historical research dominates the history of the South Atlantic and naturally enough that of the Brazilian internal market. In Brazil itself, besides slavery research on the Anglo-American space (centered on the USA), there exists the best, quantitatively most comprehensive and detailed research in the world into slavery, the slave trade, and the slave condition, as well as national post-emancipation research that includes local-historical studies.”*¹⁶

For the topic of Japanese slavery, contributions by Brazilian historiography may be particularly meaningful. Since the year 2000, with the Brazilian edition of Luiz Felipe

¹⁵ CLARENCE-SMITH, William Gervase. *Islam and the Abolition of Slavery*. Oxford and New York: Oxford University Press, 2006, p. 1. In the same sentence, Clarence-Smith also points to the observation by Orlando Patterson, who refers to slavery as “*the embarrassing institution*”. PATTERSON, Orlando. *Slavery and Social Death: a Comparative Study*. Cambridge: Harvard University Press, 1982, p. IX.

¹⁶ ZEUSKE, Michael. “Historiography and Research Problems of Slavery and the Slave Trade in a Global-Historical Perspective”. In: *International Review of Social History*, Volume 57, Issue 01, April. Amsterdam: Internationaal Instituut voor Sociale Geschiedenis, 2012, p. 87.

de Alencastro's doctoral thesis *O Trato dos Videntes*, originally written in French, intercontinental connections were brought to under the spotlight. Alencastro shows how both sides of the Atlantic were linked in a single system of exploitation, which still has echoes in contemporary Brazilian society.¹⁷ This notion of interconnectedness of colonial Brazilian history with other Portuguese imperial territories was reiterated as a central element by another volume published the following year: *Antigo Regime nos Trópicos: a dinâmica imperial portuguesa (séculos XVI-XVIII)*¹⁸ [The Ancien Régime in the Tropics: Portuguese imperial dynamics (16th-18th centuries)]. Edited by João Fragoso, Maria Fernanda Bicalho and Maria de Fátima Gouvêa, its texts share a concern with power relations and the political sphere as a space of negotiation, rather than a centralized colonial regime revolving around the Portuguese crown. The main concern of the authors was to question the dual model of economic, political and social relations between Portugal and its imperial territories. The book was a milestone in Brazilian historiography, as it allowed an approximation between Brazilian historians (especially those from Rio de Janeiro) and Portuguese academia.

Specifically, slavery is analyzed in the chapter by Hebe Mattos, who underlines the religious and political motives that allowed Portuguese settlers to enslave and become masters of men and land in the overseas territories. Mattos' chapter demonstrates how the slave society resulted from the conjunction of political, ideological, social and economic dynamics of the *Ancien Régime* – which is also reassessed as a corporation of power, where the king was the head in constant articulation and negotiation with elites.¹⁹ It is undeniable the influence of such perspective on the present thesis, as this research aims at bringing this angle to the analysis of Japanese slavery as a phenomenon under the history of both Iberian Empires.

Since the publication of *Antigo Regime nos Trópicos*, colonial history in Brazil witnessed a revival. Slavery as well has been the focus of much attention. There are two particular trends in the recent historiography: slavery as part of women studies, and slavery under demographical analysis. The relationship between sexual culture, strategies of social ascension and manumission, gender policies, and other aspects with slavery has been the focus of many Brazilian researchers since the early 2000s.²⁰

¹⁷ ALENCASTRO, Luiz Felipe de. *O Trato dos Videntes: formação do Brasil no Atlântico Sul*. São Paulo: Companhia das Letras, 2000.

¹⁸ FRAGOSO, João, BICALHO, Maria Fernanda, e GOUVÊA, Maria de Fátima (ed.). *Antigo Regime nos Trópicos: a dinâmica imperial portuguesa (séculos XVI-XVIII)*. Rio de Janeiro: Civilização Brasileira, 2001.

¹⁹ MATTOS, Hebe. "Escravidão moderna nos quadros do Império Português: o Antigo Regime em perspectiva atlântica." In: FRAGOSO, João, BICALHO, Maria Fernanda, e GOUVÊA, Maria de Fátima (ed.). *Antigo Regime nos Trópicos: a dinâmica imperial portuguesa (séculos XVI-XVIII)*. Rio de Janeiro: Civilização Brasileira, 2001, p. 144.

²⁰ See, for example, DIAS, Maria Odila L. da Silva and CARVALHO, Marcus J. M. de. 'De portas adentro e de portas afora: trabalho doméstico e escravidão no Recife, 1822-1850'. In: *Afro-Ásia*, 29/30. Salvador: Universidade Federal da Bahia, 2003, pp. 41-78; FARIA, Sheila de Castro. *Sinhás Pretas, Damas*

Of special interest for these historians are the strategies used by slaves in order to regain their freedom, resultant of multiple hierarchies, in a society that although wished to be static was in constant movement.²¹ As for demographical analysis, statistical methods are being applied in the assessment of the issue of power relations between the slave as a historical agent and other instances of the social hierarchy, in an attempt to consider contributions of the historiographical process of decentralization of power in higher instances of the Portuguese empire to the history of colonial slavery. Notarial documentation has been especially considered by historians such as Cacilda Machado²², João Fragoso²³, Moacir Rodrigo de Castro Maia²⁴, Carla Maria Carvalho de Almeida²⁵, Thiago Krause²⁶, and others.

As it happens with other areas in Brazil, the history of slavery is target of constant historiographical reassessment and consideration. In 2011, for example, a round table entitled “50 anos de historiografia da escravidão brasileira (1961-2011): balanços e perspectivas” [50 years of Brazilian slavery historiography (1961-2011): balances and

mercadoras: As pretas minas nas cidades do Rio de Janeiro e de São João Del Rey (1700-1850). Thesis submitted for the post of Brazilian History Cathedric Professor. Niterói: Universidade Federal Fluminense, 2004; FÁRIA, Sheila de Castro. ‘Mulheres forras: riqueza e estigma social’. In: *Tempo*, vol. 5, n. 9. Niterói: Universidade Federal Fluminense, 2000, pp. 65-92; FÁRIA, Sheila de Castro. ‘Damas mercadoras – pretas minas no Rio de Janeiro (século XVIII a 1850)’. In: SOARES, Mariza de Carvalho (org.). *Rotas Atlânticas da Diáspora Africana: da Baía do Benin ao Rio de Janeiro*. Niterói: EdUFF, 2007; MOTT, Luiz. ‘Rosa Egípcia: de escrava da Costa da Mina a Flor do Rio de Janeiro’. In: SOARES, Mariza de Carvalho. *Rotas Atlânticas da Diáspora Africana: da Baía do Benin ao Rio de Janeiro*. Niterói: EdUFF, 2007; REIS ALVES, Adriana Dantas. *As mulheres negras por cima. O caso de Luzia Jeje. Escravidão, família e mobilidade social, Bahia, c. 1780-c. 1830*. PhD thesis. Niterói: Universidade Federal Fluminense, 2010.

²¹ See TOSTES, Ana Paula Cabral. ‘Dinâmicas sociais no Recôncavo da Guanabara: “elites”, escravos e forros na Freguesia de Nossa Senhora do Desterro de Campo Grande na segunda metade do século XVIII’. In: CHAMBOULEYRON, Rafael and ARENZ, Karl-Heinz (ed.). *Anais do IV Encontro Internacional de História Colonial. Dinâmica imperial no Antigo Regime português: séculos XVI-XVIII*. Belém: Editora Açaí, 2014, p. 26; and HESPANHA, António Manuel. ‘A mobilidade social na sociedade de Antigo Regime’. In: *Tempo*, vol. 11, n. 21. Niterói: Universidade Federal Fluminense, 2007, pp. 121-143.

²² MACHADO, Cacilda. *A trama das vontades: negros, pardos e brancos na construção da hierarquia social no Brasil escravista*. Rio de Janeiro: Apicuri, 2008.

²³ FRAGOSO, João. ‘Efigência Angola, Francisca Muniz forra parda, seus parceiros e senhores: freguesias rurais do Rio de Janeiro, século XVIII. Uma contribuição metodológica para a história colonial’. In: *Topoi*, v. 11, n. 21. Rio de Janeiro: Universidade Federal do Rio de Janeiro, 2010, pp. 74-106.

²⁴ MAIA, Moacir Rodrigo de Castro. ‘Tecer redes, proteger relações: portugueses e africanos na vivência do compadrio (Minas Gerais, 1720-1750)’. In: *Topoi*, v. 11, n. 21. Rio de Janeiro: Universidade Federal do Rio de Janeiro, 2010, pp. 36-54.

²⁵ ALMEIDA, Carla Maria Carvalho de. ‘A Casa e a Câmara: o auto-governo dos povos nas Minas Setecentista’. In: CHAMBOULEYRON, Rafael and ARENZ, Karl-Heinz (ed.). *Anais do IV Encontro Internacional de História Colonial. Dinâmica imperial no Antigo Regime português: séculos XVI-XVIII*. Belém: Editora Açaí, 2014, pp. 55-6.

²⁶ Thiago Krause used data available at the website www.familysearch.com to make an impressive survey of four small urban centers in Bahia during the seventeenth century, leading to the discovery of societies very different than the general framework presented by the historiography. KRAUSE, Thiago. ‘Compadrio e escravidão na Bahia seiscentista’. In: *Afro-Ásia*, 50. Salvador: Universidade Federal da Bahia, 2014, pp. 199-228.

perspectives], organized by Hebe Mattos, Sidney Chalhoub and Rafael de Bivar Marquese, focused on developments in the relation between capitalism and slavery during the period in the Brazilian historiography.²⁷ Even though the round table assessed changes in the way slavery agency and other structural issues are dealt by Brazilian historians, there are still large questions unanswered. For example, led by restricted access to older sources, Brazilian historians tend to focus on the last two centuries of slavery, namely the eighteenth and nineteenth centuries, starting with the discovery of gold in the central southern region of the country, and with special attention to the theme of abolition. This trend leaves the first two hundred years of early modern slavery in Brazil – sixteenth and seventeenth centuries – largely unassessed. Also, as indicated by Marquese, there is an undeniable need to bring this analytical angle to other areas of the Portuguese and Spanish Empires, including but not restricted to Africa, Asia and the rest of Latin America.²⁸

Brazilian historians acting overseas have recently produced work that point to this direction. For example, Mariana Candido and Roquinaldo Ferreira studies develop in-depth analyses of African realities and their connections to relations developed between masters and slaves in Brazil.²⁹ With the visibility obtained by these works, it is certain their influence will soon be felt in studies of slavery in Brazil and Portugal.

In Japan, the topic of slavery has gradually developed since the Meiji Period. Post-war historiography has been particularly influenced by works dedicated to the legal history of slavery in Japan. Before the war, the most influential historical studies on Japanese slavery were executed by scholars such as Ishii Ryōsuke and Takigawa Seijirō. Right before the war, Ishii published one article on the theme in 1938³⁰, but at this time Takigawa had already risen the bar to the next level. In 1930 he published *Nihon Keizai*

²⁷ See records of this discussion in MAR UESE, Rafael de Bivar. “As desventuras de um conceito: capitalismo histórico e a historiografia sobre a escravidão brasileira.” In: *Revista de História* (São Paulo), n. 169, Julho/Dezembro 2013, pp. 223-253. Available at <http://www.scielo.br/pdf/rh/n169/0034-8309-rh-169-00223.pdf>, accessed in 23 July 2016.

²⁸ “De tudo o que descrevi, deriva um problema fulcral contido na perspectiva de história atlântica que surgiu no rastro de Arcaísmo como projeto: o “mercado atlântico” que aparece em vários dos textos vinculados a tal perspectiva equivale tão-somente ao eixo África-Brasil (que eventualmente pode incorporar Goa). Não há, neles, sequer uma palavra sobre a competição entre diferentes unidades imperiais no espaço atlântico ou, melhor dizendo, na arena da economia-mundo, a despeito das assertivas de que a perspectiva de análise “imperial” por eles apresentada constitui novidade.” MAR UESE, Rafael de Bivar. *Idem*, p. 246.

²⁹ See CANDIDO, Mariana P. *An African Slaving Port and the Atlantic World: Benguela and its Hinterland*. Cambridge: Cambridge University Press, 2015; FERREIRA, Roquinaldo. *Cross-Cultural Exchange in the Atlantic World: Angola and Brazil during the Era of the Slave Trade*. Cambridge: Cambridge University Press, 2012.

³⁰ ISHII Ryōsuke. “Chūsei Hōsei Zakkō.” In: *Hōgaku Kyōkai Zasshi* 56: 8, 9, 10. Tokyo: The University of Tokyo, 1938.

Doreishi [The Economic History of Japanese Slaves],³¹ a massive study focused on Japanese slavery under the Ritsuryō 律令, a historical law system based on the Chinese governmental system. Building on the definition of slave given by Herman Nieboer, Takigawa worked on slavery in Japanese antiquity through traditional comparative methods of legal and economic history.³² As affirms Isogai Fujio, Takigawa's contribution was fundamental to establish the idea that Japanese slavery in later centuries would be viewed as remnant from ancient times.³³

In post-war Japan, historians dedicated to the analysis of slaves and servants focused on the medieval period of the history of the country.³⁴ Legal aspects of Japanese slavery continued to be at the center of analyses for decades after the Second World War, with particular and continuous contributions from Maki Hidemasa, Nakata Kaoru and others.³⁵

In order to avoid going unnecessarily too deep into the topic, here we shall follow the lead of Morimoto Masahiro and Takahashi Masaaki's summaries of the historiographical process. With the consolidation of a Marxist historical perspective after the conflict, historians started employing structural analysis to study social and economic history, and the role played by slavery in the medieval society was an especially relevant subject. Their main concern was to identify in which stage medieval Japanese society was, according to the Marxist historical perspective. To respond to this question, the issue of whether Japanese unfree laborers were slaves or serfs became central. Up to the beginning of the 1950s, Ishimoda Masashi, Matsumoto Shinhachirō and Nagahara Keiji defended the idea that serfdom in Japan appeared during the period of the Northern and Southern imperial courts (1334-1392). However, in 1953, Araki Moriaki challenged the "Ishimoda perspective". By comparing the productive capacity in this period, Araki showed that the medieval Japanese families were not monogamous small families, but rather large patriarchal families. Thus, for Araki Moriaki, Sasaki Junnosuke, Hara Hidesaburō, Shibahara Takuji and others, *nuhi* 奴婢, a class of unfree laborers defined by the Ritsuryō system, was developed and continued to exist until the sixteenth century. Scholars were thus divided into mainly two groups: the Ishimoda party, like Toda Yoshimi, Kawane Yoshiyasu and Ōyama Kyōhei, defended that since the early middle ages the basic mode of production was formed by small businesses under a serfdom system. On the other side, Araki and his followers spent the 1970s and 1980s perfecting their theory based on the

³¹ TAKIGAWA Seijirō. *Nihon Dorei Keizaishi*. Tokyo: Tōkōshoin, 1930, revised and expanded edition by Meichō Fukyūkai, 1985.

³² See NIEBOER, Herman J. *Slavery as an Industrial System*. The Hague: Martinus Nijhoff, 1900, p. 29.

³³ ISOGAI Fujio. *Nihon Chūsei Doreisei Ron*. Tokyo: Kōsō Shobō, 2007, pp. 15 and 27.

³⁴ For a discussion on the definition and usefulness of the notion of medieval in the periodization of Japanese history, see GOBLE, Andrew Edmund. 'Medieval Japan'. In: TSUTSUI, William M. (ed.). *A Companion to Japanese History*. Wiley-Blackwell, 2007, pp. 47-8.

³⁵ See MAKI Hidemasa. *Jinshin Baibai*. Tokyo: Iwanami Shinsho, 1971; NAKATA Kaoru. *Hōseishi Ronshū*, 3 Jō. Tokyo: Iwanami Shoten, 1943.

continued existence of slavery during the whole medieval Japanese history. However, Araki's death in 1993 seemingly put the debate to a rest.³⁶

In the meantime, by the end of the 1960s, historian Mizukami Ikkyū had offered a new perspective on the topic. Investigating the link between the so-called *shojū* 所従 and *genin* 下人 forms of bondage with early modern forms of servitude, Mizukami focused his analysis on trade. He indicates that during the Kamakura period the two forms were predominant, but the same was not true for the following Muromachi period. Temporary servitude or *nenkihōkō* 年季奉公, under which anyone could sell their loyalty and services for an estimated period of time, gradually became the rule, until it became hegemonic by the end of the sixteenth century. As noted by Mizukami, human relations became a matter less of character and more of economics, that is to say, bondage in Japan went through a process of commodification. The historian also points out that in medieval Japanese society, farmers and peasants (*hyakushō* 百姓) could offer themselves and others as guarantee in case they couldn't pay their taxes on time. If taxes were not paid, these guarantees could be sold, making at times difficult to distinct between peasants and slaves.³⁷

In the 1990s, one of the most influential works dealing with slavery in Japan was published: Fujiki Hisashi's *Zōhyōtachi no Senjō: Chūsei no Yōhei to Doreigari* 雑兵たちの戦場: 中世の傭兵と奴隷狩り.³⁸ Centered on the slave hunts promoted by lower rank warriors and mercenaries, Fujiki explores the dense world of war regulations, practices and the state of anomy that was the medieval battlefield in Japan. Filled with sources and references, the book understands enslavement as a strategy employed to guarantee the survival of villages and those that could not afford living only from the production of their crops. The influence of Fujiki's social history methods is palpable, and it certainly affected the way Japanese slavery is seen by Japanese historiography.

One researcher who seems to continue the work of Fujiki is Shimojū Kiyoshi. The historian revisited the theme of slavery in his *Miuri no Nihonshi: Jinshin Baibai kara Nenki Hōkō he* 〈身売り〉の日本史: 人身売買から年季奉公へ³⁹, published in 2012. Subscribing to the idea that slavery lasted until medieval Japan, Shimojū explores the process of transformation of bondage practices in the country. If in the old days, young

³⁶ MORIMOTO Masahiro. "Jinshin Baibai". In: KAWAKITA Minoru (ed.). *Rekishigaku Jiten 1 Kōkan to Shōhi / Encyclopedia of Historiography 1 – Exchange and Consumption*. Tokyo: Kōbundō, 1994, pp. 437-8; TAKAHASHI Masaaki. "Nihon Chūsei Nōdosei Ronsō." In: KABAYAMA Kōichi (ed.). *Rekishigaku Jiten 6, Rekishigaku no Hōhō / Encyclopedia of Historiography 6 – Methods in Historiography*. Tokyo: Kōbundō, 1998, pp. 490-1.

³⁷ MIZUKAMI Ikkyū. *Chūsei no Shōen to Shakai*. Tokyo: Yoshikawa Kōbunkan, 1969.

³⁸ FUJIKI Hisashi. *Zōhyōtachi no Senjō: Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995 (new edition in 2005).

³⁹ SHIMOJŪ Kiyoshi. *'Miuri' no Nihonshi: Jinshin Baibai kara Nenkihōkō he*. Tokyo: Yoshikawa Kōbunkan, 2012.

women would sell themselves into slavery to help indebted parents, during the Edo period young women could become indentured servants, often used as prostitutes, to help their families. The book shows how these changes occurred and lasted until as late as modern Japan. As in the Portuguese historiography, women and gender studies developed a complex relation with the study of slavery, thus becoming a field for reflections concerning its practices and historical meanings.

Even though slavery still is a very dear topic for Japanese historiography, it seems that in it has lost its momentum since the mid-1990s. In the last few years, with the expansion of the internet, there has been a small but noisy reemergence of the theme, unarguably fueled by Fujiki Hisashi's work. A web search in Japanese reveals countless sensationalist blog texts exploring the slavery past of Japan, especially in regard to its relation with the Nanban trade.

Squeezed between the fields of history of slavery and religious history, the relationship of missionaries and slavery in Brazil has also been the focus of various studies. Outside of the country, the arguments and justifications developed by Jesuits, as well as other orders and echelons of the Catholic Church, have been the problem analyzed in the classic 1975 study by John Maxwell. Maxwell observes the problematic relation developed between the Roman church and the institution of slavery throughout the centuries.⁴⁰ Domestically, however, Jesuit reactions and interpretations of slavery in the Portuguese colony, especially the debate occurred among missionaries in the sixteenth century, have received special attention. Most recently, studies by José Eisenberg and Carlos Zeron, to name a few, have been especially important.⁴¹ As for the history of the Portuguese Empire in general, the topic of slavery has been approached by Giuseppe Marcocci on a few of his works.⁴²

Although slavery ought to be a crucial theme for the history of the Portuguese expansion⁴³, the topic is not very common either among Portuguese researchers. Studies

⁴⁰ MAXWELL, John Francis. *Slavery and the Catholic Church: The history of Catholic teaching concerning the moral legitimacy of the institution of slavery*. Chichester and London: Barry Rose Publishers, Anti-Slavery Society for the Protection of Human Rights, 1975, p. 124.

⁴¹ EISENBERG, José. 'A escravidão voluntária dos índios do Brasil e o pensamento político moderno'. In: *Análise Social*, vol. XXXIX, 170. 2004; EISENBERG, José. *As Missões Jesuíticas e o Pensamento Político Moderno – Encontros culturais, aventuras teóricas*. Belo Horizonte: Editoria UFMG, 2000; ZERON, Carlos Alberto de Moura Ribeiro. *Linha de Fé: A Companhia de Jesus e a Escravidão no Processo de Formação da Sociedade Colonial (Brasil, Séculos XVI e XVII)*. São Paulo: Edusp, 2011.

⁴² MARCOCCI, Giuseppe. *A Consciência de um Império – Portugal e o seu mundo (séc. XV-XVI)*. Coimbra: Coimbra University Press, 2012; MARCOCCI, Giuseppe. *Pentirsi ai Tropici: Casi di coscienza e sacramenti nelle missioni protoghesi del '500*. Bologna: EDB, 2013; and MARCOCCI, Giuseppe. "Escravos ameríndios e negros africanos: uma história conectada. Teorias e modelos de discriminação no império português." In: *Tempo*, 30. 2011, pp. 41-70.

⁴³ For example, Thomaz explains that it was the exchange of an African hostage for four or five Black slaves that allowed the first pacific trading contact between the Portuguese and people in the Sahara area. See THOMAZ, Luiz Filipe F. R. *De Ceuta a Timor*. Lisbon: Difel, 1994, p. 32.

of Portuguese slavery are rare, and the subject of Japanese slavery is commonly left to sidelines and footnotes, with fragmentary and incidental mentions, particularly in works dedicated to the history of commercial relations.

In his balance of the field, Fonseca explains that the Portuguese historiography of slavery is marked by mainly two phases. First, a deeply apologetic period, which still influences much of the common sense regarding its history. From the nineteenth century until circa mid-twentieth century, most researchers were in a quest to fight back the bad image of Portugal derived not only from its involvement with the slave trade, but “*como país responsável pelo início da escravatura moderna*” [as the country responsible for the beginning of modern slavery]. A second phase would start around the 1960s, when the processes of historiographical renovation in Europe, Portuguese democratization and the end of the colonial empire contributed to the emergence of studies less concerned with excusing their national past. The focus has been quite diffuse, with punctual studies on demographics, as well as economic, social and cultural aspects of the Portuguese slavery⁴⁴.

In 1982, Saunders published his *A social history of black slaves and freedmen in Portugal 1441-1555*, which would become a major reference in the field. Its influence was, however, limited; according to Ângela Barreto Xavier, slavery in Portugal still was a topic that suffered from systematic aversion by Portuguese researchers, thus depending much on the contributions by foreign researchers.⁴⁵ In 1995, Maria Rosário Pimentel’s *Viagem ao Fundo das Consciências*⁴⁶ offered a much-needed in-depth analysis of theological and legal aspects of slavery in the early modern Portugal and its empire.

Recent publications show that slavery became a topic closely related to women studies in Portuguese historiography, as it is the case of many of the authors in Clara Sarmiento’s *Women in the Portuguese Colonial Empire: The Theatre of Shadows*⁴⁷, and more recently Elsa Penalva’s *Mulheres em Macau: Donas Honradas, Mulheres Livres e Escravas, Séculos XVI e XVII*.⁴⁸ Meanwhile, Jorge Fonseca has used notarial sources with closed geographical and chronological focus in areas such as Évora, Southern Portugal and Lisbon to produce remarkable results.⁴⁹ And, of course, the social history of slaves

⁴⁴ FONSECA, Jorge. ‘A historiografia sobre os escravos em Portugal’. In: *Cultura*, Vol. 33, 2014. Available at <http://cultura.revues.org/2422>, accessed in May 3rd 2016, p. 14.

⁴⁵ XAVIER, Ângela Barreto. ‘Tendências na Historiografia da Expansão Portuguesa: Reflexões sobre os destinos da história social’. In: *Penélope*, n. 22, 2000, pp. 164-5.

⁴⁶ PIMENTEL, Mária Rosário. *Viagem ao Fundo das Consciências. A Escravatura na Época Moderna*. Lisbon: Ed. Colibri, 1995.

⁴⁷ SARMENTO, Clara (ed.). *Women in the Portuguese Colonial Empire: The Theatre of Shadows*. Cambridge: Cambridge Scholars Publishing, 2008.

⁴⁸ PENALVA, Elsa. *Mulheres em Macau: Donas Honradas, Mulheres Livres e Escravas, Séculos XVI e XVII*. Lisbon: Centro de História de Além-Mar, Centro Científico e Cultural de Macau, 2011.

⁴⁹ See FONSECA, Jorge. *Os escravos em Évora no século XVI*. Évora: Câmara Municipal de Évora, 1997; FONSECA, Jorge. *Escravos no Sul de Portugal (Séculos XVI e XVII)*. Lisbon: Vulgata, 2002; FONSECA, Jorge. *Escravos e Senhores na Lisboa Quinhentista*. Lisbon: Edições Colibri, 2010.

in Portugal has yet to overcome Didier Lahan's thesis on Black brotherhoods in Portugal.⁵⁰

Portuguese historiography is, however, marked by deeply rooted misconceptions regarding slavery. Historians tend to make profound, and at times disturbing, distinctions between slavery in Brazilian plantations and the rest of the empire, including continental Portugal. The apparent distaste Portuguese historians share towards the theme seems to reflect a lack of criticism regarding slavery in Portugal and the colonial settlements. Ângela Barreto Xavier, commenting on the developments of Portuguese historiography, writes:

“A escravatura foi um sangue que percorreu todos os territórios da expansão portuguesa, apesar de adquirir diferentes matizes, conformes ao tipo de instalação experimentada pelos portugueses: mais violenta e dramática a ocidente (como acontecia nas plantações), exercendo uma violência doce, mais pacífica a oriente e na metrópole (como era o caso da escravatura urbana, doméstica).⁵¹”

[“Slavery was a blood that ran through all the territories of the Portuguese expansion, although in different strokes, according to the kind of settlement tried by the Portuguese: more violent and dramatic in the west (as in the plantations), [or] applying a kind violence, more pacific in the east and in the metropolis (as it was with urban, domestic slavery)”]

As we see it, Xavier makes a deep and very problematic separation between social practices in Brazil and the rest of the Portuguese empire. As a matter of fact, she indicates that there were two distinct types of slavery: a violent, cruel South American type; and a more docile, mild type in the rest. This perspective assumes that these differences resulted from incongruities of institutional forces responsible for creating the colonial societies. As a result, slavery would create a harsher reality in Brazil because of the conditions in South America (in this case, the plantation system), while settlements in Asia allowed the emergence of a milder version (domestic slavery). This limited perspective can be noticed, for example, in recent works dealing with Japanese slavery.⁵²

However, scholars specialized in the relations between Japan and the Portuguese and Spanish colonial empires also produced a historiographical corpus of fragments and pieces regarding Japanese slavery. These pieces must be put together for a better grasp of

⁵⁰ LAHON, Didier. *Esclavage et Confréries Noires au Portugal durant l'Ancien Regime (1441-1830)*. Paris: EHESS, Doctoral thesis, 2001.

⁵¹ XAVIER, Ângela Barreto. ‘Tendências na Historiografia da Expansão Portuguesa: Reflexões sobre os destinos da história social’. In: *Penélope*, n. 22, 2000, p. 165.

⁵² See, for example, SOUSA, Lúcio de, and OKA Mihoko. *Daikōkai Jidai no Nihonjin Dorei*. Tokyo: Chuokoron-Shinsha, 2017.

the state of the historiography of Japanese slavery. That is the object of the following section.

A historiography in crumbs

Since at least 2007, there has been a surge of works centered on Asian slaves in Iberian Empires among historians of the early modern Iberian Empires, divided basically in two fields. On one side, the thesis of Deborah Oropeza Keresey, defended in that year, seems to be the responsible for triggering a wave of renewed interest regarding the topic among Mexican and American historians.⁵³ Seven years later, the book published by Tatiana Seijas, based on her own doctoral thesis, written almost at the same time as Oropeza Keresey's, has also shed some light on the history of Asians in colonial Mexico⁵⁴. On the other side, the works of Lúcio de Souza, Oka Mihoko, Maria de Deus Beites Manso, Ivo Carneiro de Sousa and Leonor Diaz de Seabra have also gathered some attention to the presence of Asians, particularly Japanese, slaves in the Portuguese empire and beyond among Portuguese and Japanese historians.⁵⁵ Another example is Filipa Ribeiro da Silva's research on slave trading networks across colonial empires, which focuses on the analysis of wide networks between individuals of different ethnic, religious and cultural backgrounds who had an active role in the slave trade not only in Asia, but

⁵³ OROPEZA KERESSEY, Deborah. *Los 'indios chinos' en la Nueva España: la inmigración de la nao de China, 1565-1700*. Thesis presented at the Colegio de Mexico, A.C., 2007.

⁵⁴ SEIJAS, Tatiana. *Asian Slaves in Colonial Mexico – From Chinos to Indians*. Cambridge: Cambridge University Press, 2014. The book was based on her doctoral thesis: SEIJAS, Tatiana. *Transpacific Servitude: the Asian Slaves of Mexico, 1580-1700*. Doctoral dissertation presented to Yale University, 2008. The following can also be included in this wave of interest on the theme: FALCK REYES, Melba and PALACIOS, Héctor. *El japonés que conquistó Guadalajara. La historia de Juan de Páez en la Guadalajara del siglo XVII*. Guadalajara: Universidad de Guadalajara, Biblioteca Pública del Estado de Jalisco Juan José Arreola, 2009; SLACK JR., Edward R. "Sinifying New Spain: Cathay's Influence on Colonial Mexico via the Nao de China". In: LAI, Walton Look and TAN, Chee Beng (ed.). *The Chinese in Latin America and the Caribbean*. Leiden: Brill, 2010.

⁵⁵ SOUZA, Lúcio de e MANSO, Maria de Deus Beites. "Anton Chino: A diáspora de um escravo de Cochim pelo mundo luso-espanhol dos séculos XVI e XVII". In: *Boletín del Instituto de Estudios Latinoamericanos de Kyoto* No. 14, December 2014, pp. 121-32; SEABRA, Leonor Diaz de e MANSO, Maria de Deus Beites. "Escravidão, concubinação e casamento em Macau: séculos XVI-XVIII". In: *Afro-Ásia* no. 49, Jan./June 2014, Salvador (Brazil), pp. 105-33; and SOUZA, Lúcio de. *Jūroku, Jūnana Seiki no Porutogaruujin ni yoru Ajia Dorei Bōeki: Aru Chūgokujin Josei Dorei wo Otte*. In: NAKAJIMA Gakushō (ed.). *Nanban, Kōmō, Tōjin – Jūroku, Jūnana Seiki no Higashi Ajia Kaiiki*. Tokyo: Shibunkaku Shuppan, 2013, pp. 229-81; and SOUSA, Ivo Carneiro de. *Escravidão e diáspora japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014; SOUSA, Ivo Carneiro de. *A Outra Metade do Céu*. Hong Kong: Saint Joseph Academic Press, 2011; SOUSA, Ivo Carneiro de. "Cativas e Bichas, Meninas e Moças: A subalternidade social feminina e a formação do mercado matrimonial de Macau (1590-1725)". In: *Campus Social*, 3/4, 2006/2007, pp. 173-96.

across the globe.⁵⁶ In Brazil, the pioneer work of Patrícia de Souza Faria also has been offering palpable results on the analysis of Inquisition records of Asian slaves and the reconstruction of slave memories from unsuspecting sources.⁵⁷

Recent studies bring winds of creativeness and innovation to the field, and there are great possible contributions and collaborations that can be gained from the exchange between the two groups. However, the fact is that the subject of Asian slavery has been studied numerous times before, even though few studies were dedicated exclusively to this topic in the past. It is a theme normally relegated to footnotes and short mentions, and its depth often passes unappreciated. This section will focus on the historiography of Asian slavery, more specifically on the theme of this research, Japanese enslaved by the Portuguese and Spaniards, in an attempt to gather these small pieces of historical analyses and put them together in a general overview of the theme. Our aim is to delineate a bibliographical and historiographical history of the issue.

Mentions of Japanese men and women enslaved by the Portuguese could be found in chronicles and general histories, but it is only in the nineteenth century that the topic will find its way into works concerned with a methodology closer to the modern historical sciences. In the first half of the century, Anders Ljungstedt, in his description of the populations and the economic activities of the residents of Macao, is apparently the first one to identify the economic importance of slavery for the Portuguese in Asia, particularly its eastern portion: “*Formerly, the merchants of Macao dealt largely in slaves, kidnapped in China, Japan, and many other places, or bought; they import but few from Timor and Goa.*”⁵⁸

By the early twentieth century, general histories of Japan featured small mentions to the issue of the slave trade carried by the Portuguese in Japan. James Murdoch characterized it as in the following terms: “*(...) the Portuguese were carrying on an abominable slave-trade at the expense of the Japanese.*”⁵⁹ Francis Brinkley wrote on the

⁵⁶ SILVA, Filipa Ribeiro da. “Trans-Imperial and Cross-Cultural Networks for the Slave Trade, 1580s-1800s.” in: ANTUNES, Cátia and POLÓNIA, Amélia (org.). *Beyond Empires: Global, Self-Organizing, Cross-Imperial Networks, 1500-1800*. Leiden: Brill, 2016, pp. 41-68.

⁵⁷ FARIA, Patrícia de Souza. “Cativos asiáticos nas malhas da Inquisição: mobilidades culturais entre o Índico e Portugal (séculos XVI e XVII).” In: *Mestiçagens e globalização. Japão: identidades que se cruzam*. Passado, Presente e Futuro, 2015, Tóquio, vol. 1. Tokyo: Tokyo University of Foreign Studies, 2015; FARIA, Patrícia de Souza. “De Goa a Lisboa: memórias de populações escravizadas do império asiático português (séculos XVI e XVII).” In: *Revista Ultramares*, v. 5, n. 9, January-June 2016.

⁵⁸ LJUNGSTEADT, Anders. *An Historical Sketch of the Portuguese Settlements in China; and of the Roman Catholic Church and Mission in China*. Boston: James Munroe, 1836, p. 29.

⁵⁹ MURDOCH, James and YAMAGATA Isoh. *A History of Japan during the century of early foreign intercourse (1542-1651)*. Kobe: office of the “Chronicle”, 1903, pp. 242-3.

meeting of Hideyoshi with the Jesuits and the later developments concerning slavery since 1587.⁶⁰

But the greatest contribution of the pre-war period came perhaps in a two-volume book by the French *proto-japoniste* Léon Pagès.⁶¹ Published in 1869-70, Pagès introduced in the annexes of his *Histoire de la religion chrétienne au Japon* a French translation of a Jesuit source written in 1598 – a record of the discussion done by the missionaries on Japanese slavery, which was seemingly discovered by the historian in Spain.⁶² It would become a fundamental source to understand Japanese enslavement, even though Pagès himself uses very little the document in his own research.⁶³

In Japan, the impact of Pagès' work was not restricted to academic circles, leading to a series of very real, political consequences. According to pastor and historian Yamamoto Hideteru, a pamphlet denouncing the persecution suffered by Christians in Japan, published by Pagès, was responsible for creating a tense reception for the Iwakura embassy members in Europe. The situation led Itō Hirobumi, future prime-minister of Japan and member of that embassy, to send a telegram to the government, requiring that the prohibition against Christianity to be suspended in Japan.⁶⁴

Pagès' popularity among orientalist in Europe did not trigger an immediate translating effort to the Japanese language – the arrival of his influence in Japan was slow. In 1902, Pagès penned an article on a January edition of the English-language periodical *Japan Chronicle Weekly*, based in Kobe. The theme of his article was precisely the 1598

⁶⁰ BRINKLEY, Francis and KIKUCHI Dairoku. *A History of the Japanese People from the earliest times to the end of the Meiji era*. New York and London: The Encyclopedia Britannica Co., 1915, p. 539-41. Brinkley had discussed slavery and legislation during the Tokugawa period before, but without any in-depth analysis of Portuguese restrictions concerning slave trade. See BRINKLEY, Francis. *Japan – Its History Arts and Literature*. London: T.C. & E.C. Jack, 1904, pp. 111-23.

⁶¹ BEILLEVAIRE, Patrick. "Léon Pagès (Paris, 1814 – Paris 1886)". In: POUILLON, François (ed.). *Dictionnaire des orientalistes de langue française*. Paris: IISMM, Éditions Karthala, 2008, p. 735.

⁶² PAGÈS, Léon. *Histoire de la religion chrétienne au Japon – Seconde Partie, Annexes*. Paris: Charles Douniol, 1870, pp. 70-9.

⁶³ The French historian mention of the slave trade by the Portuguese in Japan is minimal. "(...) nous sommes heureux de constater et de publier la constant intervention de l'Église en faveur de la liberté des hommes. Apr s la guerre de Corée, et dans d'autres occasions, des marchands portugais avaient acheté des prisonniers de guerre, pour les transporter aux Indes et les y revendre. Souvent on faisait contracter à ces malheureux l'engagement de servir durant plusieurs années. L'évêque D. Luis de Cerqueira, d s son arrive au japon, en 1598, avait tenu une conference solennelle avec les supérieurs et les principaux P res de la Compagnie pour mettre fin à ces abus, en édictant contre les coupables les peines ecclésiastiques les plus sév res." ["We are glad to verify and publish the constant intervention of the Church in favor of the freedom of men. After the war in Korea, and in other occasions, Portuguese merchants had bought war prisoners, to transport them to the Indies and sell them there. Often, they would hire these unfortunate people with contracts to serve for many years. The bishop D. Luís de Cerqueira, upon his arrival in Japan in 1598, held a solemn conference with superiors and the main priests of the Company to put an end to this abuse, adopting against the culprits the heaviest ecclesiastical sanctions."] PAGÈS, Léon. *Histoire de la religion chrétienne au Japon*. Paris: Charles Douniol, 1869, pp. 132-3.

⁶⁴ YAMAMOTO Hideteru. *Kinsei Nihon Kirisutokyōshi*. Tokyo: Rakuyōdō, 1922, pp. 812-3.

Jesuit meeting where the priests discussed the issue of Japanese slavery⁶⁵. In October of that same year, however, a very different opinion regarding the Jesuit engagement with slave trade was published. It was a history of the port of Nagasaki written by Japanese journalist and screenwriter Fukuchi Genichirō. The reader should forgive us for the long citation, but we felt necessary in order to transmit the historian's perspective in its entirety.

“(…)日本人を買取り南蛮へ連行き云々とあるは是又當時に於いて輕視すべからざる一大問題なり、是より先に葡萄牙及び西班牙の商客等が九州の諸港に來りて商館を設け盛に貿易を営み (...)日本の金銀を輸出して利益を貪る中に一輸出物を覓め出したるは奴隸売買なり、當時日本全州は二百余年打続きたる内乱の結果として人民皆塗炭の苦に座するの想を爲し幸に今少しく干戈に遠ざかるが如くなれども東西の征討は未だ全く止めると云ふにも非ず、中にも九州は客所の戦争に耕作を妨げられ且は領主より苛酷の賦役を課せられ之を上納するの資力も概皆盡果て其生を聊かせざるの苔現に陥りたれば諺に言ふ飢に迫れば股を殺ぐの習ひ何にもあれ金銭に代るものあらば売払いて眼前の急を凌がざる可からざるの状況たり、南蛮人など (….) は此時期に際し日本の貧民を欺誘して其子弟を買取り之を媽港・馬刺加・馬尼ラの諸所に輸出し奴隸として売渡したり。(當時日本人が東洋各地に赴きたるの多かりしは此奴隸に売られたるが多数なりき) 而して其値の廉なるは他の黒奴ニグローの下に在りければ是が爲に一時は黒奴の値に非常の影響を興へたりと云へり、伝道法師の中にて心ある者は此事の罪惡たるを悲みて之を訓誡したれども商客等は此奴隸輸出の多利なるを喜びて更に聞入べき様も無し、而して其頃この商客中にて尤も不逞暴惡の輩は多く長崎に集り長崎は其巢窟と目せられたりければ此奴隸輸出は長崎實に其根拠地と成りたり、是れ秀吉公の訊問を下されたる所以なり⁶⁶”

[“The fact that Nanban [Portuguese and Spaniards] bought and took Japanese people with them was a big problem that could not be ignored in the period. Before it, Portuguese and Spanish merchants and others came to ports in Kyushu, established their factories and traded actively (...) and in the middle of the huge profits of the exportation of Japanese silver was the slave trade. In that period, as a result of around 200 years of civil wars in every part of Japan, people struggled against misery. Even though wars were seemingly becoming a thing of

⁶⁵ ‘Conference Held by the Bishop Cerqueira on the Subject of Slaves Bought or hired and transported out of Japan, in September 1598, extracted from the Archives of the Academy of History in Madrid by L. Pag s’. In: *Japan Weekly Chronicle*, January 29th. Kobe: 1902, pp. 83–85.

⁶⁶ FUKUCHI Genichirō. *Nagasaki Sanbyaku Nenkan: Gaikō Hensen Jijō*. Tokyo: Hakubunkan, 1902, pp. 18-9. We kept the term “negro” as it was used in the original Japanese text.

the past, one could not say the military campaigns between [Japan's] East and West were completely over. Among these, battles in many parts of Kyushu obstructed agricultural production and led to severe taxes on local authorities. Because people's economic capacities to pay these taxes were exhausted, they saw themselves in a situation reminding the saying "when starvation strikes, one is compelled to make sacrifices". Anything that could be turned into money was sold in order to respond to immediate necessities. Nanban people [Portuguese and Spaniards] and others seized this opportunity – they deceived the poor in Japan, bought their children and youngsters, and exported them to Macao, Malacca, Manila and other places, selling them as slaves (Many of the Japanese at that time that headed to other areas in the Far East were sold as these slaves). Furthermore, as their price was lower than of other negros, it is said that it temporarily had great influence on the price of negros. Among missionaries, those who had a heart were against this practice, criticizing it as a sin. However, as merchants and others enjoyed the large profits from the exportation of these slaves, no one listened to them. Also, if we consider that during this period the worst lawless and immoral individuals among merchants gathered in large numbers in Nagasaki and made it their den, Nagasaki became the centre of this slave trade, being thus the reason for Hideyoshi's questioning [to the Jesuits]"

Fukuchi blamed the Jesuits as the main driving force interested in the continuity of the slave trade in Japan. Not only that, he defended that the slave trade was the greatest motive behind Hideyoshi's decision to expel the priests from Japan. We are not sure if Fukuchi's impact in the Japanese historiography during the first decades of the twentieth century was deep enough, or if his ideas merely reflected the *zeitgeist* of late Meiji. But, for historians in this period, the conclusion presented by Fukuchi, that the Japanese enslavement consisted of, for the most part, a combination of the economic chaos created by the civil wars in Japan, the Jesuit turning a blind eye for the situation, and the gathering of foreigners in Nagasaki, became the norm. It took almost 30 years until this position was criticized.

In 1930, Anesaki Masaharu, a specialist in the history of religions, presented an abridged translation of the same document presented by Pagès. He does not indicate whether he was quoting Pagès work – Anesaki could well have had access to the source via the German Jesuit priests Georg Schurhammer or Joseph Dahlmann, who he thanked in the opening of his book. The main purpose of Anesaki was to repudiate the perspective defended by Japanese scholars such as Fukuchi. According to him, Japanese scholars were denouncing the Jesuits as active participants in the trade or conniving with the slavery, in order to defend the legitimacy and preeminence of Hideyoshi's decision to expel all missionaries. Anesaki uses the 1598 document to prove that the Jesuits were not

involved in the slave trade, but rather were critics of it, and defies any scholar who still thought otherwise⁶⁷.

In July of 1932, Izawa Minoru published a two-part article in the Tokyo Asahi Shinbun on the trade of enslaved Japanese people by the Portuguese. Entitled “*The Untold Story of Trade – a reflection on the exportation overseas of Japanese slaves*”, the newspaper story presented an account of the discovery of a record of a Japanese slave in Argentina, which probably is the oldest reference in Japan to this case, as far as we know. Other sources include a translation of Dom Sebastião’s charter on Japanese slavery, a Jesuit letter commenting on the trade, Dom Felipe II’s charter on Japanese slavery, and an excerpt from the book *Arte de Furtar* related to the Japanese slave trade⁶⁸. Although it was not an answer to Anesaki Masaharu’s challenge, it certainly introduced the Japanese public with new sources, although the media chosen was not an especially long-lasting one.

Anesaki’s challenge was addressed by Tokutomi Ichirō, a Japanese journalist and historian who after the First Sino-Japanese War abandoned his ideals of modernization via the reception of foreign culture by the Japanese people and democratization of politics in favor of military expansionism⁶⁹. Also known as Tokutomi Sohō, he drew from Pagès’ work to translate the document from French to Japanese in mid-1930s. Echoing the tone used on James Murdoch’s reading of Pagès⁷⁰, Tokutomi interprets the issue in a very pragmatic manner: if the Portuguese were buying slaves, it was because Japanese *daimyo* were selling Japanese people. As for the Jesuits, he doesn’t redeem them with any excuse: the missionaries remained silent until they were forced by the circumstances to react, even though their reaction was restricted to the emission of excommunications against those who bought slaves. His work also presented another important piece to the puzzle – the

⁶⁷ Anesaki writes: “日本の史家には此の問題の一面を見、太閤の禁教が正当だといはうとする為に、教会の教師も奴隷売買に参加したものの如く云ふ人のあるのは、誣言といふ外なく、セルケイラの此報告を見て、どこにその様な非難をする根拠を発見するか。” [“Japanese historians who look at one side of this problem, in order to confirm the legitimacy of Hideyoshi’s prohibition [against Christianity], and say that priests of the church took part in the slave trade, these are nothing but false claims; look at this report by [bishop D. Luis de] Cerqueira, and see if you can find where is proof of such criticism”]. ANESAKI Masaharu. *Kirishitan Dendō no Kōhai*. Tokyo: Dōbunkan, 1930, pp. 316-22.

⁶⁸ IZAWA Minoru. “Tsūshō Hiwa – Nihonjin Dorei Kaigai Yūshutu Kō.” In: Tokyo Asahi Shinbun, July 11th and 12th. Tokyo: Asahi Shinbunsha, 1932. See also IZAWA Minoru. *Daikōkai Jidai Yawa*. Tokyo: Iwanami Shoten, 1977, pp. 170-2.

⁶⁹ In fact, he became one of the most representative ideologues of the Japanese militarism. NAGAHARA Keiji. *20 Seiki Nihon no Rekishigaku*. Tokyo: Yoshikawa Kōbunkan, 2003, pp. 28-29 and 43.

⁷⁰ MURDOCH, James and YAMAGATA Isoh. *A History of Japan during the century of early foreign intercourse (1542-1651)*. Kobe: office of the “Chronicle”, 1903, pp. 242-3.

chronicle *Kyūshū Godōzaki* 九州御動座記, with a more gruesome account of the slave trade in the period⁷¹.

Pagès' works on Christianity were well known in Japan at least since 1901, when the Historiographical Institute of the University of Tokyo included some of his documents in a volume of the *Dai Nippon Shiryō*, the official collection of Japanese historical records published by that institution⁷². But it took a while until Japanese translations of his books started to appear. The first of his works to be translated was his *Bibliographie Japonaise, ou Catalogue des ouvrages relatifs au Japon qui ont été publiés depuis le XVe siècle jusqu'à nos jours*⁷³. In this edition of 1927, the linguist Shinmura Izuru, responsible for the presentation of the book, uses Henri Cordier's 1912 *Bibliotheca Japonica* to write a short biography of Pagès⁷⁴. Shinmura tells that, in that period, Pagès' *Histoire des vingt-six martyrs japonais* and the two volumes of his *Histoire de la religion chrétienne au Japon* were – along Jean Crasset's 1689 *L'Histoire de l'église du Japon*, translated to Japanese in 1878 – the most commonly used reference works on the history of Japanese Christianity by specialists in Japan. Pagès work on the 26 Japanese martyrs would be translated by Kimura Tarō and published in 1931⁷⁵. His history of the Christian religion would be translated to Japanese by Yoshida Kogorō and published in a three-tome edition between 1938 and 1940 under the title *Nihon Kirishitan Shūmonshi* 日本切支丹宗門.⁷⁶

It was in the 1930s that the debate regarding Japanese slavery by the Portuguese and Spaniards was expanded beyond whether the Jesuits were to blame for allowing merchants to trade slaves in Japan. Before the works of Anesaki and others in the 1930s, the subject was more an ethical than a historical issue. As pointed by Anesaki, at the bottom there was a nationalistic defense of the victims of the trade, and appraisal of Hideyoshi's initiative.

In 1934, Japan produced probably the first historical work dedicated exclusively to the issue of Japanese slavery – Okamoto Yoshitomo's two-part article “*The Problem of Japanese Slaves in the 16th Century*”⁷⁷. This text would be added later unaltered to

⁷¹ TOKUTOMI Sohō. *Kinsei Nihon Kokuminshi Dai 5 Toyotomi-shi Jidai, Otsuhen*. Tokyo: Minyūsha, 1934-5, pp. 384-8.

⁷² The same volume offered also sources in their original languages and Japanese translations from Jean Crasset's *L'Histoire de l'église du Japon* and a Jesuit annual letter from 1603. See KATŌ Eiichi. *Bakuhansai Kokka no Keisei to Gaikoku Bōeki*. Tokyo: Azekura Shobō, 1993, p. 265.

⁷³ PAGÈS, Léon. *Bibliographie japonaise, ou Catalogue des ouvrages relatifs au Japon qui ont été publiés depuis le XVe siècle jusqu'à nos jours*. Paris: B. Duprat, 1859.

⁷⁴ SHINMURA Izuru. *Shinmura Izuru Zenshū, Dai 8 Kan*. Tokyo: 1972, pp. 288-9. The original text by Shinmura can be found in PAGÈS, Léon. *Nihon Toshō Mokuroku*. Kyoto: Kōseikaku, 1927.

⁷⁵ PAGÈS, Léon. *Nihon Nijūroku Seijin Shunkyōki*. Tokyo: Iwanami Shoten, 1931.

⁷⁶ PAGÈS, Léon. *Nihon Kirishitan Shūmonshi*. Tokyo: Iwanami Shoten, 1938-40.

⁷⁷ OKAMOTO Yoshitomo. “Jūroku Seiki ni okeru Nihonjin Dorei Mondai (Jō).” In: *Shakai Keizai Shigaku*, 4(3), June 1934, pp. 247-65 and OKAMOTO Yoshitomo. “Jūroku Seiki ni okeru Nihonjin Dorei Mondai (Ge).” In: *Shakai Keizai Shigaku*, 4(4), July 1934, pp. 372-85.

Okamoto's larger volume dealing with the Portuguese and Japanese relations in the period, published in 1936⁷⁸. He goes beyond Pagès and Crasset, and actively uses Portuguese chroniclers such as João de Barros and António Bocarro; Portuguese source collections such as the Rivara's *Arquivo Portuguez Oriental* and the *Livros das Monções*; as well as unpublished sources from Spain, Portugal and Japan. In a very non-confrontational way and constantly recognizing his limitations due to the lack of sources, Okamoto's essay-like analysis approaches all the issues that in the 1930s concerned the subject, such as the share of responsibility of the Jesuits, how Japanese authorities responded to the issue, what was the place of Japanese slavery in the history of slavery, and so on. However, Okamoto refrains from quoting or mentioning other historians of his time, what results in a text apparently detached from its context.

The Japanese scholar explains that, between the disappearance of the Wakō in the 1560s and the invasion of Korea in the 1590s, Japanese would leave the archipelago not as merchants in search of trade, but rather as slaves in Portuguese ships. The Japanese slave trade is then connected to the larger phenomenon of the passage from late medieval mode of production, in a small scale, to larger enterprises typical of the modern era. The difference between these two modes of production is used to explain why slaves from certain areas were used in small numbers, while others – arguably a reference to large plantations and Black slavery – were employed in large scale productions⁷⁹. Japanese slavery is also included in a larger phenomenon, to which he calls “*slave trade by the Portuguese in the Far East*”, thus linking the Japanese trade with the early relations between Chinese and Portuguese in the first decades of the sixteenth century⁸⁰. As for Japanese slaves, even though Okamoto does not discard the possibility of trade in the 1540s, 1555 is set as the first direct mention of Portuguese merchants trading slaves from Japan, which would lead to Dom Sebastião's charter in 1571, a policy that would be repeated in the early seventeenth century. Okamoto believes that, as it was a policy impossible to be enforced in the East Indies, the Portuguese authorities ignored it in the 1570s and did not apply the charter. Second, social conditions in Japan favored the trade: higher taxes demanded by military leaders in search of funds for the internal conflicts triggered impoverishment in the population, which saw slavery as an alternative strategy to survive⁸¹. Hideyoshi's questioning of the Jesuits is analyzed in a wider context, considering regional differences in Japanese mores related to slavery and psychological effects of the situation on the Kanpaku and his subordinates. The Jesuits are also relieved of any blame, as they have tried everything they could to abolish the slave trade until that time, without success. Using the record of the 1598 gathering in Nagasaki, Okamoto goes

⁷⁸ OKAMOTO Yoshitomo. *Jūroku Seiki Nichiō Kōtsūshi no Kenkyū*. Tokyo: Kōbunsō, 1936 (revised edition by Rokkō Shobō, 1942 and 1944, and reprint by Hara Shobō, 1969, 1974 and 1980). The chapters and page numbering is the same in any of these editions.

⁷⁹ *Idem*, pp. 728-9.

⁸⁰ *Idem*, p. 729.

⁸¹ *Idem*, pp. 730-2.

on to predict that Hideyoshi in fact had enacted a specific and severe prohibition against slave trade. This source would be discovered and revealed in the end of the 1930s, as we will see below.⁸²

Okamoto's perspective pays extreme attention to the limitations of policies in the time of Hideyoshi. As he sees it, nor the Jesuits, nor the authorities in Macao, nor the Japanese central authority had power to stop completely the slave trade, which continued smuggling enslaved individuals after Hideyoshi's prohibition. The only really effective policy would be the rigid control implemented by Tokugawa Iemitsu regarding the entrance of Portuguese ships in Japanese ports⁸³. However, according to Okamoto, it was Hideyoshi's prohibition that led the Jesuits to enact, nine years later, an excommunication order against all Portuguese who bought Japanese slaves, and triggered further policies from the Vice-Roy in Goa around the end of the century⁸⁴. The issue became more complicated – Goa *casados* opposed the prohibition, thus starting a negotiation process between these citizens and the king⁸⁵. For Okamoto, the Jesuits acted according to the level of danger felt towards the missionary work, demanding prohibitions only when it was a necessity, and ignoring the trade when there was no threat to their work in Japan. The sixteenth century would thus end without a definitive solution.⁸⁶

Okamoto analyzes the 1598 Jesuit document in order to identify the types of slaves in Japan according to the Europeans. First, there were the internal social and economic conditions of Japanese society that led commoners to see slavery as a strategy for survival. Second, there was also the invasion of Korea and the flow of Korean prisoners into Japan, which supplied plenty of captives for the slave trade⁸⁷. Okamoto also tries to evaluate the geographical reach of the Japanese slave trade, recognizing there were enslaved Japanese people in Southern China, Indochina, India and other areas, as well as in Portugal and Argentina⁸⁸. As for numbers, he insists that there is no possible way to calculate the statistics of the Japanese trade, but men and women had very different fates according to their use by Portuguese masters and the areas they lived, providing examples of Japanese slaves in Macao and Siam⁸⁹.

In 1939, Watanabe Yōsuke presented to the public his discovery from the archives of the Grand Shrine of Ise: a new document by Hideyoshi, dated July 24th 1587, one day before the expelling of the Jesuits. Addressed to an unnamed party, the 11 articles

⁸² *Idem*, pp. 733-40.

⁸³ *Idem*, pp. 740-2.

⁸⁴ *Idem*, pp. 743-8.

⁸⁵ *Idem*, pp. 748-54.

⁸⁶ *Idem*, pp. 754-5.

⁸⁷ *Idem*, pp. 755-64.

⁸⁸ *Idem*, pp. 766-5.

⁸⁹ *Idem*, pp. 766-776.

included a provision forbidding the trade of Japanese slaves⁹⁰. Watanabe would also argue in a later text that this new prohibition was directed at the public in general, not specifically addressed to the Jesuits nor to any *daimyō*⁹¹.

In this period, other relevant documents were also discovered. With access to such documentation, Okamoto Yoshitomo added new remarks concerning Japanese slavery to the revised edition of his book, published in 1942. He comments on the report on the Japanese embassy to Europe (*De missione legatorum Iaponensium ad Romanam curiam...*⁹²), translated to Japanese and published in 1936; a testimony by a group of Japanese given to the Bishop of Philippines Domingo de Salazar in 1587, discovered and published by Johannes Laures⁹³; and the prohibition by Hideyoshi recently discovered by Watanabe Yōsuke. His conclusion is that none of the documents negate any of the opinions expressed in his first analysis. They reinforce that the Jesuits were more interested in criticizing the Japanese and the way individuals were enslaved than in raising their voices against the Portuguese.⁹⁴

The topic of Japanese slavery was mostly disregarded by every specialist of the area though. Kōda Shigetomo 幸田成友, one of the main historians of the period, drew general remarks citing only Pagès's work.⁹⁵ On the other hand, Okamoto, Tokutomi and Pagès influenced Ebizawa Arimichi, who wrote on the subject in 1942 – the same year Okamoto revised his text. Ebizawa focused his analysis on the contents of the questions Toyotomi Hideyoshi made to the Jesuit Gaspar Coelho regarding, among other issues, the problem of Japanese slave trade. The historian defends the Jesuits position, writing how the missionaries had criticized abuses committed by Portuguese merchants since the 1560s, to which Dom Sebastião replied with his charter on Japanese slavery. For him the charter failed because of distance and incapacity of enforcement. Ebizawa concludes saying that the Jesuits, although made many attempts to curtail the trade, failed because of their inability to work under a single policy, showing inconsistencies in their efforts according to the period, and that he refrains from discussing any further the so-called “slave problem” in favour of Okamoto's work. Also, in face of the discovery by Watanabe Yōsuke in 1939, Ebizawa compares both prohibitions and discusses whether the Jesuits

⁹⁰ WATANABE Yōsuke. “Waga Shiryō yori Mitaru Sengoku Jidai Tōzai Kōshōshi.” In: Shigakkai (ed.). *Tōzai Kōshōshiron, Jōkan*. Tokyo: Fuzanbō, 1939.

⁹¹ WATANABE Yōsuke. “Waga Shiryō yori Mitaru Sengoku Jidai Tōzai Kōshōshi Hoi.” In: *Shigaku Zasshi*, 50, n. 7. Tokyo: Shigakkai, 1941.

⁹² Published in Macao in 1590 by commission of Valignano, Okamoto uses the following edition: SANDE, Eduardo de (auth.), and MITANI Shōji et alli (trans.). *Ken'ō Nihon Shisetsu Taiwaroku*. [Unknown location]: [unknown publisher], 1936.

⁹³ LAURES, Johannes. *An ancient document on the early intercourse between Japan and the Philippine Islands*. Manila: [unknown publisher], 1941.

⁹⁴ OKAMOTO Yoshitomo. *Op. cit.*, 1942, pp. 835-40.

⁹⁵ KŌDA Shigetomo. *Nichiō Kōtsū-shi*. Tokyo: Iwanami Shoten, 1942, pp. 405-6.

knew about the 11-article prohibition enacted by Hideyoshi at the time of their meeting with the Kanpaku⁹⁶.

The issue would be reassessed by a legal history scholar in the 1960s and 1970s. In 1971, Maki Hidemasa published a small book entitled *Jinshin Baibai* 人身売買. Maki had been studying the issue of slavery in Japan from a legal perspective since at least early 1960s, and this book summarizes ideas previously exposed in other of his works. He dedicated the third chapter to the subject of Japanese slave trade carried by the Europeans, but mostly the Portuguese. Maki explains how the issue was approached differently by the parts involved – missionaries in Japan, Portuguese merchants, and the Portuguese and Japanese authorities. Also, he focuses on the differences displayed by the trade in Japan when compared to the slave trade in the Americas. The scholar points out how Jesuits and Portuguese merchants when came to Japan understood there were Japanese slaves *de jure*. For that reason, Jesuits allowed to a certain point the slave trade by Portuguese merchants in the archipelago. As for the Portuguese administration, Maki points out to the complete failure of the first prohibition enacted in 1570 and further attempts. In regard to the Jesuits, he analyzes in quite detail the gathering of 1598 concerning Japanese slavery, however he fails to identify the standards used to legitimate slavery or evaluate the legitimacy of Japanese laws. On the other hand, Maki indicates the inability of the Jesuits to understand that slavery in Japan did not necessarily involved the transfer of property – it was rather a concession of services. He also comments on prohibitions regarding slave trade enacted by Japanese Catholic brotherhoods.⁹⁷

Hideyoshi's policy is explained in a broader context, comparing the prohibition with other unifying and economic policies. According to Maki, the Kanpaku was more concerned with securing labor force in Japan than considering ethical issues regarding the treatment slaves could have been receiving from their European masters.⁹⁸

Since the early 1980s, Anno Masaki started a series of very technical and detailed studies on the sources concerning the expulsion of Jesuits in 1587. After a series of articles, he gathered the material in the 1989 book *Bateren Tsuihōrei: 16 Seiki no Nichiō Taiketsu* バテレン追放令—16世紀の日欧対決. In this volume, he offered an in-depth analysis of Hideyoshi's edict of 1587 and the context behind it, in a rigorous critical appraisal of the source material, with special attention to format and the contents of the legislation.⁹⁹

⁹⁶ EBISAWA Arimichi. *Kirishitan Shi no Kenkyū*. Tokyo: Unebi Shobō, 1942, pp. 128-88, especially pp. 171-8.

⁹⁷ MAKI Hidemasa. *Jinshin Baibai*. Tokyo: Iwanami Shinsho, 1971, pp. 53-74.

⁹⁸ *Idem*, pp. 61-67, 74-77.

⁹⁹ ANNO Masaki. *Bateren Tsuihōrei: 16 Seiki no Nichiō Taiketsu*. Tokyo: Nihon Editor's School Shuppanbu, 1989.

But a great contribution would come in 1995 from a specialist in Medieval Japanese social history. Fujiki Hisashi's *Zōhyōtachi no Senjō: Chūsei no Yōhei to Doreigari* 雑兵たちの戦場中世の傭兵と奴隷狩り reassessed Japanese slavery. But this time, the research was not done by a historian of the so-called Nanban studies.¹⁰⁰ Heavily based on Japanese sources, Fujiki considered the mechanisms by which captives were made in Japanese battlefields, and the involvement of Portuguese and other Europeans in the slave trade was a secondary issue.

From the mid-1990s until the early 2000s, two other historians drew remarks on Japanese slavery. First, Takase Kōichirō, who commented the issue in his analysis of Hideyoshi's policies against the Jesuits.¹⁰¹ In his translation to the Japanese of Portuguese sources, Takase once more commented the debate between Portuguese elites and the crown concerning the enslavement of Japanese by the beginning of the seventeenth century.¹⁰² Secondly, Shimizu Hirokazu has also addressed the issue, reading the Japanese chronicle that described the slave trade in the 1580s first presented by Tokutomi Sohō.¹⁰³

In the 2010s, the subject became popular on the internet and other media. In 2013, Kitahara Michio published *Portuguese Colonialism and Japanese Slaves*, a short Japanese-English book directed to a non-specialized audience. In it, Kitahara argues that the phenomenon of Japanese slavery is essential to understand the ethos behind Japanese actions and reactions in regard to Western nations and their policies as late as the Meiji era.¹⁰⁴ Also, the Japanese non-fiction writer and historian Watanabe Daimon published in 2014 a book centered on the issue of Japanese slavery.¹⁰⁵ In February 2015, the page *Porutogarujin ni yoru Nihonjin nado no Ajiajin no Dorei Bōeki* ポルトガル人による日本人などのアジア人の奴隷貿易 was created on the Japanese Wikipedia.

Academic research on Japanese slavery has been enjoying some popularity as well, especially triggered by the work of researchers in Mexico and other Spanish-language archives. In 2007, Deborah Oropeza Kersey submitted her thesis to the Colegio de México. The research was heavily based on Mexican primary and secondary sources and revealed long lists of Asian slaves in colonial Central America, possibly the most accurate

¹⁰⁰ FUJIKI Hisashi. *Zōhyōtachi no Senjō: Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995 (new edition in 2005).

¹⁰¹ TAKASE Kōichirō. *Kirishitan no Seiki – Zabieru Tonichi kara Sakoku made*. Tokyo: Iwanami Shoten, 2013, pp. 155-6.

¹⁰² TAKASE, Kōichirō. *Monsūn Monjo to Nihon – Jūnana Seiki Porutogaru Kōmonjo Shū*. Tokyo: Yagi Shoten, 2006, p. 129.

¹⁰³ SHIMIZU Hirokazu. *Shokuhō Seiken to Kirishitan – Nichiō Kōshō no Kigen to Tenkai*. Tokyo: Iwata Shoin, 2001, pp. 292-3

¹⁰⁴ KITAHARA Michio. *Porutogaru no Shokuminchi Keisei to Nihonjin Dorei*. Tokyo: Kadensha, 2013.

¹⁰⁵ WATANABE Daimon. *Jinshin Baibai, Dorei, Rachi no Nihonshi*. Tokyo: Kashiwa Shobō, 2014.

to date.¹⁰⁶ In the following year, Tatiana Seijas published an article in the periodical *Itinerario* and submitted her thesis to Yale¹⁰⁷. More recently, Rubén Carrillo Martín submitted his doctoral thesis to the Universitat Oberta de Catalunya, in which he discussed a longer period of Asian migrations to Latin America. As the author explains, his focus is on the “*long-lasting effects of the early stages of globalization on the lives of these individuals and the society they migrated into.*”¹⁰⁸ These works represent a revival of interest concerning the presence of Asians in colonial Latin America, where the role played by slavery is unarguably noteworthy.

The theme of Japanese slavery has also been subjected to the topic of the so-called Japanese diaspora of the seventeenth century. Nevertheless, the use of the term diaspora in Japan is commonly associated to studies concerning the Japanese migration from nineteenth century onwards notwithstanding rather than forced or non-forced migratory movements in previous centuries.¹⁰⁹

In Japan, the history of the sixteenth and seventeenth centuries’ diaspora has been studied at large by Iwao Seiichi. The historian produced two volumes on the presence of Japanese people in Southeast Asia which are indispensable, not only because of the in-depth analysis of social structures of Japanese settlements – the so-called *nihonmachi* – but also because of the heavy use of Dutch sources.¹¹⁰

Katō Eiichi also delved into the history of the emigration of Japanese individuals in this period, especially Japanese mercenaries – *yōhei* 傭兵, in Japanese. In 1993, Katō indicates a Jesuit letter commenting the exit of Japanese to serve as mercenaries in Southeast Asia.¹¹¹ But in 1998, Katō published a more profound study of the topic. Using Dutch and Japanese sources, he focused on the servants and bodyguards hired by the

¹⁰⁶ OROPEZA KERESSEY, Deborah. *Los ‘indios chinos’ en la Nueva España: la inmigración de la nao de China, 1565-1700*. Thesis presented at the Colegio de Mexico, A.C., 2007.

¹⁰⁷ SEIJAS, Tatiana. ‘The Portuguese Slave Trade to Spanish Manila: 1580-1640.’ *Itinerario* 32 (1). pp. 19-38; SEIJAS, Tatiana. *Transpacific Servitude: the Asian Slaves of Mexico, 1580-1700*. Doctoral dissertation presented to Yale University, 2008. The thesis was later published in book form: SEIJAS, Tatiana. *Asian Slaves in Colonial Mexico: From Chinos to Indians*. Cambridge: Cambridge University Press, 2014.

¹⁰⁸ CARRILLO MARTÍN, Rubén. *Asians to New Spain: Asian cultural and migratory flows in Mexico in the early stages of “Globalization”*. Doctoral thesis submitted to the Universitat Oberta de Catalunya, 2015, p. VII.

¹⁰⁹ A recent volume gathered chapters related to the topic in question: ADACHI Nobuko, YOSHIDA Masaki, and ITŌ Masatoshi (ed.). *Japaniizu Diasupora: Umoretta Kako, Tōsō no Genzai, Futashikana Mirai*. Tokyo: Shinsensha, 2008.

¹¹⁰ IWAO Seiichi. *Nanyō Nihonmachi no Kenkyū*. Tokyo: Iwanami Shoten, 1940; IWAO Seiichi. *Shoku Nanyō Nihonmachi no Kenkyū: Nanyō Tōsho Chiiki Bunsan Nihonjin Imin no Seikatsu to Katsudō*. Tokyo: Iwanami Shoten, 1987.

¹¹¹ KATŌ Eiichi. *Bakuhansei Kokka no Keisei to Gaikoku Bōeki*. Tokyo: Azekura Shobō, 1993, p. 63.

Dutch in Hirado, showing how Japanese were still being hired even though the Bakufu had criminalized such practice.¹¹²

The diasporic perspective would be analyzed by Western historians only in the twenty-first century. In an article published in 2001, Portuguese historian Madalena Ribeiro presented her research on general aspects of Japanese communities dispersed in South East and East Asia in the second half of the seventeenth century. In her work, Ribeiro defends the cause behind the diaspora the policies against Christianity in Japan: “*Their numbers increased considerably, in direct proportion to the growing persecution of Christians by the Japanese authorities.*” But she also indicates that there was a great number of warriors, who would cash “*in on their talents, serving as mercenaries in the employ of diverse authorities in South East Asia or, alternatively, dedicated themselves to regional commerce.*”¹¹³

William D. Wray also published a chapter on the Japanese diaspora phenomenon. However, his approach is aimed at explaining the participation of the Japanese in Southeast Asian trading networks, and Japanese slavery is mentioned very shortly. He classifies the emigrants in three major categories: merchants of the vermilion-seal ship business; Christian refugees, fleeing persecution from the repressive policies of the Bakufu; and “*mercenaries or political exiles from the unification wars*”, including veterans from the campaigns in the Korean Peninsula in the 1590s. Wray also mentions that, beyond these three main categories, there were “*laborers, crew members of foreign vessels, servants (many served the Spanish in Manila), bondsmen, and slaves.*”¹¹⁴

The most recent attempt to analyze Japanese slavery under this perspective is probably the work by Lúcio de Sousa. The Portuguese researcher tries to reconstruct what he considers to be “*one of the least known Diasporas in history.*”¹¹⁵ He gathered large quantities of archival material, mainly from Mexican, Portuguese and Spanish archives, with few Japanese sources as well. The merit of the book is that it presents relatively little known historical materials and passages of the history of the sixteenth-century Japanese diaspora, opening new possibilities for historians to delve into.

In regard to the history of Japanese forms of labor and their relation with the slave trade carried out by the Portuguese, suggestions concerning a link between notions such as *genin* and *shojō* have been made since the early 1900s. Sakai Toshihiko was most

¹¹² KATŌ Eiichi. *Bakuhansei Kokka no Seiritsu to Taigai Kankei*. Tokyo: Shibunkaku Shuppan, 1998, particularly pp. 296-339.

¹¹³ RIBEIRO, Madalena. “The Japanese Diaspora in the Seventeenth Century. According to Jesuit Sources”. In: *Bulletin of Portuguese – Japanese Studies*, n. 3, December. Lisbon: Universidade Nova de Lisboa, 2001, p. 55.

¹¹⁴ WRAY, William D. “The Seventeenth-century Japanese Diaspora: Questions of Boundary and Policy”. In: McCABE, Ina Baghdiantz, HARLAFTIS, Gelina and MINOGLU, Ioanna Pepelasis (ed.). *Diaspora Entrepreneurial Networks: Four Centuries of History*. Oxford and New York: BERG, 2005, pp. 77-8.

¹¹⁵ SOUSA, Lúcio de. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, p. 17.

probably the first to equate Japanese unfree labor relations to slavery. For instance, Sakai stated that Japan had its own slaves, even though they were known by different names, such as *kosakunin*, *hōkōnin*, *shōgi* and others. Nevertheless, he does not develop the issue any further, limiting himself to denounce the situation of Japanese laborers as analogous to slavery.¹¹⁶ A similar suggestion came years later by the pen of Charles Boxer. In 1948, Boxer published his *Fidalgos in the Far East (1550-1771)*, where he suggested that under the banner of servitude in Portuguese areas there were a variety of different categories, such as mercenaries, rather than plain and simple slavery. Boxer writes:

“(...) later references to Japanese employed in Portuguese service appear to refer to Ronin mercenary soldiers, or to independent merchant adventurers, and to those who were exiled for their adherence to the proscribed Roman Catholic faith”¹¹⁷.

While Sakai compared Japanese unfree labor to slavery, Boxer indicated that the banner of slavery was ought to be read as a label concealing numerous types of relations. On the Japanese side, Maki Hidemasa developed the argument even further. He proposed that Jesuits and Portuguese merchants’ understanding of Japanese slavery in fact concealed a wide array of labor relations characteristic to the medieval Japanese society. In 1971, Maki wrote:

“それでは彼ら [南蛮人] が日本人の奴隷と考えたのは日本のどのような身分の者であったのか。 (...) 『日葡辞書』をみると、奴隷を意味する *criado*, *servo* とか *captivo* の語は、*Fudaino guenin* (譜代の下人)、*Fudaino mono* (譜代の者)、*Fudasodenno mono* (譜代相伝の者)、*Guenin* (下人)、*Xoju* (所従)、*Yatçuco* (奴) 等の語にあてられている。彼等が日本の奴隷と解した譜代の者とか譜代相伝とか称せられた下人や所従は、農業その他の家庭労働に使役されていたし、実際国内では習慣法上売買の対象となっていた。”¹¹⁸

[So what was the status of the people in Japan that they [Nanbanjin] thought as Japanese slaves? (...) Analyzing the Nippo Jisho, words meaning slave such as *criado*, *servo*, and *captivo* are included in entries for words such as ‘*Fudaino guenin*’, ‘*Fudaino mono*’, ‘*Fudaisodenno mono*’, ‘*Guenin*’, ‘*Xoju*’, ‘*Yatçuco*’ and others. *Genin*, *shojū* and others, which are referred as *fudaino mono*, *fudai sōden* and so on, were understood by them as Japanese slaves, and were used for agriculture and domestic services, as well as were in fact subject to domestic buying and selling under customary law.]

¹¹⁶ SAKAI Toshihiko. *Katei Yawa*. Tokyo: Naigai Shuppan Kyōkai, 1902-3, pp. 1-4.

¹¹⁷ BOXER, Charles R. *Fidalgos in the Far East (1550-1771)*. The Hague: Martinus Nijhoff, 1948, p. 234.

¹¹⁸ MAKI Hidemasa. *Op. cit.*, 1971, p. 60.

More recently, Japanese historian Oka Mihoko has repeated the idea, indicating the link between various Japanese forms of labor and slavery under the Portuguese. As she puts it in a recent publication:

“ポルトガル語で「奴隷」という語は一般的に「エスクラーヴォ *escravo*」と表される。日本でポルトガル人が「エスクラーヴォ」と呼ぶ人々には、中世日本社会に存在した「下人」、「所従」といった人々が当然含まれる。しかし、日本社会ではそれらと一線を画したと思われる「年季奉公人」もまた、ポルトガル人の理解では、同じカテゴリーに属した。(…)ポルトガル人にとっての「奴隷」の概念のもとには、日本社会でいうところの「下人」「所従」「年季奉公人」など様々な属性を持つ人々があったのである。¹¹⁹”

[“In the Portuguese language, the common word for slave is *escravo*. Among the people Portuguese called *escravo* in Japan, it surely included the *genin* and *shojū* from the Japanese medieval society. However, even the *nenki hōkōnin*, which were separated from these forms in Japanese society, pertained to the same category [*escravo*] in the understanding of the Portuguese. (...) For the Portuguese, the concept of *slave* included many different forms of bondage, like the Japanese *genin*, *shojū*, *nenki hōkōnin* and others.”]

Maki had successfully shown that the Portuguese understanding of slavery in effect had masked different forms of labor. Maki considered it a problem of mistranslation, and as a result, the historicity of the long process under which the very concept of slavery was built in the Portuguese and Spanish Asian territories, under a dialectic relation between Asian (in this case, Japanese) forms of labor and the social construction and transformations regarding the social group or class of slaves in colonial societies, was bypassed.

Furthermore, this reading also dismisses the different degrees of separation, perception and recognition according to the knowledge of the individuals in regard to Japanese society. Jesuits in Japan did not have the same understanding as merchants in Goa or Macau, for that matter. It is not enough to simply realise this situation; one must recognize it misses the opportunity to fully appreciate the depth of the formation of

¹¹⁹ OKA Mihoko. “Daikōkai Jidai – Umi wo Watatta Nihonjin.” In: Tōkyō Daigaku Shiryō Hensanjo (ed.). *Nihonshi no Mori wo Yuku*. Tokyo: Chūkō Shinsho, 2014, pp. 77-8. On the identification of temporary servants in Portuguese and Spanish documents with the Japanese *nenkihōkō*, see also SOUSA, Lúcio de, and OKA Mihoko. *Daikōkai Jidai no Nihonjin Dorei*. Tokyo: Chuokoron-Shinsha, 2017, pp. 22-3; and OKA Mihoko. “Kirishitan to Tōitsu Seiken.” In: ŌTSU Tōru et alii. *Iwanami Kōza Nihon Rekishi Dai 10 Kan, Kinsei 1*. Tokyo: Iwanami Shoten, 2014, pp. 185-187. A similar proposition has been made before by Charles Boxer, see BOXER, Charles R. *Fidalgos in the Far East (1550-1771)*. Hong Kong: Oxford University Press, 1968, p. 234.

bondage and human relations. It was, definitely, a more complex issue than misinterpretation on the part of the Portuguese. In an attempt to explore this complexity from the point of view of the relation between concepts regarding labor and its context, the following chapter will provide the basis upon which Japan Jesuits built their arguments and their relation with the issue of Japanese slavery.

A few key concepts

Although set against the background of the relations between Japan and Portugal in the sixteenth and seventeenth centuries, this research delves into fields of knowledge of little familiarity to most historians of the field. As our purpose here is to evaluate not only practical solutions taken by the Jesuits to address the issue of slavery in Japan, but also interpretations of Japanese slavery and justifications given to these solutions, we deal with topics from fields of knowledge such as theology and ethics as well. Especially, we attempted to employ notions and concepts borrowed from moral theology and casuistry, as they help not only to elucidate these debates, but also on the reading and interpretation of Jesuit documentation. This short section presents an introduction to key ideas necessary for this research.

Two areas of theology are fundamental to understand how Jesuits and other catholic orders reacted in relations to challenges met during their missionary work in Asia: moral theology and casuistry. For moral theology, our definition is based on Lehmkuhl's entry in *The Catholic Encyclopedia*. As explained by Lehmkuhl, this is a field branched from theology that “*includes everything relating to man's free actions and the last, or supreme, end to be attained through them*”, which is, fundamentally, happiness – better understood as beatitude – and salvation. It is, in other words, the science of God that attempts to understand the relation between free human actions and the supreme order of things. In that sense, moral theology is not concerned with the relation between actions and its “*proximate ends which man may and must pursue, as for instance political, social, economical.*” However, according to moral theology, even these fields must be guided by morals, and their specific principles must be subordinated to those of moral theology.¹²⁰

Casuistry, on the other hand, consists in the area of academic and religious philosophy responsible for compiling general accounts of “*ethics on the analysis of classification of 'cases' and 'circumstances.*” In the period here analyzed, these accounts take the form of confession manuals, offering “*practical resolution of particular moral*

¹²⁰ LEHMKUHL, A. “Moral Theology.” In: *The Catholic Encyclopedia*, Vol. 14. New York: Robert Appleton Company, 1912. Available at <http://www.newadvent.org/cathen/14601a.htm>, accessed in January 30th 2016. On the ultimate end for which humans strive, see CURRAN, Charles E. *The development of moral theology: five strands*. Washington, DC: Georgetown University Press, 2013, p. 33.

perplexities, or 'cases of conscience'” based largely on the corpus of moral theological jurisprudence.¹²¹

Considering these two fields of knowledge and their histories, we realize the historical process of Japanese slavery is concomitant to one of the most important changes in the history of modern theology: the emergence of Probabilism. As explained by Rudolf Schüßler, Bartolomé de Medina, a Dominican theologian and professor in the University of Salamanca, coined in 1577 the key formula of scholastic Probabilism: *Si est opinio probabilis, licitum est eam sequi, licet opposita probabilior sit* [If an opinion is probable, it may be followed, even if the opposite opinion is more probable]. This marked a departure from medieval theories of rational and morally legitimate action, represented by the principle of Tutionism, according to which opinions with a higher degree of probability should be preferred.¹²² Henry Charles Lea read the emergence of Probabilism and its effects under an interesting perspective:

“As soon as the proposition was enunciated and accepted that sin of an action must depend on probability, that the less probable opinion favouring liberty could be safely be followed, and that extrinsic probability, based on the dictum of one or more authors sufficed, an immense stimulus was given to the already too perverse inclination to devise new arguments which should upset established convictions. Every question of practical morals and conduct was scrutinized to see whether ingenuity could not frame some plausible reason which should give an air of probability to a ‘benignant’ opinion mitigating the deformity of sin.”¹²³

Lea goes on to state that the result of the adoption of the new axiom for justifying human action enabled men to “*gratify their desires and their passions without incurring the responsibility of formal sin.*”¹²⁴ In effect, the enslavement of Japanese, although the Japanese themselves were considered elevated races by contemporary European taxonomies, became a completely justifiable alternative.

While Japan Jesuits debated the legitimacy of enslaving and trading Japanese and Korean slaves in Japan, theologians in Europe, and especially Jesuit theologians, were adopting the permissive Probabilistic position. The basic tenet of this principle was that Christians were not obliged to follow a law if it was dubious – *lex dubia non obligat*.¹²⁵

¹²¹ JONSEN, Albert R. & TOULMIN, Stephen. *The Abuse of Casuistry – A History of Moral Reasoning*. Berkeley: University of California Press, 1988, pp. 11-3.

¹²² SCHÜßLER, Rudolf. “On the Anatomy of Probabilism.” In: KRAYE, Jill, and SAARINEN, Risto. *Moral Philosophy on the Threshold of Modernity*. Dordrecht: Springer, 2005, p. 92.

¹²³ LEA, Henry Charles. *A History of Auricular Confession and Indulgence, vol. II*. Philadelphia: Lea Brothers, 1896, pp. 386-7.

¹²⁴ *Idem*, p. 7.

¹²⁵ FÜLÖP-MILLER, René. *The Power and the Secret of the Jesuits*. London: G. P. Putnam’s Sons, 1930, pp. 185-9.

The adoption of Probabilism reflected in the justification of actions taken by colonial powers in the Americas, Africa, and Asia in this period. Considering cultural differences, Duignan explains that since Christian and non-Christian societies were different, “*it was not realistic to hold the more primitive culture responsible for the laws which bound the more advanced culture.*”¹²⁶

Referring to notions that backed the Probabilistic stance, Schüßler explains that decisions regarding dubious issues were taken in favor of those who detained the effective possessive right to something, thus allowing unrestricted agency to individuals with the support of Catholic casuistry. This process is intimately related to the rise of modern liberalism. Schüßler goes on to suggest that doctrines of casuistry such as these should be included “*in our accounts of the early history of subjective rights and liberalism.*”¹²⁷ However, that does not mean religiosity succumbed completely to the needs of Capitalism. Clossey gives an interesting reading of Probabilism in the context of modernity that draws attention to this apparent paradox:

“*The moral system of Probabilism accepts a belief that is probable even if another, contradictory belief is yet more probable. For example, a merchant with a probable opinion of the injustice of a maximum commodity price could cheat his customers to recoup his losses. Still, the very idea of resorting to a theological doctrine suggests a marked lack of modernity, as does the pious refusal to ship playing cards across the Pacific.*”¹²⁸

Meanwhile, as for the Jesuits, since their foundation they were heavily influenced by the morals of Juan de Polanco, one of the earliest members of the Society of Jesus. His manual for confessors, the *Breve directorium ad Confessarii ac Confitentis Munus Recte Obeundum*, known as *Directorium* for short, was published in 1560 for the first time and remained as the exclusive manual for Jesuits during the first decades of the order. As shown by Maryks, although it did not theorize about Tutorism, the *Directorium* applied its principles in the decision of dubious issues.¹²⁹ Polanco’s confession manual enjoyed great popularity up to the 1590s, when things fast-paced changes started taking place.

Since the Fifth General Congregation of the Jesuits in 1595, “*the teaching of novel ideas or anything contrary to the common opinion of the schools and the axioms of the*

¹²⁶ DUIGNAN, Peter. “Early Jesuit Missionaries: a Suggestion for Further Study.” In: *American Anthropologist, New Series, Vol. 60, No. 4*. Malden, MA: Wiley, 1958, p. 730.

¹²⁷ SCHÜßLER, Rudolf. “Moral Self-Ownership and *Ius Possessionis* in Scholastics.” In: MÄKINEN, Virpi and KORKMAN, Petter (ed.). *Transformations in Medieval and Early-Modern Rights Discourse*. Dordrecht: Springer, 2006, p. 149.

¹²⁸ CLOSSEY, Luke. *Salvation and Globalization in the Early Jesuit Missions*. Cambridge: Cambridge University Press, 2008, p. 243.

¹²⁹ MARYKS, Robert Aleksander. *Saint Cicero and the Jesuits – The Influence of the Liberal Arts on the Adoption of Moral Probabilism*. Hampshire, UK and Rome: Ashgate and Institutum Historicum Societatis Iesu, 2008, pp. 56-8.

theologians” was forbidden.¹³⁰ The clash between these instructions from above and the pragmatic application of Probabilism in confessions marked the history of the order from this point on. With Polanco’s influence fading away, Probabilism became the preferred principle to decide doubts risen during confession.¹³¹ Although the order had adopted Medina’s ideas during the last quarter of the sixteenth century, Zagorin explains that the first Jesuit to formalize the principles of Probabilism in his work was Gabriel Vázquez.¹³²

¹³⁰ LEA, Henry Charles. *Op. cit.*, p. 304.

¹³¹ MARYKS, Robert Aleksander. *Op. cit.*, pp. 1-2.

¹³² ZAGORIN, Perez. *Ways of Lying – Dissimulation, Persecution, and Conformity in Early Modern Europe*. Harvard University Press, 1990, pp. 161-2.

Chapter II – The keys of justification

“*Sir, ere we do depart, it well becomes us,
Who in true custody do hold the keys
Of war and peace – solemn depositaries –
To lift the veil that blinds you. (...)*”

Aubrey de Vere, “*Julian, the Apostate*”

The Irish poet Aubrey de Vere, in his dramatic poem based on the life of the Roman emperor Julian (331 or 332-363), describes the reception of two Persian generals, Meranes and Nohordates, by the *Caesar*. The satraps fail to obtain from Julian an explanation for the transgression of the truce signed between the Persian ruler Shapur II (309-370) and the former emperor Constantius II (317-361). Before being expelled from the presence of “*earth’s lord*”, as put by one Roman present at the scene, Nohordates reminds the emperor that the Persians were the ones who held the power to start war or maintain peace. They were the ones who could “*open out the book / of time, and point the lessons of the past*”¹³³.

The satraps are an example of political players whose authority also encompassed the very power of war. However, De Vere’s generals did not care that much about the justice of a conflict. They threatened war based on political and social struggles, the collision of ancient empires, and the principle of warfare as one of the items in the antiquity rulers’ toolboxes. On the other hand, the Roman legal tradition, which formed the basis for the legal thought of the Iberian societies in the early modern period, was deeply concerned with the justice of war. Although the doctrine can be traced back to Aristotle, who in his *Politics* uses the term *dikaios polemos* δ ἰ κ α ι ο ς π ὄ λ ε μ ο ς (just war) to justify self-defense, conquest and aggrandizement, it was the Roman legal tradition that contributed with the concept of just causes for war¹³⁴. In Latin literature, the first usage of the term is in Marcus Terentius Varro¹³⁵. In his description of the so-called *Fetiales* of Rome, Varro writes:

¹³³ DE VERE HUNT, Sir Aubrey. *Julian the Apostate – a dramatic poem*. London: John Warren, 1822, p. 99.

¹³⁴ RUSSELL, Fredrick H. *The Just War in the Middle Ages*. London: Cambridge University Press, 1975, p. 4.

¹³⁵ FOCARELLI, Carlo. *International Law as Social Construct: the Struggle for Global Justice*. Oxford: Oxford University Press, 2012, pp. 358-9. This explanation on Roman theory of just war draws largely from Focarelli’s summary of the issue.

Fetiales, quod fidei publicae inter populos praeerant: nam per hos fiebat ut iustum conciperetur bellum, et inde desitum, ut ff[o]edere fides pacis constitueretur. Ex his mittebantur, ante quam conciperetur, qui res repeterent, et per hos etiam nunc fit foedus, quod fidus Ennius scribit dictum.

“‘The Fetiales’ ‘herald-priests,’ because they were in charge of the state’s word of honor in matters between peoples; for by them it was brought about that a war that was declared should be a just war, and by them the war was stopped, that by a foedus ‘treaty’ the fides ‘honesty’ of the peace might be established. Some of them were sent before war should be declared, to demand restitution of the stolen property, and by them even now is made the foedus ‘treaty’, which Ennius writes was pronounced fidus.”¹³⁶

Although Varro was the first, the main Latin sources on just war were Cicero and the historian Titus Livius. Marcus Tullius Cicero’s texts refer to war in conformity to with the Roman procedural law, deeming unjust any war which was not proclaimed and declared¹³⁷. However, as pointed by Focarelli, “the crucial problem with Cicero’s texts is whether he gave the term *bellum iustum* an ethical or a merely logistical meaning limited to the Roman procedure of waging war (...)”¹³⁸. Titus Livius, although responsible for leaving a detailed description of the Roman procedure to initiate a war according to fetial law¹³⁹, also authored one of the most symbolical passages regarding just war, cited by Machiavelli centuries later¹⁴⁰.

On an episode of the Second Samnite War (326-304 BC), Livius describes the justice of war as the ultimate weapon for desperate parties. The Livian narrative registers Gaius Pontius, commander of the Samnites, enemies of Rome, as the one defining just war: *Iustum est bellum, Samnites, quibus necessarium, et pia arma, quibus nulla nisi in armis relinquitur spes* [“Samnites, war is just to those for whom it is necessary, and arms

¹³⁶ Varro, *De lingua latina*, V, 15. Latin transcription and English translation from KENT, Roland G. *Varro - On the Latin Language, Volume I*. London: William Heinemann, 1938, pp. 82-3.

¹³⁷ Cicero, *De re publica*, II, 31 (*Cuius excellens in re militari gloria magnaetque extiterunt res bellicae, fecitque idem et saepsit de manubis comitium et curiam, constituitque ius quo bella indicerentur, quod per se iustissime inventum sanxit fetiali religione, ut omne bellum quod denuntiatum indictumque non esset, id iniustum esse atque inpium iudicaretur.*), and *De officiis*, I, 36 (*Ac belli quidem aequitas sanctissime fetiali populi Romani iure perscripta est. Ex quo intellegi potest nullum bellum esse iustum, nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indictum.*).

¹³⁸ FOCARELLI, Carlo. *International Law as Social Construct: the Struggle for Global Justice*. Oxford: Oxford University Press, 2012, p. 359.

¹³⁹ See Livius, *Ab urbe condita*, I, 32, 6-14.

¹⁴⁰ Machiavelli quoted Livius in his *Discorsi sopra la prima deca di Tito Livio*, Chapter 24. Also on Chapter 26 of *Il Principe*, he writes that “*Qui iustitia grande: iustum enim est bellum quibus necessarium, et pia arma ubi nulla nisi in armis spes est*” [“With us there is great justice, because that war is just which is necessary, and arms are hallowed when there is no other hope but in them.”]. English translation by MARRIOTT, W. K. *The Prince by Nicolo Machiavelli*. Available at <http://www.gutenberg.org/files/1232/1232-h/1232-h.htm>, retrieved in February 8th 2016.

are clear of impiety for those who have no hope left but in arms.”¹⁴¹. Livius, although defends the logistical meaning of the justice of war in the first book of his history of Rome, also recognizes the ethical side of the issue, by reminding that, to the Samnites, who had done everything to appease the gods and soften the anger of the Romans, there was no other option than war. A dramatic Gaius Pontius declares:

Quod si nihil cum potentiore iuris humani relinquatur inopi, at ego ad deos vindices intolerandae superbiae confugiam et precabor, ut iras suas vertant in eos quibus non suae redditae res, non alienae accumulatae satis sint; quorum saevitiam non mors noxiorum, non deditio exanimatorum corporum, non bona sequentia domini deditioem exsatient, [placari nequeant] nisi hauriendum sanguinem laniandaque viscera nostra praebuerimus.

[“(…) If nothing in human law is left to the weak against the stronger, I will appeal to the gods, the avengers of intolerable arrogance, and will beseech them to turn their wrath against those for whom neither the restoration of their own effects, nor additional heaps of other men’s property, can suffice, whose cruelty is not satiated by the death of the guilty, by the surrender of their lifeless bodies, nor by their goods accompanying the surrender of the owner, who cannot be appeased otherwise than by giving them our blood to drink, and our entrails to be torn.”¹⁴²]

The Roman just war theory, although it introduces the concept of justice to the process of waging wars, is torn between this dual logic, between ethical and procedural meanings. The ambiguity created by such conceptual tension is responsible for the emergence of a wide area of discussion, and this is the place where Catholic theologians will argue and debate during the middle ages the justice of war. The justice of war resides on ethics, or is it a matter of process? While Romans created ambiguity and tension, medieval jurists and theologians offered arguments and opinions. As pointed by Focarelli, “Church Fathers changed the Roman just war doctrine radically into a theologically inspired doctrine”¹⁴³.

Looking at this doctrinal transformation, for the early modern Catholic Church, the result was a vastly ambiguous and useful conceptual package, undoubtedly inherited by early modern theorists and used in their analyses of non-European codes, having direct impact on overseas policies and their decision-making process. This allowed the Church and Iberian theologians to polemicize and use this ambiguity to feed their own political agendas. In the end, this is the process ultimately responsible for the justification of

¹⁴¹ Livius, *Ab urbe condita*, IX, 1. English translation from SPILLAN, Daniel and EDMONDS, Cyrus. *The History of Rome. Books Nine to Twenty-Six, by Titus Livius*. London: Bell & Daldy, 1868, p. 560.

¹⁴² *Idem*.

¹⁴³ FOCARELLI, Carlo. *International Law as Social Construct: the Struggle for Global Justice*. Oxford: Oxford University Press, 2012, p. 359.

modern slavery, which permitted the emergence of this systematic and cruel inhumanity that would follow for centuries in the colonial empires.

In de Vere's poem, Meranes and Nohordates were the solemn depositaries of the keys of war and peace. In the sixteenth and seventeenth centuries, theologians, and more specifically Jesuits, were the depositaries of the keys that gave access to justification of war. In Portuguese Asia, they aimed at occupying the role once played by the Roman *Fetiales*, to seize the power once held by the "herald-priests" who could confirm legitimacy of conflicts and their results. As traumatic as a war can be, the justification of war and the subsequent creation of legitimate slavery served as the basis for the normalization of human relations based on inhumane and cruel practices. It does not mean, however, that without this justification the cruelty and inhumanity of slavery would have necessarily become obvious for contemporary men. But it was, without a doubt, the rhetorical instrument used to normalize and control these relations, an instrument on the hands of theologians. Their concern with the legitimacy of the slave-master relations was not restricted to the justified acquisition or enslavement of individuals but comprehended also the control of said relations. In this chapter we will analyze how the process of justification of slavery was built and how it reflected in legal codes from the thirteenth through the sixteenth centuries. These two distinct processes, the development of the medieval theory of just war and the doctrine of servitude, would collide in the dawn of the early modern world. Contrary to the idea put by Saunders – to whom slavery was a traditional and customary institution in the Iberian Peninsula¹⁴⁴ – we will show how the association of the doctrine of just war as justification for the enslavement of foreigners was a historical process.¹⁴⁵ As such, this entangling process was fundamental to the implementation of slavery as a pillar of Portuguese and Spanish colonial societies and economies in the sixteenth century.

Doctrines of servitude

¹⁴⁴ SAUNDERS, A. C. de C. M. *A Social history of Black Slaves and Freedmen in Portugal, 1441-1555*. Cambridge: Cambridge University Press, 1982, p. 35; SAUNDERS, A.C de C. M. *História Social dos Escravos e Libertos Negros em Portugal 1441-1555*. Lisbon: Imprensa Nacional, Casa da Moeda, 1994, p. 63.

¹⁴⁵ Noonan has already reiterated the historicity of this process among other doctrinal changes in the teaching of moral duties, recognizing the end of the idea of ownership of slaves to the idea of equal freedom among all men before Christ. "In each case one can see the displacement of a principle or principles that had been taken as dispositive – (...) in the case of slavery, that war gives a right to enslave and that ownership of a slave gives title to the slave's offspring." NOONAN Jr, John T. 'Developments in Moral Doctrine'. In: KEENAN, James F. and SHANNON, Thomas A. (ed.). *The Context of Casuistry*. Washington DC: Georgetown University Press, 1995, pp. 193-4.

One of the main arguments for slavery in the early modern period was captivity in a just war. As a notion created by the Catholic Church, the history of the various doctrines of just war has been traced a number of times by various researchers, but here we will focus on the process of association between just war and slavery. The result was the creation of the notions of legitimate and illegitimate slaveries, as well as the identification of just forms of enslavement. These were analyzed in a number of casuistry and moral theology works.

When the first crusaders crossed Europe and conquered Jerusalem in June and July of 1099, they had inaugurated a new phase in God's plan. The armies of France, Italy and Germany had set in motion events prophesied for centuries, bringing the world closer to the final judgement, the Apocalypse, and thus Christian salvation. As put by Jay Rubenstein:

“On a fundamental level, the First Crusade was a holy war, a style of combat that was, in the 1090s, altogether new: a war fought on behalf of God and in fulfilment of His plan. It did not just provide soldiers with a new path to salvation, a way to use martial prowess to perform good deeds. It also enabled them to fight in battles longer and bloodier than any they had ever imagined. (...) When the survivors returned to Europe and relived their memories, cooler and more educated heads could only agree: They had witnessed the Apocalypse.”¹⁴⁶

While just war doctrine was used to justify and condone the force of arms, holy war represented God's sanction of the use of violence in order to advance his intentions for mankind, the progress of salvation history, which is by definition an apocalyptic act¹⁴⁷. Holy wars and just wars consist both of distinct kinds of relations to the act of war, but these were the two notions of conflict endorsed by Christian thought. They essentially differed, however, in regard to their goals. On the distinction between holy and just wars, Fredrick Russell writes:

“The holy war is fought for the goals of the faith and is waged by divine authority or on the authority of some religious leader. When the latter is an ecclesiastical official, the holy war becomes a crusade. The crusading ideals is historically bound up with a theocratic view of society, while the just war is usually fought on public authority for more mundane goals such as defense of territory, persons and rights. Content with the achievement of more concrete politic objectives, the just war stops short of countenancing the utter destruction of adversaries and tend to limit the incidence of violence by codes of right conduct,

¹⁴⁶ RUBENSTEIN, Jay. *Armies of Heaven: The First Crusade and the Quest for Apocalypse*. New York: Basic Books, 2011, p. XIII.

¹⁴⁷ *Idem*, p. 343; RILEY-SMITH, Jonathan. *What Were the Crusades?* Totowa, NJ: Rowman and Littlefield, 1977, pp. 15-17.

*of non-combatant immunity and by other humanitarian restraints lacking in the holy war. In the holy war Christian participation is a positive duty, while in just wars participation is licit but restricted.*¹⁴⁸

Russell warns that the distinction was not so clear in the middle ages. The crusades, for example, consisted in a strange hybrid of holy war and just war, which “*encompassed both religious motivations for bellicosity and juridical institutions designed to punish those who offended the Christian religion*¹⁴⁹”. We would argue that the same was true for the early modern period. The ambiguity present on the way the crusades were perceived was fundamental to advance the theory of just war in later periods, when the discussion of conquest was not directly related to the quest for the holy land. By changing the direction followed by Christian soldiers, holy war became just war: this new legal category allowed Christian wars to be waged anywhere. It allowed the crusade to be evoked whenever political agendas considered it relevant or useful, thus transforming a religious enterprise into a political tool for conflict resolution through now legitimated violent means. As a subsequent product of the conquest of the New World in the fifteenth and sixteenth centuries, slavery also has to be read against this ambiguity between the holy and the profane.

The justification of slavery by just war, one of the main and most impacting innovations of early modernity, was far from being a natural and customary equation – it consisted of the product of a slowly process of rational and legal construction, started as early as the twelfth century. In the wake of the First Crusade, facing the many challenges resulting from the military campaign to the Levant, Gratian systematized the many diverse pronouncements of the Church, or canons, in a coherent code, the *Concordantium Canonum* (Concordance of Discordant Canons). As explained by David Corey and Daryl Charles, the *Decretum*, as it is often referred to, was composed around 1140, and was divided in three sections: *Distinctiones*, *Causæ*, and *Tractatus de Consecratione*. War is more closely analyzed on the second section, Causa 23, which comprises of 163 canons and Gratian’s own dicta. In this period, the main concern for the prelates was whether the Church was allowed to use force against its foes, if it could command secular rulers in military affairs, and what were the limits of the Church’s involvement with these issues. Gratian defines just war based on two Church philosophers: Isidore of Seville and Augustine. Isidore defined that a just war was one waged by a formal declaration in order to recover stolen goods, or to repel an enemy attack. In turn, Augustine defended wars were just when their purpose was to avenge injuries. Gratian combines both into one formula: “*A just war is waged by an authoritative*

¹⁴⁸ RUSSELL, Fredrick H. *The Just War in the Middle Ages*. London: Cambridge University Press, 1975, p. 2.

¹⁴⁹ *Idem*.

edict to avenge injuries.¹⁵⁰ This formula would be repeated as the basic definition of just war centuries after the *Decretum*.

Gratian's thinking was based on five questions related to the definition of justice of belligerent acts. The issues were the resistance against violence, justifications for resort to war, distinguishing public good and private reasons for war, further differences between the uses of force for public good or private reasons, and whether killing in war was homicide¹⁵¹. But as for one of the central points of the procedural side of the issue, the declaration of war, Gratian considered that just wars could be declared by authorities other than secular ones as well. As Corey and Charles explain, Gratian also considered another definition of just war in his text – wars could be waged to defend a legal right or custom, and not only that, these could be declared by religious authorities. The Church deserved, in his view, the right to punish threats and injuries to its community, that is to say, Christianity. But if a war was not waged with the aim of bringing about a just peace, then it was not legitimate¹⁵².

Gratian treatment of the *servi* was focused around certain specific topics: clerical association with *ancillae*, Christian serfs held by infidel lords, manumission, fugitive serfs, testament, marriage and others. But his work is characterized by a continuous tension “*between the concept of the servus as res and as persona*”. The solution proposed by Gratian tends to favor the servant – *favore libertatis* – to the detriment of the lord's authority.¹⁵³ It is clear that, in this period, theologians still were not concerned with the legitimacy of one's enslavement, neither had they considered that the justice of a conflict should be used to discuss one's right to own a servant.

Following the work of Gratian, Raymond of Peñafort was one of the major influences on ecclesiastical philosophy in the thirteenth century. Compiler of the *Decretals* of Gregory IX, Peñafort authored the *Summa de casibus poenitentiae*, a pioneer confessionary manual. He was an heir of the long discussion regarding the conflict between Christians and Muslims, and his work would influence the later discussion of trade with *enemies of Christ*. Peñafort considered that servants could become so by two ways: by birth from a mother slave, or by commercial transaction, as when one slave was bought. If the slave was baptized, he would be freed. He dedicates special attention to the intricacies concerning the passage of control – *dominium* – between Christians, Saracens, Jews and pagans, by repeatedly stating that Christians were not to be subjugated to

¹⁵⁰ COREY, David D. and CHARLES, J. Daryl. *Just War Tradition: an Introduction*. Wilmington, DE: ISI Books, 2012, pp. 67-70.

¹⁵¹ See HASHMI, Sohail H. and JOHNSON, James Turner. 'Introduction'. In: HASHMI, Sohail H. (ed.). *Just Wars, Holy Wars and Jihads – Christian, Jewish, and Muslim Encounters and Exchanges*. Oxford: Oxford University Press, 2012, p. 6.

¹⁵² COREY, David D. and CHARLES, J. Daryl. *Op. cit.*, p. 70-6.

¹⁵³ GILCHRIST, John. "The Medieval Canon Law on unfree persons: Gratian and the decretist doctrines c. 1141-1234". In: *Studia Gratiana* XIX. Rome: University of Bologna, 1976, p. 277.

anyone's *dominium*¹⁵⁴. But before Peñafort, Huggucio had already written in the 1180s that the universal law of nations (*ius gentium*) forbade Muslims from selling Christians captured in war into slavery, as their war was an unjust one. Thus, the right to sell captives was retained by Christians, as they were on the just and right side of the conflict. Following these ideas, Peñafort condemns the sale of arms to Saracens, considering it one of the 17 grounds for excommunication, and defends, among other measures, that Christians were allowed to steal from Saracens in order to purchase their own freedom.¹⁵⁵ Thus, it was Peñafort who not only considered the legitimacy of enslavement methods. He was the first to define the legitimate servitude of non-Christians in opposition to the illegitimate servitude of Christians. Furthermore, he was the one who made the association between religious background and the right to subjugate an individual to one's *dominium*.

But the most important author of this time was certainly Thomas Aquinas. The Dominican theologian would give more concise views than Gratian, thus offering the philosophical basis for the formation of the Christian just war doctrine and its relation to slavery that would become hegemonic by the sixteenth century. Aquinas reasoning of slavery starts by interpreting the Aristotelian principle of servitude: not all men were equal, so some were naturally destined to become servants to others. However, he refused the idea of naturalness of these relations, by defending there were too many obstacles hampering a clear definition of natural servants, such as the difficulty to identify the natural beauty of a soul, or the fundamental role of education and costumes in the formation of habits. Aquinas ended up rejecting Aristotle's doctrine of natural slavery and creating his own doctrine of slavery and bondage¹⁵⁶. As put by Hector Zagal:

“Apparently Aristotle and Saint Thomas speak of servitude in the same way, but Aquinas discards Aristotle's doctrine to the point of making instead of a doctrine of slavery, a doctrine of the incidental inequality of men. Men are unequal because of their education, costumes, environment and their own natural

¹⁵⁴ PEÑAFORT, Raymond of. *Summa de casibus poenitentiae*, Liber Primus, *De Iudaeis, Saracenis, & eorum seruis*, § 6. On manumission, Peñafort writes on Liber Tertius, *De servis non ordinandis, & de manumissionibus eroundem*, § *Manumissio est datio*.

¹⁵⁵ FREIDENREICH, David M. “Muslims in Western canon law, 1000-1500”. In: THOMAS, David and MALLETT, Alex. *Christian-Muslim Relations. A Bibliographical History, Volume 3 (1050-1200)*. Leiden and Boston: Brill, 2011, p. 48.

¹⁵⁶ According to Hector Zagal, the achievement of Aquinas was to discover the textual Aristotle and insert it in the Scholastic structure. See ZAGAL, Hector. “Aquinas on Slavery: An Aristotelian Puzzle”. Paper presented at the Congresso Tomista Internazionale, Rome, 21st to 23rd September 2003. See also EISENBERG, José. ‘A escravidão voluntária dos índios do Brasil e o pensamento político moderno’. In: *Análise Social*, vol. XXXIX, 170. 2004, p. 9. AQUINAS, Thomas. *Summa Theologiae*, 2a. 2ae, q. 57, a. 3, arg. 2. “*Praeterea, servitus inter homines est naturalis, quidam enim sunt naturaliter servi, ut philosophus probat, in I Polit. Sed servitutes pertinent ad ius gentium, ut Isidorus dicit. Ergo ius gentium est ius naturale.*”

*dispositions, as well as the exercise of freedom. The combination of these variables explains why some men rule over others.*¹⁵⁷”

Instead of offering natural factors for servitude, Aquinas thus puts forward the idea of process and historicity as causes for slavery. Slavery became a dynamic human relation that could be built. That included the elaboration of its justification and purposes. His conclusion confirms the preeminence of just war as the only justifiable path to enslavement, thus reiterating Isidore of Seville, according to whom slavery was possible only as a result of just war. Aquinas explains that enslavement as a result of war was a military law introduced to encourage soldiers to take part in battle in favor of the Republic, motivated by the possibility of enslaving their captives.¹⁵⁸ In the end, Aquinas is the one who puts forward the relation between just war and the justification of slavery, reinforcing the principle stated by Isidore of Seville, forming the basis for the debates in the sixteenth century.

Aquinas doctrine of slavery was not far removed from the hegemonic practices of his time. The medieval Catholic Church approved slavery in principle, as the obedience of slaves towards their masters was defended by Paul, and other Church fathers, like Augustine, considered the father of Christian just war doctrine¹⁵⁹. Augustine defended slavery as punishment for sin, as vengeance against injuries, or as a means of restitution¹⁶⁰. Also, the inclusion of slaves in rituals such as baptism, masses, and admission to other sacraments during the sixth and eighth centuries gradually eroded the view of the slave as a mere property¹⁶¹. It was a negation of the Roman view that had centuries earlier equated the slave to a *res*, thus giving preference to the slave as a *persona*. The reification of the slave, based on the Roman notion that humans were either free or slaves, was abandoned with the emergence of the notion of “person” resultant from theological disputes over the nature of Jesus as God and Man¹⁶². The recognition of the personhood of slaves thus ended ancient slavery when, as put by Marc Bloch, the medieval master told his slave “*you are a man*”, “*you are a Christian.*”¹⁶³ At the same time, by recognizing

¹⁵⁷ ZAGAL, Hector. *Op. cit.*, p. 9.

¹⁵⁸ GARCÍA-AÑOVEROS, Jesús. *Los argumentos de la esclavitud*. Digital document available at <<http://www.larramendi.es/es/consulta/registro.cmd?id=1137>>, 2000, p. 83 [accessed in 21 October 2013]; AQUINAS, Thomas. *De regimine principum*, Lib. II, cap. 10.

¹⁵⁹ For more on Augustine’s doctrine of just war, see MATTOX, John Mark. *Saint Augustine and the Theory of Just War*. London and New York: Continuum, 2006.

¹⁶⁰ UINTA-NOVA, Henrique. “A Guerra Justa ou Justiça da Guerra no Pensamento Português.” In: *Revista Nação e Defesa*, Ano 21, n. 79, July-September. Lisbon: Instituto de Defesa Nacional, 1996, p. 170.

¹⁶¹ BERKHOFER, Robert. ‘Slavery in Medieval Europe’. In: RODRIGUEZ, Junius P. *The Historical Encyclopedia of World Slavery, Vol. I*. Santa Barbara, CA: ABC-CLIO, 1997, p. 595.

¹⁶² JONSEN, Albert R. & TOULMIN, Stephen. *The Abuse of Casuistry – A History of Moral Reasoning*. Berkeley: University of California Press, 1988, p. 96.

¹⁶³ BLOCH, Marc. ‘Comment et pourquoi finit l’esclavage antique’. In: *Annales. Économies, Sociétés, Civilisations*. 2e année, N. 1, 1947, p. 40. See also GILCHRIST, John. *Op. cit.*, pp. 282-3.

the individuality of the slave as a Christian, the slave became subjected to those mercantile dynamics of redemption and penance Henry Charles Lea explained was at the core of the transactions between Christians and God.¹⁶⁴

Aquinas definition of just war is limited to its procedural aspects. For him, it was a conflict declared by a just authority, based on a just cause, with the right intention.¹⁶⁵ But different than Gratian, Aquinas insistence on the importance of the authority of a prince “*provided the philosophical basis for the independent secular state, with the ruler acting to further the common good.*”¹⁶⁶ Once his ideas concerning this common good were widely accepted, sovereigns started using this ideas to justify just about any action on the grounds of *raison d'état*.¹⁶⁷ With this set of philosophical ideas, Catholic monarchs were free to seek justification for their wars according to Christian principles without having to consider all the consequences derived from holy wars. The Roman doctrine of just war was thus Christianized and turned into a strong political tool for early modern authorities.

During the time of Aquinas, slavery association with war becomes clearer, thus becoming more similar to the definition used in the early modern era. In Gratian's *Decretum*, for example, the term *servus* was used in the majority of texts to signify “*a chattel or bond slave*”¹⁶⁸. On the other hand, the Latin dictionary *Catholicon*, completed in 1286 by Giovanni Balbi, shows important changes in comparison to previous definitions. In it, the Dominican monk explains “*that servus came from the verb servo, and denoted a person saved, a captive not killed but put to work.*” Also, the female slave, *ancilla*, came from the verb *cilleo*, to move, expressing a “*slave moved around to support and serve the master*”¹⁶⁹. This association between captivity and servitude would also be present in the Spanish code *Las Siete Partidas*, compiled around the same time.

¹⁶⁴ LEA, Henry Charles. *A History of Auricular Confession and Indulgence, vol. II*. Philadelphia: Lea Brothers, 1896, pp. 157-8.

¹⁶⁵ AQUINAS, Thomas. *Summa Theologiae*, 2a. 2ae. q. 40, art. 1. For a recent assessment of the issue, see REICHBERG, Gregory M. *Thomas Aquinas on War and Peace*. Cambridge, UK: Cambridge University Press, 2017.

¹⁶⁶ WHETAM, David. *Just Wars and Moral Victories – Surprise, Deception and the Normative Framework of European War in the Later Middle Ages*. Leiden and Boston: Brill, 2009, p. 88.

¹⁶⁷ *Idem*, p. 15.

¹⁶⁸ GILCHRIST, John. *Op. cit.*, p. 278.

¹⁶⁹ EPSTEIN, Steven A. *Speaking of Slavery – Color, Ethnicity, & Human Bondage in Italy*. Ithaca and London: Cornell University Press, 2001, pp. 20-1.

Still in the thirteenth century, two main authors would form the basis for modern casuistry: Henry of Segusio, known as Hostiensis¹⁷⁰, and John of Fribourg¹⁷¹. In relation to slavery, Hostiensis' *Summa Aurea* was concerned especially with the dynamics of the relations between Christianity and Jews or Muslims. Asking whether Jews and Saracens could hold Christian slaves, he concluded that the law prohibited them from keeping Christian slaves. He also stated categorically that since all Christians were members of the Church, no one could lord it over a Christian, and particularly no Christian slave should serve a Jew¹⁷². In his work, Segusio, quoting Peñafort's work, wrote that baptized slaves were to remain in their servile condition. He adds, though, that a master was to treat more benignly the converted slave than his other non-baptized slaves. This formulation would influence Arnau of Villanova, who in turn influenced Frederick II of Sicily. As a result, the Aragonese Sicily received laws in 1310 stipulating that a master was to permit Saracen slaves to receive the baptism¹⁷³.

John of Fribourg's *Summa Confessorum* – elaborated circa 1280, it was the first manual to bear such title – incorporated the opinions of major theologians into canonical and moral discussions, by discussing Aquinas, Hostiensis, Peñafort and others, and continued “*the tradition of the penitentials and confessionals but incorporated [with] the theological doctrines formulated by the scholastic theologians*”¹⁷⁴. Although he lacks originality, Fribourg compiles the ideas of theologians concerning the discussion of Jewish and Saracen slaves in the first part of his work – Book 1, title 4, “*De iudeis e paganis et eorum servis*”. He repeats Peñafort's justification that Jews or pagans would remain slaves to Christians even after Baptism, as defined by civil and divine law¹⁷⁵. There are no justifications for slavery itself, but the guarantee of Christian superiority and

¹⁷⁰ Italian canonist of the thirteenth century, Henry of Segusio (?-1271), also known as Henry of Susa, was born in the Italian city of the same name and studied Roman law and canon law in Bologna. Disciple of Innocent IV, his works include *Lectura in Decretales Gregorii IX*, *Summa super titulis Decretalium* (his most well-known work, also published under titles such as *Summa archiepiscopi* or *Summa aurea*), and a *Lectura in Decretales Innocentii IV*, which was never edited. Included in his *Summa super titulis Decretalium*, a useful work on Roman and canon law, is the so-called *sive tractatus de poenitentia et remissionibus*, which was very popular. VAN HOVE, A. (1910). “Blessed Henry of Segusio”. In: *The Catholic Encyclopedia*. New York: Robert Appleton Company. Retrieved February 3, 2016 from New Advent: <http://www.newadvent.org/cathen/07238a.htm>.

¹⁷¹ Also known as John of Haslach, John of Fribourg was the lector of the Fribourg's Dominicans. He died in 1314, and was buried before the high altar of the Dominican church. More on the life of John of Fribourg, see LORENC, John A. *John of Freiburg and the Usury Prohibition in the Late Medieval Ages: A Study in the Popularization of Medieval Canon Law*. Thesis submitted to the University of Toronto, 2013, pp. 11-53.

¹⁷² RIST, Rebecca. *Popes and Jews: 1095-1291*. Oxford: Oxford University Press, 2016, p. 189.

¹⁷³ KEDAR, Benjamin Z. *Crusade and Mission: European Approaches to Towards the Muslims*. Princeton: Princeton University Press, 1984, pp. 150-1.

¹⁷⁴ JONSEN, Albert R. & TOULMIN, Stephen. *Op. cit.*, pp. 137-9. BOYLE, Leonard E. ‘The Setting of the *Summa Theologiae*’. In: DAVIES, Brian. *Aquinas's Summa Theologiae – Critical Essays*. Lanham: Rowman & Littlefield Publishers, 2006, p. 19.

¹⁷⁵ FRIEBOURG, John of. *Summa confessorum*, Liber Primus, Tit. V, q. 20.

dominance over other religions. The merit of his work *Summa* – and the subsequent abridged version, the *Manuale collectum de Summa confessorum* – is the clean and easy-to-use presentation for confessors of previous ideas introduced by theologians before him, aimed at the popularization of the intellectual legacy of Aquinas and others¹⁷⁶.

By the end of the thirteenth century, a classificatory movement starts gaining momentum among theologians, especially the summists. The Dominican friar Jacopo da Varazze¹⁷⁷, archbishop of Genoa between 1292 and 1297, identified four categories of slaves in his city: 1) those who were born to a slave mother; 2) those taken in war; 3) those rented for an annual fee; and 4), those purchased in markets¹⁷⁸. Varazze does not distinguish legitimate and illegitimate slaves, or methods of enslavement. Apparently, he is more concerned on classifying types of Genovese slaves. However, it would not be a huge leap from this classificatory momentum to the categorization of legitimate enslavement methods.

It was in the following century that war would become a cause for the enslavement of others. The anonymous Franciscan monk from Asti, Italy, author of the so-called *Summa Astensis*¹⁷⁹, would have special influence on ideas concerning slavery. The text was elaborated around 1317, and his exposition on polemical themes, in an accessible style designed as a manual for confessors, helped to popularize notions regarding the legitimacy of slavery and its relation to war. The monk defined seven types of war, each one classified as just or unjust. He does also explicitly indicate that those captured in wars were enslaved – they would become captive servants, or *capiunt servi*. All spoils of just wars were to be justly controlled by the winning party, and captured individuals could be justly punished, as they were then under jurisdiction of the winners¹⁸⁰.

During the fourteenth and fifteenth centuries, with the development of casuistry, the doctrine of just war started assuming real and concrete effects on politics and theology.

¹⁷⁶ LORENC, John A. *John of Freiburg and the Usury Prohibition in the Late Medieval Ages: A Study in the Popularization of Medieval Canon Law*. Thesis submitted to the University of Toronto, 2013, pp. 30, and 128-41.

¹⁷⁷ Also known as Jacobus de Voragine, Varagine, or Varazze (1228 or 1230-1298), he authored, among other works, the *Legenda Sanctorum* or *Legenda Aurea*, one of the most popular works of hagiography of the Middle Ages, with more than one thousand manuscripts still existent. See RÉFICE, P. 'Jacopo da Varazze'. In: *Enciclopedia dell'Arte Medievale* (1996). Available at [http://www.treccani.it/enciclopedia/jacopo-da-varazze_\(Enciclopedia_dell'_Arte_Medievale\)/](http://www.treccani.it/enciclopedia/jacopo-da-varazze_(Enciclopedia_dell'_Arte_Medievale)/), retrieved in March 6th 2016.

¹⁷⁸ EPSTEIN, Steven A. *Op. cit.*, pp. 41-2.

¹⁷⁹ The monk is also known as Astesanus, or Astensis, and the eight books of his *Summa de casibus conscientiae* which had at least eleven editions in the fifteenth century (Strasbourg, Basel, Venice, Köln and Nürnberg) and two 1519 editions, one published in Lyon, and another one in Venice. MOSHEIM, Johann Lorenz. *Institutes of Ecclesiastical History: Ancient and Modern*, Vol II. New Haven: A. H. Maltby, 1832, p. 461. CROSS, Frank Leslie and LIVINGSTONE, Elizabeth A. (ed). *The Oxford Dictionary of the Christian Church*. Oxford: The Oxford University Press, 2005, p. 1118.

¹⁸⁰ *Summa Astensis*, Prima Pars, Liber Primus, Tit. XXIX, *De bello*.

Antonino Pierozzi's¹⁸¹ influence was derived particularly from his importance as a chief monument to traditional medieval theological theses – as in the case of usury¹⁸² – and his narrative concerning the history of slavery. Written in the first half of the fifteenth century and published in 1477-9, Pierozzi's *Summa Theologica Moralis* states that slavery was endorsed by the law of nations, natural law, and divine law. Interestingly, the starting point for Pierozzi's classification of servitude is the ambiguity concerning the Latin word *servus*, which could be translated as either servant or slave. He classifies three types of *servi*: servants to some lordship (*numinis*); a servant on account of some special obligation towards someone (*criminis*); or a servant who is not of his own, but is of servile condition (*hominis*). He thus elaborates a discussion on the rights of marriage, child-bearing, and other topics concerning these servants of the third type¹⁸³. Antonino reiterated that the Bible explained slavery with the story of Noah's curse on Ham and his descendants. He also showed how baptism did not necessarily result in manumission of a slave, as it affected sin, but not the circumstances or obligations of men. Thus, enslaved individuals would remain subjected to servitude, given the limits of the power of baptism¹⁸⁴. Also, he concluded that captives in just wars were legitimate slaves, and only Christian masters could retain legitimate slaves. Regardless of whether the set of ideas presented by him was original or not, Antonino was responsible for introducing them for a wider audience at the time¹⁸⁵. As it seems to be, Antonino was responsible not only for formulating

¹⁸¹ Antonino Pierozzi (1389-1459), also known as Antoninus of Florence, was a Dominican who quickly rose to prominence and was Prior successively in Cortona, Fiesole, Naples, Rome, and Florence. In 1432 he was appointed Vicar General for the Dominican order; in 1436, he became the first Dominican Prior of the Monastery of San Marco, in Florence; and in 1446, Archbishop of the same city. Counselor of popes and statesmen, his writings cover a wide range of subjects: a *Summa theologiae moralis*, a general history of the world entitled *Chronicon partibus tribus distincta ab initio mundi ad MCCCLX*, which focus on examples of righteous lives, and several treatises on the Christian life – including a widely known *Summula Confessionalis*, which was later adopted by many as a confession manual. As an economist, he was adapted Catholic traditions to modern conditions, maintaining that money invested in business was true capital and that it was not therefore necessarily wrong to receive interest on it. Among the themes Pierozzi worked on, there was the theory of fair price, the centrality of labor and salary, and the condemnation of usury, making him a very significant author for sixteenth century Jesuits in Portuguese Asia. CROSS, Frank Leslie and LIVINGSTONE, Elizabeth A. (ed). *The Oxford Dictionary of the Christian Church*. Oxford: The Oxford University Press, 2005, p. 81; D'ADDARIO, Arnaldo. "Antonino Pierozzi, santo". In: *Dizionario Biografico degli Italiani - Volume 3* (1961), available at [http://www.treccani.it/enciclopedia/santo-antonino-pierozzi_\(Dizionario_Biografico\)/](http://www.treccani.it/enciclopedia/santo-antonino-pierozzi_(Dizionario_Biografico)/), retrieved in February 19th 2016; BAZZICHI, Oreste. "Antonino da Firenze". In: *Il Contributo italiano alla storia del Pensiero – Economia* (2012), available at [http://www.treccani.it/enciclopedia/antonino-da-firenze_\(Il_Contributo_italiano_alla\)](http://www.treccani.it/enciclopedia/antonino-da-firenze_(Il_Contributo_italiano_alla)), retrieved in February 19th 2016.

¹⁸² See JONSEN, Albert R. & TOULMIN, *Op. cit.*, pp. 186-7.

¹⁸³ JARRETT, Bede. *Social Theories in the Middle Ages, 1200-1500*. London: Frank Cass & Co, 1968, p. 103.

¹⁸⁴ Other authors before Antonino differentiated the effects of baptism on slaves according to their religion. Some defended that Jewish servants bought or born of bondswomen were to be freed upon baptism, while pagan slaves were to continue serving their masters even after being baptized. See GILCHRIST, John. *Op. cit.*, p. 281.

¹⁸⁵ EPSTEIN, Steven A. *Op. cit.*, pp. 178-9.

practical notions of legitimate slavery resulting from just war, but also of indicating that servants enslaved by other methods were illegitimate.

In the wake of the printing revolution, summists and Catholic casuistry acquired a widespread diffusion. The classificatory work of types of slaves gave way to the definition of legitimate and illegitimate slaveries, especially since Pierozzi, who may be the responsible for combining classification and justification. The classificatory work of summists, would offer a “*systematic taxonomy of human behavior*”, thus replacing “*older eloquent generalities of the classical authors with an exactness of expression that reflected the nuances of moral deliberation, choice, and action*”¹⁸⁶. The printing of numerous volumes on moral theology would also help to popularize conceptual debates among clergymen throughout Europe and beyond. Names like Baptista Trovamala de Salis¹⁸⁷, Angelus Carletus¹⁸⁸, Silvestre Mazzolini¹⁸⁹, and other summists would become

¹⁸⁶ JONSEN, Albert R. & TOULMIN, Stephen. *Op. cit.*, p. 142.

¹⁸⁷ Baptista Trovamala de Salis (1435/40-after 1494) was born in Sale, Piedmont. A Franciscan specialist in moral theology, his *Summa Casuum Conscientiae* was first published in 1484. Simpson points out that the name Rosella was first associated to this work in 1489, and by 1516 it had become *Summa Rosella de Casibus Conscientiae*. “*The name became attached to the work because it was a collection of the most elegant conclusions (that is determinations) which could be compared to a garland of sweet-smelling roses which Baptsita had gathered together*”. SIMPSON, Alfred William Brian. *A History of the Common Law of Contract: The Rise of the Action of Assumpsit*. Oxford: Oxford University Press, 1975, p. 379.

¹⁸⁸ Also known as Angelus Carletus, Angelo da Chivasso, or Angelo da Clavasio, he was born Antonio Carletti (1411-1495) in Chivasso and studied both laws in Bologna. Probably around the age of thirty he entered the Order of the Friars Minor. He rose to fame with his *Summa casuum conscientiae*, first published in 1486, which followed the model established by the works of Agostino Trionfi and Bartholomew of San Concordio. Written by suggestion of Friar Girolamo Tornielo, the summa would become known as *Summa Angelica* after its author, and gathered over 650 articles on issues of moral theology. Regarded as one of the most popular manuals by confessors since its publication, it became one of the books burnt by Martin Luther in 1520 along the bull *Exsurge Domine*. Popular in the fifteenth and sixteenth centuries, his work would have a revival in the eighteenth century, when many of his manuscripts were published for the first time after his beatification. CECCARELLI, Giovanni. “Angelo da Chivasso”. In: *Il Contributo Italiano alla storia del Pensiero – Economia* (2012). (available at [http://www.treccani.it/enciclopedia/angelo-da-chivasso_\(Il-Contributo-italiano-alla-storia-del-Pensiero:-Economia\)/](http://www.treccani.it/enciclopedia/angelo-da-chivasso_(Il-Contributo-italiano-alla-storia-del-Pensiero:-Economia)/), retrieved in February 8th 2016); FAGGIOTTO, Agostino. “Angelo Carletti, beato”. In: *Enciclopedia Italiana* (1929) (available at < [http://www.treccani.it/enciclopedia/beato-angelo-carletti_\(Enciclopedia-Italiana\)/>](http://www.treccani.it/enciclopedia/beato-angelo-carletti_(Enciclopedia-Italiana)/>), retrieved in February 8th 2016).

¹⁸⁹ One of the most influential authors of his time, Silvestro Mazzolini (1456 or 1457-1527) was born in Priero. Also known as Silvestro da Priero, Prierias or Prieriate, entered the Dominican order in 1471, was one of the greatest opponent to the Reform and Luther. Authored *In theoricas planetarum, Summa Summarum quæ Sylvestrina dicitur* (one of his most well-known works, which had 40 editions during the sixteenth century), as well as anti-Reform works such as *Epitoma responsionis ad Lutherum, De juridica et irrefragabili veritate Romanæ Ecclesiæ Romanique Pontificis, Errata et argumenta M. Lutheri*. His *Summa summarum*, also known as *Summa Silvestrina*, presents over 700 questions of moral theology and canon law in alphabetic order, and became popular first in its manuscript form since its inception in 1506, to later become one of the most used confession manuals since its first publication in 1516 or 1517. FECCI, Simona. “Mazzolini, Silvestro”. In: *Dizionario Biografico degli Italiani – Volume 72* (2008). Available at [http://www.treccani.it/enciclopedia/silvestro-mazzolini_\(Dizionario-Biografico\)/](http://www.treccani.it/enciclopedia/silvestro-mazzolini_(Dizionario-Biografico)/), retrieved in February 3, 2016.

obligatory inclusions in the catalogues of sixteenth century religious libraries throughout the Christian world, amidst the need to respond to the challenges imposed by the emergence of Protestantism. Their works offered theories and concrete examples of legitimate forms of slavery, thus prompting their use in confessions and the resolution of moral issues and challenges offered by the overseas expansion. Slavery was not only a legitimate institution – it was an institution with its legitimacy derived from a wide variety of sources. Salis, for example, author of the *Summa Rosella*, confirmed the preeminence of Roman law by considering legitimate those slaves born to slave mothers (*ancilla*). But he offered other legitimate types of slaves according to the law in question: the law of nations would legitimate those captured in just wars; civil law legitimated those older than 20 years old who sold themselves to slavery; condemned individuals by civil law to slavery were legitimate slaves; and so on¹⁹⁰.

However, no other confession manuals were as popular in the early sixteenth century as Angelus Carletus's and Silvestro Mazzolini's *summas*. The *Summa Angelica* and the *Summa Silvestrina*, as both would be known, were first published in the 1480s and in the 1510s, respectively. As pointed by Thomas Tentler, the *Angelica* saw at least twenty-four incunabular editions, and they represent the major printings areas of Europe – Venice, Nuremberg, Strasbourg and Lyon. It would be printed again at least nineteen times between 1501 and 1520. After its first editions in Italy, the *Silvestrina* gained great popularity with publishers, and numerous editions appeared in Antwerp, Lyon and Venice. Mazzolini's assertive style, putting forward his own solutions and pronouncing those of his rivals inferior, contributed to the fame of this work¹⁹¹.

Angelus starts defining servitude by its multiple meanings. Following Pierozzi, he classifies servitude in three types: the servitude to God, the moral servitude resultant from sin, and the servitude to other men. He explains servitude is derived from the *ius gentium*, an opinion he quotes from the Justinian *Institutes*¹⁹². Angelus also develops the argument, by separating the types of servitude of a person to another person: by birth, when one is born to a slave mother; by just war¹⁹³, a person captured in battle; by crime, as when one trades forbidden merchandise with Saracens; and by voluntary servitude. He also considers that, by incapacity to work, one could become a beggar and thus fall into

¹⁹⁰ See *Summa Rosella de Casibus Conscientiae, verbo seruus*.

¹⁹¹ TENTLER, Thomas N. *Sin and Confession on the Eve of the Reformation*. Princeton: Princeton University Press, 1977, pp. 34-6.

¹⁹² *Institutiones*, Lib. I, Tit. III, *De iure personarum*. The *Institutiones* is repeating the definition given by Florentinus in the *Digesta*: "*servitus est constitution juris gentium, qua quis dominio alieno contra naturam subjicitur*" ["Slavery is an institution of *ius gentium* whereby one is against nature subjugated to the ownership of another"]. See KIM, Keechang. *Aliens in Medieval Law – The origins of modern citizenship*. Cambridge: Cambridge University Press, 2004, p. 5.

¹⁹³ In the chapter *servitus*, Angelus doesn't mention the war had to be just; but he does explain in the chapter on war, *bellum*, that slaves could be made only in just wars, declared by a prince. See *Summa Angelica, verbo bellum, § 1*.

a type of servitude to other men. He also elaborates on civil rights of slaves – or the lack of them – and how one could be manumitted¹⁹⁴.

When Silvestro Mazzolini wrote, the *Summa Angelica* was already a favorite among confessors. Unsurprisingly, Silvestro closely follows the work of Angelus, defining the three major categories of servitude – to God, from sin, and to other men. Just like their predecessors, they are inheritors of Pierozzi, in the sense that they also admit the multiplicity of meanings for the Latin word *servo* and use this multiplicity to collate their various meanings in a single subject. Also, for Silvestro, servitude is derived from *ius gentium*, just like for Angelus. He states that there were multiple types of situations one could become a servant, according to each type of law applied: according to the *ius civilis* and Aquinas, those born to slave mothers; according to *ius gentium*, those captured in a just war, those who sold themselves into slavery, those who helped Saracens, and others; those that were sold by others, but attending to the same requirements demanded for those who sold themselves into slavery, thus also falling into the *ius gentium* category. Silvestro goes on developing the argument regarding children of slaves, forms of manumission, marriages, etc.¹⁹⁵ Apparently, there is not much difference between the definitions given by Silvestro Mazzolini and Angelus – both are complementing works in this sense, and would serve as the main basis for the interpretations given by theologians to the challenges they face overseas in the sixteenth century. However, the division according to the type of law offered by Silvestro, recovered from Salis, may allow scholars to know what law to consider or apply to each case they evaluate in the missionary work.

Moral theology, from Peñafort's *Summa de casibus poenitentia* to Silvestro's *Summa Silvestrina*, was mainly concerned with the relation of the slave to the Christian community: the effects of the Baptism on the servitude status, limitations to marriage, access to other Sacraments, and so on. Needless to say, this is not an entirely out of context phenomenon – these were manuals directed for confessors, and confessions were the main instrument priests and vicars had to overlook a parish's social life. Through the incorporation of canonical and civil jurisprudence in the summist's works, it was then “*possible for confessors to learn and teach ordinary people how to examine their own moral lives and how to communicate about them with another person*”¹⁹⁶. Nevertheless, it is the classification of types of servitude present in these works that will be used to establish a link between slavery and just war. This agenda is certainly closely related to the constant atmosphere of war and conflict in peripheral areas of Europe, such as the Iberian Peninsula and even Italian cities.

¹⁹⁴ *Summa Angelica*, verbo *servitus*, § 1-2.

¹⁹⁵ *Summa Silvestrina*, verbo *De Servitute et Servo*, § 1-8.

¹⁹⁶ JONSEN, Albert R. & TOULMIN, Stephen. *Op. cit.*, p. 142.

It was around the fifteenth century that ideas concerning the doctrine of just war started informing political justifications for belligerent acts in the borders of Christianity. In Poland, for example, Stanislaw of Skarbimierz, a professor of law at the Jagiellonian University, confirmed in a sermon entitled *De bellis iustis (Of just wars)* that the royal policy of using the assistance of infidels was perfectly justifiable and in accordance with Canon law and Christian principles, as far as it was a defensive war caused by objective factors, such as defense of a territory. His idea of just war was based on the definitions provided by casuistry, namely Raymond of Peñafort's *Summa*¹⁹⁷. Like Polish theologians, others would use the doctrine of just war to justify not only the enslavement of outsiders, but to advance their political agendas as well.

War would become the great divider of freemen and slaves. Echoing Heraclitus, who said that “*War*” was “*the father of all and king of all, who manifested some as gods and some as men, who made some slaves and some freemen,*” the association of just war theory with slavery created the idea of legitimate and illegitimate slaveries.¹⁹⁸ This notion would be crucial for the further development of moral theology throughout the sixteenth and seventeenth centuries, against the background of the discussions regarding the right to conquest overseas territories.

Iberian wars

In the Iberian Peninsula, the relation of just war to slavery was a process mediated by the constant history of violent clashes during the *Reconquista*. The doctrine of just war became a necessary political tool for the maintenance of the war against Muslims. Henrique Quinta-Nova wrote that the doctrine represented not only an opposition against Islamic values, but also a great ethic justification for the continuous war that absorbed political dynamics¹⁹⁹. The language of war also permeated the vocabulary used to refer to slaves as well. In the medieval Iberian Peninsula, the constant belligerent status characteristic of the process of *Reconquista* allowed the emergence of a servant different than the slaves of Ancient Rome, or serfs typical of the feudalism: the captive. José Luis Cortés Lopez writes:

¹⁹⁷ SEIDLER, G.L. and MALARCZYK, Jan. ‘The Jagiellonian Dynasty’. In: SEIDLER, G.L. *The Emergence of the Eastern World*. Oxford: Pergamon Press, 1968, pp. 230-1.

¹⁹⁸ See Heraclitus’s DK22B53; GRAHAM, Daniel W. “Heraclitus (fl. c. 500 B.C.E.)” in: *Internet Encyclopedia of Philosophy*. Available at <http://www.iep.utm.edu/>, accessed in October 26th 2016; REICHBERG, Gregory M. *Thomas Aquinas on War and Peace*. Cambridge, UK: Cambridge University Press, 2017, p. 5.

¹⁹⁹ UINTA-NOVA, Henrique. *Op. cit.*, p. 171.

“En España la presencia musulmana había originado una serie de confrontaciones violentas con los reinos cristianos que hizo aparecer la figura del ‘cautivo’ (‘catus’) como botín máspreciado de los mismos. Este nuevo personaje por el hecho de haber sido apresado en una ocasión bélica, o considerada como tal, perdía toda su personalidad y autonomía pasando a ser una pertenencia de quien le cautivó, de forma que si éste quería podía devolverle su libertad por voluntad propia o mediante un ‘rescate’. El cautivo pues, era gente extraña o extranjera reducida a un estado de sumisión por actos violentos, pero de ninguna manera eran ‘por naturaleza’ seres sujetos a una servidumbre perpetua, como Aristóteles había querido hacer de algunos componentes de la sociedad²⁰⁰.”

[In Spain, the Muslim presence had originated a series of violent clashes with Christian kingdoms, where the figure of the ‘captive’ as the most appreciated spoil by them. This new character by the fact of having been captured in a warlike situation, or considered as such, lose all his individuality and autonomy, thus becoming property of who captured him, so that if he wished he could give him back his freedom by freewill or via a ransom. The captive was, then, strange or foreign person reduced to a state of submission by violent acts, but in no way they were being subjected ‘by nature’ to perpetual slavery, as Aristotle wished to make of some members of society]

This language of war was not coincidental. Slaves in Spanish kingdoms and Portugal were the product of the *Reconquista* and its battles – these idioms would affect the relation between slavery and royal regulation, as well as theology and justification of slavery over the centuries. In the 1400s and 1500s, the favored term for buying a slave was *resgatar* – to rescue, in a clear reference to the rescue of captives victims of the war between Christianity and Islam²⁰¹. Although the language of war in the discourse of slavery, which would be used to equate *captive* to *slave*, was not immediately adopted in fifteenth century Iberia, the sixteenth century would be marked by a continuous indistinctness between the two words²⁰².

Iberian attempts to regulate slavery through legislation started with the Visigoth code. Also known as *Fuero Juzgo*, this compilation of customary laws was approved

²⁰⁰ CORTÉS LOPEZ, José Luis. ‘Esclavos en medios eclesiásticos entre los siglos XII-XIV: apuntes para el estudio de la esclavitud en la Edad Media’. In: *Espacio, Tiempo y Forma*, Serie III, Historia Medieval, t. V. 1992, p. 424.

²⁰¹ See, for example, OM, Lib. 5, Tit. CXII.

²⁰² Cortés Lopez mentions that fifteenth century sources used the terms for two distinct situations: captive was a transitory state, in which one lost temporarily his freedom; slave was the juridical condition of one who was owned by another person. CORTÉS LOPEZ, José Luis. ‘Esclavos en medios eclesiásticos entre los siglos XII-XIV: apuntes para el estudio de la esclavitud en la Edad Media’. In: *Espacio, Tiempo y Forma*, Serie III, Historia Medieval, t. V. 1992, p. 425.

during the 8th Council of Toledo, in the year of 654. It was applied in different parts of the Iberian Peninsula, and had a greater influence in the Spanish kingdom of León, as well as Portugal. The Visigoth laws were concerned in particular with fugitive slaves: one of the 12 books of the *Fuero Juzgo* was especially dedicated to the issue²⁰³.

In turn, the justice of war became a concern for Iberians in the twelfth century. In 1147, a fleet of crusaders stopped in Porto on their way to the Second Crusade. D. Pedro Pitões, bishop of the city, exhorted the English, Flemish and Frisian crusaders leave their fleet and temporarily follow the lead of Afonso Henriques, to take part in the campaign to reconquest the city of Lisbon. His words were:

“(...)for acts of this sort you will not be charged with murder, nor accused of any crime: on the contrary, you will be condemned if you do not undertake the task. ‘Piety before God is not the same as cruelty’. Moved by justice, not burning with anger, you will wage a just war. ‘A war is just’, says our Isidore, ‘if, having been declared, it is waged on account of the reclaiming of rights or in order to expel enemy forces’. Since the punishment of murderers and sacrilegious men and assassins is a just cause, the shedding of their blood is not murder.”²⁰⁴

As in Gratian’s *Decretum*, in twelfth century Iberia the also Iberian Isidore of Seville was one of the favored theorists for defining the justice of wars. Although the process of Portuguese *Reconquista* ended in 1249, when the king Sancho II conquered the kingdom of Algarve, the Spanish side of the *Reconquista* would continue until the late fifteenth century. Thus, even though both areas share common traditions and thought in regard to slavery and servitude, there are differences in their historical experiences.

One of the most important texts defining servitude in the medieval Iberia was the Castilian legal code known as *Las Siete Partidas*. Compiled in the second half of the thirteenth century during the reign of Alfonso X, the text defined three types of servants:

“Et siervo tomó este nombre de una palabra que es llamada en latín servare, que quiere tanto decir en romance como guardar. Et esta guarda fue establecida por los emperadores; ca antiguamente todos quantos cativaban matábanlos: mas los emperadores tovieron por bien et mandaron que los non matasen, mas que los guardasen et se serviesen dellos. Et son tres maneras de siervos: la primeira es de los que cautivan en tiempo de guerra seyendo enemigos

²⁰³ SILVA JÚNIOR, Waldomiro Lourenço da. ‘A Escravidão e a Lei: gênese e conformação da tradição legal castelhana e portuguesa sobre a escravidão negra na América, séculos XVI-XVIII’. Dissertation submitted to the University of São Paulo. São Paulo: Universidade de São Paulo, 2009, pp. 36-9.

²⁰⁴ DAVID, Charles Wendell. *Records of Civilization: Sources and Studies*, vol. 24. New York: Columbia University, 1936, p. 80.

*de la fe; la segunda es de los que nacen de las siervas; la tercera es cuando alguno es libre y se deja vender.*²⁰⁵”

[“The name servant originates from the Latin word *servare*, which in Romance [Spanish] means to keep. This keeping was established by the emperors; here before all those who were captured were killed: but the emperors decided they should not be killed, but instead to be kept and used for service. And there are three kinds of servants: the first one is those who are captured in times of war being enemies of the faith; the second one is those who are born of female servants; the third one is when one who is free lets himself to be sold.”]

Las Partidas do not address servitude using the later term *esclavo*, but rather speak of *siervos*, that is to say, *servants*, the term used then to refer to unfree laborers. The servant was an individual under the power of a master, who had his life spared after losing a battle. It consisted of an individual kept under control of another²⁰⁶. The *Partidas* reproduce a classificatory effort in the same way casuistry was doing at this time, but the three types of servitude are, in the Castilian code, a reference to the three ways one could be enslaved. These are not exclusive, nor does the *Partidas* define that any other enslavement method was to be considered illegitimate.

However, as noticed by Angel Muñoz García, the *Partidas* make it clear that servitude was a condition exclusive of enemies of Christ conquered in battle²⁰⁷. But the differences between later definitions of slavery and this thirteenth century text are not limited to that: the text does not mention anywhere the battle where the individual was enslaved had necessarily to be a just war – enemies of Christ could be enslaved in any kind of battle²⁰⁸. Apparently, just war and servitude would be related in the centuries after the *Partidas*, possibly by the introduction of Aquinas in Spain. The second type of servant is derived from the first kind: children of female servants, a definition that reflects the Roman principle *partus sequitur ventrem*. The final kind of servant was voluntary servitude, where a free person could, under certain conditions, sell oneself into slavery.

The relation between captivity and servitude does not go unnoticed by the author of the *Partidas*. In the section dedicated to captives and their properties, the text defines this relation in the following terms:

²⁰⁵ Partida 4, tit. XXI, ley I.

²⁰⁶ The same characteristic of the definition of servitude in the *Siete Partidas* was noticed by Jorge Fonseca: “(...) *uma definição de servidão em que sobressaía a característica principal, a propriedade de uns homens pelos outros.*” See FONSECA, Jorge. *Escravos e Senhores na Lisboa Quinhentista*. Lisbon: Edições Colibri, 2010, p. 26.

²⁰⁷ MUÑOZ GARCÍA, Angel. ‘La condición del hombre en la Edad Media: ¿siervo, esclavo o qué?’. In: *Revista de Filosofía*, Nº 57, March 2007, p. 117.

²⁰⁸ The *Partidas* do mention just war, however its definition is restricted to the war moved in order to obtain restitution. Partida 2, Tit. XXIII, ley I.

“Mas cautivos son llamados por derecho aquellos que caen en prisión de hombres de otra creencia; y estos lo matan después que los tienen presos por desprecio que tienen a su ley, o los atormentan con muy crudas penas, o se sirven de ellos como siervos metiéndolos a tales servicios que querrian antes la muerte que la vida (...).²⁰⁹”

[“But captives are called by law those who fall imprisoned of men of other belief; and they kill them after having them imprisoned by disdain of their law, or torment them with very cruel punishments, or make use of them as servants putting them into such [terrible] services that they wish they would rather be dead than alive (...).”]

This definition of captivity is deeply connected to the historical context in which the *Partidas* were written. In the middle of a long religious conflict, Castilians faced the potential of captivity numerous times in their lifetimes. Thus, captives, in this definition strictly related to religion, are by definition prisoners of another faith, who could be kept to the service of its captor. The same was valid for non-Christians captured by Christians – they could be put into service, and then become servants. The separation between the two conditions – servant and captive – was such a fine line that no wonder later generations would mix the two terms and use them interchangeably.

In Portugal, as noted by Alan Watson, since the twelfth century the so-called *forais*, or town law, contained regulations on slavery, but these apparently had little impact on later developments. Around the fourteenth and fifteenth centuries, black slaves would become more common, and town legislature was overwhelmed by regulations on slavery coming from the Portuguese crown²¹⁰.

A fourteenth century document can clarify some of the notions surrounding just war in Portugal during this period. The so-called *Regimento de guerra e principais Cabos dela de Mar e Terra*, written by initiative of D. Dinis in the first quarter of that century, defines three types of war: just, which is motivated by a desire for restitution; unjust, which is moved by greed and arrogance; and civil, which happens because of misunderstandings among the people²¹¹. In that same century, influenced by Aquinas, the Franciscan Álvaro Pais (1280-1349) would work on the subject. According to Pais, a war to be considered just needed to consider five predispositions: *persona*, or who can partake in the war; *res*, or an injustice to which the war is aimed at; *causa*, or the purpose of bringing peace; *animus*, which refers to a war without hate and where violence is limited to the strict necessary level; and last *auctoritas*, or whether the authority declaring war

²⁰⁹ Partida 2, Tit. XXIX, ley I.

²¹⁰ WATSON, Alan. *Slave Law in the Americas*. Athens and London: The University of Georgia Press, 1989, p. 91.

²¹¹ UINTA-NOVA, Henrique. *Op. cit.*, pp. 171-2.

had legitimate power. Álvaro Pais had even concluded in the introduction to his *Speculum Regum* that a war waged by Christians in Northern Africa was to be considered just, decades before the Portuguese kingdom started the campaign to conquer Ceuta²¹².

Since the reign of D. Afonso III, sporadic royal laws enacted started to form a corpus that would ultimately be compiled in the middle of the fifteenth century. This compilation, the so-called *Ordenações Afonsinas*, gathered also court resolutions, customary laws, foral laws, and some maxims deduced from the *Siete Partidas*, which testifies to the longevity enjoyed by the Castilian code²¹³. The *Ordenações Afonsinas* can also be used as a source for the chronological development of labor relations in the late medieval Portugal, as it includes legislation elaborated decades before its compilation.

Older legislation demonstrates that forced labor was in use in the Iberian Peninsula before the expansion to Africa and the Atlantic islands, although it can hardly be classified as slavery. D. Fernando, who ruled between late 1360s and early 1380s, called for the Lisbon and Porto Courts in 1371-2. Gatherings such as these happened nine times between 1325 and 1375, but in the half century after 1375 there were 27 sessions²¹⁴, which coincide with the period of political unrest fostered by the Avis Revolution. Among the general chapters offered by the three states to the king in the 1370s, the first one was a reference as to how war was not to be declared without the consent of the people²¹⁵. Medieval Portuguese noblemen and knights were concerned with their human, material and financial resources²¹⁶. Here, the justice of war or its causes were not related to the justice of enslavement. In effect, the definition of forced servitude or wage labor is so ambiguous it became subject of evaluation of the Court gatherings, starting with the Lisbon/Porto Courts. Included in the *Ordenações Afonsinas*, is a law by D. Fernando enacted in response to an inquiry by the courts concerning the so-called *servidores* [“servants”]. This text apparently refers to Portuguese young men, who would be coerced to perform unpaid work, in effect becoming forced labor – according to the inquiry many would refuse to work unless they got paid what they demanded²¹⁷. This situation created

²¹² *Idem*, p. 172.

²¹³ DIDONE, André Rubens. “A influência das ordenações portuguesas e espanhola na formação do direito brasileiro do primeiro império.” Doctoral thesis presented to the Universidade Municipal de São Caetano do Sul, 2005, pp. 10-1.

²¹⁴ GODINHO, Vitorino Magalhães. *A Expansão Quatrocentista Portuguesa*. Lisbon: Dom Quixote, 2008, p. 120.

²¹⁵ D. Fernando had declared war before on Enrique II of Castile without the consent of the people, which led him to make a catastrophic monetary reform in Portugal. See ACADEMIA Real das Sciencias de Lisboa (ed.). *Collecção de Livros Inéditos de Historia Portuguesa dos reinados de D. Dinis, D. Affonso IV, D. Pedro I e de D. Fernando*. Lisbon: Oficina da Academia Real das Sciencias de Lisboa, 1816, p. 239.

²¹⁶ As stated by Armindo de Sousa, war in the late medieval Portugal was a defensive war; knights were not so concerned about nobility and virtue. SOUSA, Armindo de. ‘O Discurso Político dos Concelhos nas Cortes de 1385’. In: *Revista da Faculdade de Letras: História*, II série, vol. 2, 1985, p. 35.

²¹⁷ As noted by Anders Winroth, the term *servus* and *ancilla*, often used in legal texts since the twelfth century, could have meant either serfs or slaves, thus making the term unfree persons preferable for this period. See WINROTH, Anders. ‘Neither Slave nor Free – Theology and Law in Gratian’s Thoughts on

lack of labor force in the fields, thus compelling the issue to be brought to the king. Instead of giving a final decision, D. Fernando gave power to local judges, councils and the so-called *homens bons* [“good men”] to rule their own decisions with power of law. The same issue was brought up again in the Viseu Courts of 1391, during the reign of Fernando’s successor, D. João I, grandfather of D. Afonso V and first king of the new dynasty of Avis. He first negates the possibility of forced labor, on the grounds that it could restrain the use of their goods for the greater good of the kingdom, and commands that those who lived with their parents were not to be forced to live with others. In one of the Coimbra Courts called during João’s rule – after the 1391 Viseu Courts, there were four Coimbra Courts (1394-5, 1397, 1398, and 1400) – the lack of labor in the fields made the courts reconsider the issue continuously. D. João decides that those who did not need forced labor for their living – shoemakers, tailors, goldsmiths, weapon makers, mule drivers and others – were to surrender their servants to knights, valets, honorable men, all those who by law held horses, and farmers. The reason was that artisans could live out of their craft, while knights and others needed servants for their honor and duties. Artisans could keep servants only if they were disciples in their crafts. The law was to be applied in the whole kingdom of Portugal and Algarves, except northern areas (*Antre Doiro* and *Minho*) and the city of Lisbon. D. João I, in another of the Coimbra Courts, decides to protect sons and servants of farmers, who could then keep at least one each to work for them. In the Guimarães Courts, held in 1401, D. João listens to farmers who complain that, because of labor shortage, they could lose their vineyards and crops, and those few servants they already had were constantly lured by others to leave their masters in exchange for better wages. The king rules that no one was to lure servants of other people with sweet talk (*“fagueiras palavras”*). During the late thirteenth and early fourteenth century, in the decades before the official start of the expansion with the conquest of Ceuta in 1415 servitude did not include captives from overseas wars or slavery. It was an issue of forced or waged servants, management of limited human resources and the common good²¹⁸.

By the turn of the century, the crisis regarding labor and the need of manpower for sugarcane plantations in Southern Portugal became a factor behind the first period of Portuguese maritime expansion.²¹⁹ Since the beginning of the 1400s, sugar had become an important piece of the regional economy, and since the 1440s the Atlantic islands were also included in this industry. Slavery was then the best alternative to supply these crops with labor, thus in 1441 the first ship with captives from the Saharan seacoast arrived.²²⁰ With Muslim captives from the wars in Africa arriving in Portugal, the legislation started

the Definition of Marriage and Unfree Persons’. In: MÜLLER, Wolfgang P. and SOMMAR, Mary E (ed.). *Medieval Church Law and the Origins of the Western Legal Tradition – a tribute to Kenneth Pennington*. Washington, DC: The Catholic University of America Press, 2006, p. 105.

²¹⁸ OA, Lib. 4, Tit. XXIX.

²¹⁹ GODINHO, Vitorino Magalhães. *Op. cit.*, p. 122.

²²⁰ *Idem*, pp. 308-9, and 329.

reflecting the equation of captives to servants. Servitude became a state contrary to freedom. For example, D. Pedro, regent of Portugal between 1439 and 1448, wrote on the state of servitude:

“(…) néscio é, em direito humanal, o que imagina que o servo não pode alguma vez dar benefício. E erra gravemente em cuidar que o homem é de todo sujeito por servidão ao seu Senhor, porque sempre achará que a melhor parte é isenta. E os corpos são obrigados, mas a alma e a vontade é livre e poderosa sobre seu querer... (….) em o acto de bem fazer não deve ser considerado o estado do benfeitor, mas o coração (….) o servo pode ter bom coração como o livre.”²²¹

[“Fool is, in regard to human law, the one who imagines the servant cannot give any benefit. And is terribly wrong the one who thinks a man is completely subject to servitude to his master, because the best part will always be exempt. And [although] the bodies are obliged, the soul and the will is free and powerful over his own desires (...) In the act of good doing it must not be considered the state of its doer, but his heart (...) the servant can have a heart as good as a freeman.”]

The probable date given for D. Pedro’s text is 1431. In his exposition, servant is opposed to the freeman, and it is defined as a condition, a status. The loss of one’s freedom was already in this time associated to the state of servitude. Moreover, the general condition of the so-called Moors – general name given to Northern African Muslims – brought to the Portuguese territory, who were to be used as servants, was also the state of unfreedom. For example, Book 2, Title CXIII, which brings a law enacted by Dom Duarte, mentions that those who found fugitive Moors were to keep them and use them as if they were their own captives – “*e se servão delles como de seos cativos*”²²². On the same book, title CXIV, also by Dom Duarte, defines punishment for those who help captive Moors to flee out of Portugal. It also determines that anyone responsible for guiding a Moor out of the country was to be imprisoned, subjugated, turned into servants as if conquered in a just war – “*e os possão render, e server-se delles, assy como se os ouvessem de boa guerra.*”²²³ These servants were distinguished from free or manumitted Moors by the use of the term captive – Book 2, title CXVIII, of 1459, mentions that fugitive captive Moors (“*Mouro dos captivos*”) were often looked for in the Moorish neighborhoods of Lisbon, disturbing those that were not servants (“*Mouros forros*”)²²⁴. The legislation still is not using the term *escravo* (“*slave*”), rather making use of terms such as captive and servant.

²²¹ MAR UES, Alfredo Pinheiro. *Vida e Obra do Infante D. Pedro*. Figueira da Foz: Gradiva, 1996. Apud: ERMITÃO, José N. R. *O Infante D. Pedro das Sete Partidas*. Available at <http://cfidp.esgc.pt/file.php/1/Microsoft Word - INFANTE D PEDRO.pdf>, retrieved in April 4th 2016.

²²² OA, Lib. 2, Tit. CXIII.

²²³ OA, Lib. 2, Tit. CXIV.

²²⁴ OA, Lib. 2, Tit. CXVIII.

But even though slavery and captivity were becoming synonyms to servitude, the doctrine of just war was apparently still attached to a yet loose definition, and its relation as a justification for slavery was yet very loose. Writing in mid-1400s, Fernão Lopes describes an episode which took place in a Spanish port. D. Pedro I of Castile meet an Aragonese captain who declared he could capture two ships in the port, along with its crew and merchandise, as they were allegedly owned by the Genovese, enemies of Aragon in a “*boa guerra*” [good war] declared by his monarch.²²⁵ In the same text, war is said to be a defensive tool for the maintenance of the good fortune of its people²²⁶. The justice of war is related to the reasons behind a conflict – when the Bolognese cardinal tried to intervene in the war between Aragon and Castile, the Aragonese king replied that there was no just cause for the war Castile had declared on him²²⁷. A war could be just also when it had peace as its final purpose – Enrique II of Castile declares to Fernando I of Portugal that his war was just (“*he bem justa guerra*”), thus it was legitimate for him to destroy the Portuguese territory, as his final objective was to bring peace²²⁸. The justice of war was also a place of negotiation between the king and his people. For example, on a consultation made by Fernando I with his councilors concerning the declaration of war against Castile – which was motivated by revenge against all the injuries suffered before – the king’s council replied there was no need for conflict. The king, however, responds that he was not interested in hearing their opinion on whether to declare or not war, but on the best way to do so²²⁹. The use of the justice of war by Fernão Lopes tells us that he and his contemporaries were following the general guidelines elaborated by Gratian’s *Decretum*, that is to say, just wars were those who aimed at bringing about peace and for revenge against injuries.

This concern with the justice of belligerence was present in the *Ordenações Afonsinas*, as shown by António Vasconcelos de Saldanha. As pointed by the historian, war was considered in both its dimensions, as a means of destruction but also in its pacifying capacities, in its *just* and *unjust* modalities. This was reflected in a procedural practice that involved analysis and consideration of the reasons of war: “*mover guerra é coisa que devem parar muito mentes os que as quizerem fazer antes que a comecem, que*

²²⁵ “(...) *aquellas gentes eram inimigos del Rey Daragom e que os podia tomar de boa guerra.*”

ACADEMIA Real das Sciencias de Lisboa (ed.). *Op. cit.*, p. 52.

²²⁶ “*Por que seendo o poboo rico diziam elles que o Rei era rico, e o Rei que tesouro tinha sempre era prestes pera defender seu reino e fazer guerra quando lhe comprisse, sem agravo e dampno de seu poboo (...).*” *Idem*, p. 31.

²²⁷ *Idem*, pp. 63-4.

²²⁸ *Idem*, p. 272.

²²⁹ *Idem*, pp. 379-82.

a façam com razão e com direito” [to wage war is something that demands much consideration of reason and law before it is started]²³⁰.

However, just war was not the only way captive servants could be acquired in the fifteenth century. Book 4, title CXI, enacted in 1452, mentions that captive Moors were normally taken by the Portuguese, or brought to them, or bought from other Moors – “*Mouros cativos, que per os nossos naturaes erom tomados, ou a elles trazidos, ou delles comprados*”. The same law defines that these servants were to be kept until their price was paid, or a Christian captive in Moorish lands (“*terra de Mouros*”) was rescued in exchange for the captive. The dynamics of religious war was still very present in the labor relations established between Portuguese and foreign captive elements. Interestingly, this law also forbids the temporary servitude of captive Moors, as it does not allow them to be freed after a determined period of service²³¹.

With the Portuguese expansion during the fifteenth century, slavery and just war became central issues in the disputes with Spanish kingdoms for the right to conquest overseas territories. In effect, slavery and African spices were the main forces behind the expansion efforts in the first half of the fifteenth century²³². Disputes concerning the rule over the Canary Islands led to the enactment in 1452 of the papal bulls *Dum diversas* and *Divino amore communiti*, which sanctioned sovereignty over conquered territories and guaranteed the legitimacy of future conquests. Thus, the Portuguese crown acquired the power to legitimately conquer unknown lands and people, beyond the Moroccan area and well into Guinea, as well as to subjugate conquered people to perpetuate slavery. The enactment of these briefs could be related to initiatives such as the start of a tenant for rescue of captives in Northern Africa²³³.

Both texts enacted by Nicholas V in 1452 were preceded by at least two other bulls endorsing Black slavery by the Portuguese crown: *Dudum cum ad nos* (1436) and *Rex regum* (1443) of Eugene IV²³⁴. The difference is that, before the bulls of 1452, foreigners were classified under the notion of *paganitas*, being thus treated as gentiles or pagans, based on the formulations of Pope Innocence IV. As a result, the Pope had indirect power – *potestade* – over them, being then able to declare war on gentiles that did not fit the traditional models of crusade and just war, as well as to deprive them from

²³⁰ SALDANHA, António Vasconcelos de. *Iustum Imperium – Dos Tratados como Fundamento do Império dos Portugueses do Oriente*. Lisbon: Universidade Técnica de Lisboa, Instituto Superior de Ciências Sociais e Políticas, 2005, p. 182.

²³¹ OA, Lib. 4, Tit. CXI.

²³² GODINHO, Vitorino Magalhães. *Op. cit.*, pp. 185-6.

²³³ *Idem*, p. 215.

²³⁴ RIVERA, Luis N. *A Violent Evangelism: the Political and Religious Conquest of the Americas*. Westminster: John Knox Press, 1992, p. 194.

their sovereignty – *dominium* – using the power of Christian princes for that. However, these wars did not allow subjugated populations to be enslaved²³⁵.

With the bull *Dum diversas*, Muslims and non-Muslim black Africans were referred not only as infidels and pagans, but as *enemies of Christ* – thus allowing blacks to be perpetually enslaved as prisoners of war. According to Marcocci, before the bull, the notion of enemy of Christ was a reference specifically directed to Muslims²³⁶. *Las Siete Partidas* stated that taxes collected at ports were to be used by the royal authority in the war against *enemies of the faith*, which are equated to Moors²³⁷. The idea that Moors, or Muslims, were to be considered enemies of the Christian faith, had captivity as one of its consequences: the text differentiates common prisoners from captives, explaining that while prisoners were submitted to the privation of their freedom as punishment for some wrongdoing, captive was a term strictly applied to those who fell imprisoned by men of a different faith. Captives could be killed, tortured, or turned into servants. The compiler of the Castilian code even goes on to say that this was the worst punishment anyone could receive in the world²³⁸. This idea of captivity being the state of one imprisoned by a person of a different faith is, of course, very close to the context of the *Reconquista*. The equation of Muslims to enemies of Christ would become very popular in the fifteenth century – for instance, the chronicler Fernão Lopes registered that cities would defend themselves against the Castilian king Enrique II “*como se elRei e os seus fosse mouros emmijos da fe*” [“as if the King and his [warriors] were Muslims enemies of the faith”]²³⁹.

The Portuguese chronicler Gomes Eanes de Zurara is a great example of the royal ideology of his time. The tone used by him and the definitions he offers for just war and justifications for slavery, however, are a result of Zurara’s time, when slavery became one of the industries of the Portuguese overseas enterprise. Writing in the middle of the fifteenth century, Zurara registered a scene where king D. João I consulted two of his confessors, João de Xira and Vasco Pereira, in regard to the justice of a war waged to conquer Ceuta, to which they replied:

“(…) *determinamos que uossa merçee pode mouer guerra contra quaaesquer jnfieeis assy mouros como gentios, ou quaaesquer outros que per*

²³⁵ MARCOCCI, Giuseppe. *A Consciência de um Império – Portugal e o seu mundo (séc. XV-XVI)*. Coimbra: Coimbra University Press, 2012, pp. 48-9.

²³⁶ *Idem*, pp. 49-50.

²³⁷ See Partida 2ª, Tit. 29, ley 4; Partida 3ª, Tit. 28, ley 11.

²³⁸ Partida 2ª, Tit. 29, ley 1.

²³⁹ ACADEMIA Real das Sciencias de Lisboa (ed.). *Op. cit.*, p. 205.

*alguã modo negarem alguã dos artigos da samta ffe catholica, per cujo trabalho mereçerees grande gallardom do nosso Senhor Deos pera a uossa alma.*²⁴⁰”

[“we concluded that Your Mercy may wage war against any infidels, Moor or gentile, or any others who might negate some of the articles of the holy Catholic faith, by which you shall deserve great awards from Our Lord to you soul”]

In the words of these two prelates, infidels included not only Muslims, but also gentiles and anyone who denied conversion. Enslavement was justifiable by any impediment others could represent to religious proselytism. Zurara was most certainly influenced by the spirit of his time, gathering under the same umbrella of infidelity Moors and pagans.

The result of these mid-fourteenth century policies was that just war came to substitute the notion of holy war, thus making available to states the power to continue their wars as long as they were justified. As Seymour Drescher explains, the “*boundaries of enslavability gradually came to be restricted by religious affiliation, but the enslavement of infidels in a just war offered ample scope for the continuation of the institution.*”²⁴¹ In this sense, the *Dum Diversas* helped to confirm and legitimate an expansion of the notion of religious infidelity and allowed the Portuguese administration to justify slavery by itself.

The same endorsement of slavery would be repeated in the 1455 bull *Romanus pontifex*. The form of enslavement promoted by these policies was, however, tightly related to the perspective of a future conversion to Christianity²⁴². Thus, in Portugal, the justification for the enslavement of people from lands overseas was closely related to the possibility of their conversion since mid-fifteenth century. Once more, Gomes Eanes de Zurara, author of the *Crónica de Guiné*, offers a testimony to this spirit:

“Oo e se assy fora que em aquestes que fogyam ouvera huã pequeno de conhecimento das cousas mais altas! Por certo eu creoo, que aquella meesma trigança que levavam fогindo, trouveram por se viir pera onde salvassem suas almas, e repairassem suas vidas; ca pero a elles parecesse que vivendo assy vivyamm livres, em muyto mayor cativeiro ja iam seus corpos, consiirada a desposiçom da terra e a bestialidade da vida, doque antre nos eram vivendo em senhoryo alheo, quanto mais a perdiçom das almas que sobre todallas cousas delles de vera seer mais sentida. Por certo ainda que os olhos corporaaes nom

²⁴⁰ ZURARA, Gomes Eannes de. *Crónica da Tomada de Ceuta por el Rei D. João I*. Lisbon: Academia das Ciências de Lisboa, 1815, p. 37. See also UINTA-NOVA, Henrique. *Op. cit.*, p. 173.

²⁴¹ DRESCHER, Seymour. ‘From Consensus to Consensus: Slavery in International Law’. In: ALLAIN, Jean (ed.). *The Legal Understanding of Slavery: From the Historical to the Contemporary*. Oxford: Oxford University Press, 2012, p. 86.

²⁴² MARCOCCI, Giuseppe. *Op. cit.*, p. 60.

*conhecessem algũa parte desta bemaventurança, os olhos do verdadeiro conhecimento, que he a lama limpacom infiinda glorya, recebidos em este mundo os sanctos sacramentos, com algũa pequena de fe pertidos desta vida, em breve poderom conhecer o primeiro erro de sua ceguydade.*²⁴³”

“*Oh, if only among those who fled there had been some little understanding of higher things. Of a surety I believe, that the same haste which they showed in flying, they would then have made in coming to where they might have saved their souls and restored their affairs in this life. For although it might appear to them that, living as they were, they were living in freedom, their bodies really lay in much greater captivity, considering the nature of the country and the bestiality of their life, than if they were living among us under an alien rule, and this all the more because of the perdition of their souls, a matter which above all others should have been perceived by them. Of a surety, although their bodily eyes did not perceive any part of this good fortune of theirs, yet the eyes of the understanding, to wit of the soul pure and clean with unending glory, having received in this world the holy sacraments, and departed from this life with some little portion of faith, would quickly be able to recognize the former error of their blindness.*”²⁴⁴

The civilizatory tone of Zurara’s text is a reflection of the general argument of his time. Muslims, pagans and other non-Christians were victims of their own ignorance, living in a state of false freedom. The chronicler describes the state of captivity, on the other hand, as the true path to knowledge, freedom and glory. Unarguably, when mentioning the sacraments, he speaks of baptism as the first step for the infidels to recognize their blindness. In another section, Zurara writes:

*“ainda que a força do mayor bem era delles meesmos, ca posto que os seus corpos estivessem em algũa sogeiçom, esto era pequena cousa em comparação das suas almas, que eternalmente avyam de possuyr verdadeira soltura*²⁴⁵”

[“*And yet the greater benefit was theirs, for though their bodies were now brought into some subjection, it was a small matter in comparison of their souls, which would now possess true freedom for evermore*”²⁴⁶].

²⁴³ ZURARA, Gomes Eanes de. *Chronica do Descobrimento e Conquista de Guiné*. Paris: J. P. Aillaud, 1841, p. 318.

²⁴⁴ AZURARA, Gomes Eanes de. *The Chronicle of the Discovery of Guinea*. London: Hakluyt Society, pp. 201-2.

²⁴⁵ ZURARA, Gomes Eanes de. *Op. cit.*, p. 88.

²⁴⁶ AZURARA, Gomes Eanes de. *Op. cit.*, p. 51.

As stated by Vitorino Magalhães Godinho, enslavement is then justified by the civilizational work, aiming at elevating the captives' lifestyles.²⁴⁷ The barbarism of overseas pagans and infidels was used as a reason justifying their enslavement.

Similar papal rights would be conferred to the Spanish side of the Iberian Peninsula decades later. In 1493, one year after the end of the *Reconquista* and the Columbian discovery, Ferdinand and Isabela of Spain received from Pope Alexander VI two bulls dated May 3rd extending “*the identical favors, permissions, etc. granted to the Monarchy of Portugal in respect of West Africa to the monarchy of Spain in respect of America.*”²⁴⁸

Both Iberian empires were thus legally able to endorse and practice slavery. However, in Spain, as it is widely known, a long discussion concerning the freedom of American Indians took place in the sixteenth century. Spanish authorities were quickly challenged by the justice of slavery overseas, and the enslavement of alien elements soon started being conditioned by external and moral factors. For example, in 1503, Queen Isabela issued an edict allowing the captivity and further enslavement of cannibal Native Americans who resisted conversion.²⁴⁹ The moral tension of slavery would bring Juan Gines de Sepúlveda and Bartolomé de las Casas together in the infamous Controversy of Valladolid, held in 1550-1, where the Spanish crown called prelates, literates and scholars to debate the juridical status of Native Americans in New Spain and how Spaniards were to behave in regard to exploration, mission and conquer.²⁵⁰

Meanwhile, in Portugal, the issue received a different approach. Like Spain, discussions concerning the legitimacy of slavery would take place not only in the country, but also among theologians and missionaries in the overseas territories, as did Manuel da Nóbrega and Quirício Caxa, in Brazil, and the prelates gathered for the First Goa Council in India.

But there were differences between the Portuguese and the Spanish case. Discussions in continental Portugal were remarkably characterized by a revision of former theories and justifications. Just war and slavery were not targeted as immoral, but rather reviewed and amended.²⁵¹ Antonio Manuel Hespanha points out that, while in Spain the discussion was centered around the right to conquer and enslave Native Americans, in Portugal any discussion regarding slavery was centered on Black slavery,

²⁴⁷ GODINHO, Vitorino Magalhães. *Op. cit.*, pp. 147-8.

²⁴⁸ MAXWELL, John Francis. *Op. cit.*, pp. 55-6.

²⁴⁹ MAXWELL, John Francis. *Op. cit.*, pp. 56-7.

²⁵⁰ KAPP, Amanda Cieslak. *Fernando Oliveira e o Humanismo Português no Século XVI*. Master's dissertation presented to the Universidade Federal do Paraná. Curitiba: 2013, pp. 124-5.

²⁵¹ On discussing just war, Amanda Kapp states: “*A execução da guerra justa não foi posta sob fogo cerrado, entretanto suas teorizações e justificações foram alteradas*” [The execution of just war was not shot down in flames, rather its theories and justifications were altered]. KAPP, Amanda Cieslak. *Op. cit.*, p. 120.

which had already a long tradition and was an established legal institution in Roman law. Also, while the Spanish considered that Native Americans were, by right of conquest, subjects to the Spanish crown, Black Africans were not subjects to the Portuguese king, but to African kings, thus were not protected by the Portuguese crown. These differences turned slavery into an issue pertaining to two very distinct spheres: in Spain, it was a problem of global policy, while in Portugal it was restricted to a moral and confessional challenge.²⁵² Thus, Black slavery became the yardstick with which all other slaveries were measured, including the enslavement of Brazilian Natives and Asians. On the other hand, the discussion of just war, which had direct effects on slavery and related practices, was a problem of global Portuguese policy and received much attention in the sixteenth century.

The difference of context in which these authorizations were granted may also help to explain some of this divergence. In Portugal, papal bulls were received at least 50 years before the Spaniards did. Economic, social and political structures were already built around these rights, based on solid Roman legal tradition, and there was not much space for doubt in the Portuguese administration. Nevertheless, on both sides of the Iberian Peninsula of the 1500s the legitimacy of slavery will be questioned not as a whole institution, but in regard to specific peoples.

Discussions regarding the justice of war in Portugal, which would create the basis for further discussions on slavery, became more intense in the 1550s. One of the commentators of this tension between practice and theory was the Portuguese Dominican Fernão de Oliveira. In 1555, Oliveira published his *A Arte da Guerra do Mar* [The Art of Sea War], where he registers technical knowledge acquired by the priest in his travels overseas. The publication probably was the trigger for his second imprisonment by the Inquisition²⁵³. The first few chapters present a theoretical discussion on the nature of war. Oliveira was, however, a very distinctive character among the Portuguese clergymen. Sympathetic to Henry VIII, Fernão de Oliveira is a representative of the so-called *erasmistas* (*luteranos* or *iluminados* in Spain), who were perceived as critics of the Council of Trent and the Catholic reforms²⁵⁴. The extremely pragmatic style adopted by the Dominican will be reflected in his analysis of the justice of war²⁵⁵. His *A Arte da Guerra do Mar* was a treatise that not only denounced unjust practices regarding war and slavery in Portugal but, as put by David Thomas Orique, also “addressed the three-

²⁵² HESPANHA, António Manuel. ‘Luís de Molina e a escravização dos negros’. *Análise Social*, vol. XXXV (157), 2001, p. 938.

²⁵³ ORI UE, David Thomas. ‘A Comparison of the Voices of the Spanish Bartolomé de Las Casas and the Portuguese Fernando de Oliveira on Just War and Slavery.’ In: *e-JPH*, Vol 12, number 1, June 2014, p. 103.

²⁵⁴ ORI UE, David Thomas. *Op. cit.*, p. 103.

²⁵⁵ BAPTISTA, Maria Manuel. “Fernando Oliveira: a guerra como o menor dos males e a escravatura como o maior dos pecados.” In: MORAIS, Carlos (org.). *Fernando Oliveira – um humanista genial*. Aveiro: Universidade do Aveiro, 2009, pp. 389-90.

pronged goal of Portugal's enterprises: territorial extension, commercial exploitation, and religious expansion."²⁵⁶ Oliveira's intent, according to Amanda Kapp, was to write a manual for Portuguese noblemen who had no reference or experience regarding the overseas, in order to instruct them on material and spiritual conditions and issues. As such, the work is centered on two main subjects – maintenance of the colonial empire, and expansion of Portuguese glory and faith to other territories.²⁵⁷

In regard to war, Oliveira saw no moral dilemma regarding its necessity – armed conflicts were needed because it was part of human nature, and because it was essential to defend peace. Thanks to the primitive disobedience of men towards God, as in the original sin, humanity had rejected divine justice, thus being subjected to a group or collective perspective – war is then created from the perverted nature of men. Even though he considers, following Augustine, that war was born out of an evil act, the original sin, good war was able to promote good peace. Oliveira proposes that the government was to be always prepared for the event of conflict, thus needing a permanent corps available for war, preferentially national, as the sentiment of defending one's nation was crucial to conduct war and peace²⁵⁸.

War was thus subjected to the authority of a prince, which should promote it only when just, that is to say, when aimed at promoting justice and inhumanities. Otherwise, it would become a tyrannical war. Oliveira warns that the ultimate responsibility of any prince was to God, to whom they were to explain themselves by what they did or did not in defense of their own people. The authority of the prince was, according to Oliveira, defined by his experience, which in turn made all administration matters – including the declaration of war – incomprehensible for others. The Dominican was categorical, defending the preeminence of practical experience over theoretical arguments²⁵⁹.

Oliveira's choice for the sea as the space of his argumentation was justified by the acts of those who lived on maritime waters, who although faced constant challenges to their own lives, had no regard for human dignity and respect for others. Here also he sheds some light on the practical experience over theories, by claiming that none should be surprised by others capturing and enslaving Portuguese Christians, as that was the 'rule of the game': "*Amigos, todos andamos a furtalho fato, e quem vai por lã às vezes deixa pele (...)*" [My friends, we are all trying to be unnoticed, and sometimes those who go after the wool leave their own skin].²⁶⁰

²⁵⁶ ORI UE, David Thomas. *Op. cit.*, p. 104.

²⁵⁷ KAPP, Amanda Cieslak. *Op. cit.*, pp. 113-4.

²⁵⁸ BAPTISTA, Maria Manuel. *Op. cit.*, pp. 390-3; KAPP, Amanda Cieslak. *Op. cit.*, p. 116.

²⁵⁹ BAPTISTA, Maria Manuel. *Op. cit.*, pp. 393-4; KAPP, Amanda Cieslak. *Op. cit.*, p. 128.

²⁶⁰ BAPTISTA, Maria Manuel. *Op. cit.*, pp. 394-6; OLIUEYRA, Fernando. *Arte da Guerra do Mar*. Coimbra: João Alvares, 1555, f. XIVv. The expression "furtalho fato" was also used in a manuscript by Diogo do Couto: "*Que tal era o primor daquelle tempo, que não queriam aquelles capitães honras em prejuizo uns*

Fernão de Oliveira reiterates that it was a Christian obligation to take part in war only when it was justly reasoned. He warns that faithful Catholics should avoid the hypocrisy of taking part in unjust wars. Wars could be justified by three reasons: 1) against those who promote evil, 2) against an external offense, and 3) against an offense to God or who menaces the integrity of those who practice the Christian faith. However, although offenses to God could come from the act of infidels, Oliveira states that not all non-Christians could become objects of a just war. He declares that Christians could not declare war against those who were never Christians themselves, and who did not take territories from Christians or performed any detrimental act against Christianity. In this group, Oliveira includes Jews, Muslims and gentiles who never heard of Christ, and who should not be converted by force, but rather be persuaded to conversion, via example and justice. He goes on to classify as tyranny the act of taking their lands, capture their possessions and any aggression against those who do not proffer any blasphemy against Christ or do not resist to their own evangelization²⁶¹. In effect, Oliveira distinguishes non-Christians from Northern Africa from those of other areas, such as India, thus pragmatically arguing that wars were just only against those who in fact occupied formerly Christian territories²⁶².

Fernão de Oliveira thus understands that the enslavement of innocents was an abominable activity, and that it could not be justified by the argument that they sold themselves to slavery, claiming that if there were no buyers, there would be no sellers nor they would capture others to sell into slavery. He affirms that the Portuguese were fully responsible by inventing the slave trade, which, according to him, was not used among these people before their contact with representatives of Portugal²⁶³.

The pragmatic criticism of Fernão de Oliveira had a very limited impact on its time. However, it translated a perennial sentiment of condemnation against the abuses of slavery, which is at the source of all the revisionism regarding the causes and legitimacy of slavery and war. Following the same trend, a key document of this period seems to be the so-called “*Por que causas se pode mover guerra justa contra infieis*” [By which causes one can declare just war against infidels]. Traditionally dated as written in 1556, it compiles the necessary conditions upon which an authority could declare just war against the non-Christians, and more specifically how the Portuguese crown was to deal with the natives in Brazil²⁶⁴. Apparently addressed to the king D. João III, the document

dos outros; o que hoje é bem ao contrario, porque todos andam (como lá dizem) furtalho o fato”.

COUTO, Diogo do. *Vida de D. Paulo de Lima Pereira*. Lisbon: Escriptorio, 1903 [first edition 1738], p. 38.

²⁶¹ BAPTISTA, Maria Manuel. *Op. cit.*, pp. 936-8.

²⁶² KAPP, Amanda Cieslak. *Op. cit.*, p. 118.

²⁶³ BAPTISTA, Maria Manuel. *Op. cit.*, p. 398; See MARCOCCI, Giuseppe. *Op. cit.*, pp. 325-8.

²⁶⁴ At first, Henrique quinta-Nova, following Costa Brochado, had considered this document as written before Francisco de Vitoria's *De Indiis* and *De Jure Belli*, both of 1538. See UINTA-NOVA, Henrique. *Op. cit.*, p. 175-6. Marcocci confirms the date as the second half of the 1550s. See MARCOCCI, Giuseppe. *Op. cit.*, pp. 321-2.

summarizes canonical doctrines concerning just war, including Aquinas, Thomas de Vio, Augustine, the Gospels, and others²⁶⁵.

The anonymous author repeats an argument similar to the one made by Fernão de Oliveira – the war against the infidels was just because it was based on the idea of reconquest of former Christian territories²⁶⁶. However, this document interestingly starts by addressing the idea of the justice of war against non-subjects to the crown. Based on Aristotle and Aquinas, it states that a perfect community had the power necessary to punish those who occupy the community's territory or make any offense against it²⁶⁷. The power of punishment against subjects and non-subjects is described as necessary for the conservation of the community, and absolute princes and lords have this power exactly because they are in charge of guarding and keeping the integrity of their communities²⁶⁸. The anonymous author starts by addressing the issue of jurisdiction over non-subjects to the crown without making mention of any religious argument. The argumentation is entirely built on the notion of preservation of a perfect community, considered as a political issue. This idea is fundamental to understand the justifications of dominance and enslavement of foreigners by the Portuguese crown.

As for just war, the document repeats there were two main reasons that could justify warfare: to make justice and take back what has been unjustly taken, and to address an offense made against the community. Once more, there is no religious justification, and the argument is entirely political. It allows the author to point out that war could be just for both sides, although he says that it rarely is the case in any given conflict. Even if a war is seemingly unjust, subjects were to follow their prince, but foreign mercenaries were excused to refuse taking part in such war²⁶⁹. Based on these political principles, the author proceeds to the analysis of the Portuguese war against infidels on the overseas.

The document affirms that the first cause, restitution of stolen territories and goods, is applicable to the war against Moors in Northern Africa, but not on territories where Moors never heard of the Gospel. However, the second cause, offense, can be used to justify any belligerent action against people wherever the Portuguese go. If there was no offense against the political community, then the war would be a sinful act, even if it was aimed at converting the infidels²⁷⁰. The author thus determines that a war against those

²⁶⁵ The document was included in REGO, Antonio da Silva (ed.). *As Gavetas da Torre do Tombo*, II, gav. III-XII. Lisbon: Centro de Estudos Históricos Ultramarinos, 1962, pp. 676-85.

²⁶⁶ Marcocci considers the author to be D. António Pinheiro, former bishop of Miranda, member of the Board of Conscience and Orders around the 1550s who enjoyed a close relationship with the queen D. Catarina. See MARCOCCI, Giuseppe. *Op. cit.*, pp. 323-4.

²⁶⁷ On the margin of the document, the author points he is basing his work on Aristotle *Politics* and Aquinas' *De regimine principum*.

²⁶⁸ REGO, Antonio da Silva (ed.). *Op. cit.*, p. 677.

²⁶⁹ REGO, Antonio da Silva (ed.). *Op. cit.*, pp. 677-8.

²⁷⁰ *Idem*, p. 678.

who never heard of Christ was in principle wrong, but could be justified if there was offense against not only God, but against the Portuguese polity.

The issue was, if conversion was not enough reason to justify war, how should the Christian religion be spread to foreign territories? The document responds that indoctrination and example were justifiable means, not violence and belligerence. Missionaries were, thus, ambassadors of God and heavenly business [*“embaixadores de Deus e do comercio do ceo”*], and were to be treated respectfully – the monarch became responsible for their safety and, in case of offense against preachers, entitled to wage just war against offenders.²⁷¹ Thus, the proceedings to wage just war were to, first, send in the missionaries, and if there was offense against them, declare war, which would be justified according to the Church doctrines. This war would not be aimed at forcing conversion upon the infidels, but rather to respond to these offenses against the missionaries. As a result, these territories could then be justly conquered and subjected to the authority of the Portuguese crown.²⁷²

Following this logic, the author states that, as Muslims received badly missionaries even in lands where they never heard of the Gospels before, it was licit to wage war against them at any time. On the other hand, the experience showed that non-Muslim infidels had a number of reactions towards missionaries, from aggressiveness to curiosity, so it was justifiable to first send preachers and observe closely any subsequent developments. But even if there was any offense against missionaries, the author suggests that the prince should wait and try other approaches, instead of immediately waging war.²⁷³ It is worthy noticing that, even though the anonymous author recognizes that such war would be fair and just, the ultimate choice to wage war was in the hands of the prince, and it should be treated as a political calculated act, not as an automatic procedural step. The author then suggests that these missionaries should be accompanied by merchants, who could then observe the manners and mores of the foreign territory and defend the clerics in case of necessity.²⁷⁴

Next, the document analyzes the actions of D. Manuel in India. He declares that the wars waged against Asian polities were justified by the many offenses suffered by peaceful Portuguese ambassadors who were received as public enemies and false friends. Thus, the conquered territories were legitimate – it did not matter whether these territories were occupied by Muslims, gentiles or were formerly Christian areas, as they were justified by the first cause of just war. Also, the author disregards any argument in favor

²⁷¹ The notion of missionaries as ambassadors of heavenly business echoes the mercantile tones used by Boniface VIII to characterize religious relations. See DIGARD, Georges, FAUCON, Maurice, and THOMAS, Antoine (eds.). *Les Registres de Boniface VIII; recueil des bulles de ce pape*, vol. 2. Paris: E. de Boccard, 1884, p. 12.

²⁷² REGO, Antonio da Silva (ed.). *Op. cit.*, p. 679.

²⁷³ *Idem*, p. 680.

²⁷⁴ *Idem*, p. 680.

of conquest based on the barbarism of the “other”, or that the Pope had authority to allow any prince to wage war against any infidel because of his universal powers²⁷⁵.

By the end, the author adds a third cause for just war: intention. The acts of Portuguese crown in the conquest of Northern Africa and India were based on the idea of expulsion of Muslims, restitution of former Christian areas to Christianity and, overall, evangelization.²⁷⁶ To justify the conquest of foreign territories as a means to expand Christianity, the document states that if a war was based on a just cause, even if the perpetrator does so with bad intent, the conquered territory can be kept in good conscience because of the justice of the final intent. In regard to areas that were already conquered, the author suggests the crown needed to analyze the contents of trading contracts and diplomatic treaties in order to correct any irregularities, thus reiterating the justice of the conquest. The author ends his exposition by reiterating that the justice of the Portuguese conquest resided in the procedural policies in place during the military campaigns overseas, not on the word of Papal bulls. These bulls were to be seen as: regulatory documents concerning the usage of capitals obtained from tithes; permit to use some of the trading practices forbidden by canonical law – a possible reference to the trade with the so-called enemies of Christ; and regulations in regard to the construction of churches and to other spiritual matters.²⁷⁷ The document was not only stating or listing causes for just war, as its title suggested, nor condemned war and the subjugation of gentiles under a religious pretext.²⁷⁸ In effect, the author presents a collation of doctrines of just war and conquest with the political practice of the developing Portuguese empire during the reign of D. João III. This reassessment of justice and correction of irregularities started in the second half of the 1550s would prevail in the reign of D. Sebastião. In the anonymous exposé, Slavery was a subject dealt indirectly – slaves were but one of the spoils derived from conquest and subjugation of foreign territories, and there is no essential condemnation of slavery or the subjugation of foreigners under the Portuguese crown. On the opposite, it presents a valid method of justification and correction of conquest and subjugation.

During the decades before the monarch’s final demise in Morocco, the association between just war moved by correct intent and enslavement was put to practice. For example, in the instructions given to the departing new Vice-Roy D. Luís de Ataíde in 1568, the monarch declares that Moors illegally transporting pepper outside of the Malabar Coast could be captured and enslaved. He specifically indicates that they were

²⁷⁵ *Idem*, pp. 680-3.

²⁷⁶ *Idem*, p. 684.

²⁷⁷ *Idem*, p. 685.

²⁷⁸ Uinta-Nova read the anonymous exposition as a condemnation of war against infidels and their subjugation as based on religious ideas. A careful reading of the document shows that it is, in fact, a political and procedural interpretation of Portuguese conquests where religion plays a fundamental, but not central, role. UINTA-NOVA, Henrique. *Op. cit.*, p. 176.

to be considered “*captivos de boa guerra*” [*captives of just war*]²⁷⁹. However, issues regarding legitimacy would become more apparent in the confessional practice in the overseas territories, as we will see in the following chapters. Even though these concerns were also present in the Brazilian missions, we will focus our analysis in Asian slavery, where a deeper concern regarding legitimacy became more obvious during the 1560s. The following section provides the historical background for legal measures aimed at controlling slavery and related practices necessary for the discussion presented in chapter IV.

Ruling Asia

When the Portuguese king D. Manuel ordered the elaboration of a new code of laws, gathering new legislation and revising the old *Ordenações Afonsinas*, his world was very different than that of Afonso V. The Portuguese settlements in Asia were becoming permanent, and thus new legal challenges started to become more and more frequent for the royal administration. According to Mário Júlio de Almeida Costa, the arrival of printing techniques was also a stimulus for the revision – instead of printing the *Ordenações Afonsinas*, the administration chose to review the entire legislation. The printing of the new ordinances started between 1512 and 1514, but the definitive edition was published only in 1521. The style differed from the older Afonsine collection – the Manueline code presented decisions in the style of decrees, as if it was new law, without any reference clarifying whether it was a new rule or the update of an old law²⁸⁰.

As Silvia Hunold Lara explains, the *Ordenações Manuelinas* set some of the basic principles that substantiate master-slave relations in the Portuguese empire. No specific law offers clear definitions for property and control of slaves, but these notions are spread throughout the legislation.²⁸¹ The number of laws that rule slavery sum up to 23, and while most dealt with civil law and penal law, some referred to issues of juridical administration, ecclesiastical law, slave trade and trade with the overseas territories as well, in particular African settlements. It is important to notice that the dispositions

²⁷⁹ DHMPPO, Vol. 10, p. 443.

²⁸⁰ COSTA, Mário Júlio de Almeida. *História do Direito Português*. Coimbra: Livraria Almedina, 2002, pp. 282-4.

²⁸¹ LARA, Silvia Hunold. ‘Legislação sobre escravos africanos na América portuguesa’. in: ANDRÉS-GALLEGO, Jose (Coord). *Nuevas Aportaciones a la Historia Jurídica de Iberoamérica*. Madrid: Fundación Histórica Tavera/Digibis/Fundación Hernando de Larramendi, 2000 (CD-Rom), p. 37.

presented by the Manueline code would be repeated, almost unaltered, in the *Ordenações Filipinas*, enacted in 1603²⁸².

The Portuguese legislation equated slaves to animals and beasts. For example, Book 4, Title XVI of the Manueline code states that slaves from Guinea, that is to say, Africa could be rejected by their buyers if they were sick or crippled. This text was originally from the *Ordenações Afonsinas*, which had stated a similar right but limited to slaves sold only in Évora.²⁸³ Book 5, Title XLI, determines that fugitive or lost slaves or birds were to be returned as soon as possible to their owners, notifying also the local authority. Interestingly, the reward for finding a slave was different according to his or her origin – Black slaves were worth 300 *reais*, while White and Indian slaves, 1000 *reais*²⁸⁴.

The law concerning fugitive slaves also elucidates a few of the different juridical status – or *condição* [condition], to use the language of the time – and categories tightly related to religion. Book 5, Title LXXI, determines that nobody could help a captive slave to flee out of the kingdom. The punishments were: exile for Christians, enslavement for freed Jews or Moors, or whip lashes and have the ears cut off for Jew or Muslim slaves²⁸⁵. It is noteworthy the fact that the law did not consider the possibility of baptized slaves or freed individuals, or unbaptized pagan slaves or freed individuals. Men and women who had never been enslaved in the first place would not be considered at all, as they were out of the jurisdiction of the Portuguese crown. The silence of the text in regard to these other possibilities is a telling one in terms of legal status of the population of the kingdom and its overseas territories in the first decades of the sixteenth century.

The link between slavery and proselytism, justifying the trade itself as a catechetical enterprise, is quite clear in the legislation at this point. For example, Book 5, Title XCIX, states that all those who owned African slaves were to baptize them six months since their acquisition. Enslaved individuals older than 10 years old could refuse baptism, but those younger than that had to be Christianized one month after being bought, their consent being unnecessary. This same law also confirms the inheritability of the slave status – children born of African female slaves were to be baptized as any other Christian newborns²⁸⁶. The baptism was a form of social inclusion, so the slave could be subjected to royal and ecclesiastical justice. Also, there was no obligation of instruction

²⁸² PAES, Mariana Armond Dias. 'O tratamento jurídico dos escravos nas Ordenações Manuelinas e Filipinas'. In: *Anais do V Congresso Brasileiro de História do Direito*. Curitiba: Instituto Brasileiro de História do Direito, 2013, pp. 525-6.

²⁸³ OM, Lib. 4, Tit. XVI; LARA, Silvia Hunold. 'Legislação sobre escravos africanos na América portuguesa'. in: ANDRÉS-GALLEGO, Jose (Coord). *Nuevas Aportaciones a la Historia Jurídica de Iberoamérica*. Madrid: Fundación Histórica Tavera/Digibis/Fundación Hernando de Larramendi, 2000 (CD-Rom), p. 57.

²⁸⁴ OM, Lib. 5, Tit. XLI.

²⁸⁵ *Idem*, Tit. LXXI.

²⁸⁶ *Idem*, Tit. XCIX.

for baptized slaves, thus the level of knowledge demanded from them in regard to the Christian faith was apparently very low.

In Asia, enslavement and slave trade began as soon as Portuguese settled in the coastal fringes of the Indian Ocean. In 1510, Portuguese soldiers Lourenço Moreno and Diogo Pereira wrote to Lisbon concerned that slavery was getting on the way of larger services to God and king.

“Item - Que os capitaes das naos nam querem trazer os homens doemtes e que la se aleigaram [sic] em voso seruiço, e trazem as naaos caregadas de escrauos, que he grande crueza; e, se allguum trazem, he por peita; e que ho prouēja vosa alteza.²⁸⁷”

[Item – ship captains are unwilling to carry sick men, men who were crippled while on your service, rather bringing their ships full of slaves, what is a great inhumanity; and, if some [sick men] they bring, it is because they were bribed; may Your Highness offer a solution [to this situation]]

Of course, early sixteenth century soldiers were not appalled because of the ships full of slaves – instead, captains willing to abandon their own brothers in Christ and countrymen in order to fill their hulls with slaves were the reason behind the soldiers’ astonishment. This type of situation may have repeated itself enough times the crown was forced to legislate against similar practices. But the king was not interested in protecting his sick or crippled soldiers either.

Asian slaves, or more specifically Asian slave trade, would be among the issues targeted by a set of Portuguese laws enacted in 1520 known as *Ordenações da Índia*. A royal provision enacted in November 1521 confirmed that, despite not being included in the *Ordenações Manuelinas*, this code was to be enforced in Portuguese-controlled Asian territories.²⁸⁸ Elaborated amidst the legislative momentum of the late years of D. Manuel, the legislation considered mainly the guarantee of royal preeminence over Indian spice trade. These Atlantic and Indian routes were primordial for the Portuguese state in the sixteenth century, and the text leaves no doubt that, even after a couple of decades since Vasco da Gama entered Calicute, the trading routes were to be protected at all costs. The ordinations explain: “(...) *tam caro e tã custoso de auer, e cõ tanto risco e periguo de gente, e por tanto descurso de tempo (...)*²⁸⁹” [so expensive and costly to conquer, offering such risk and danger to the people, and demanding so much time]. The motive

²⁸⁷ Lourenço Moreno and Diogo Pereira to the king, December 20th 1510. BULHÃO PATO, Raymundo Antonio (ed.). *Cartas de Afonso de Albuquerque, Tomo 3*. Lisbon: Typographia da Academia Real das Sciencias de Lisboa, 1903, p. 317.

²⁸⁸ LEÃO, Duarte Nunes de. *Leis Extravagantes Collegiadas e Relatadas Pelo Licenciado Duarte Nunez do Liam per mandado do mui alto & mui poderoso Rei Dom Sebastiam nosso Senhor*. Lisbon: Antonio Gonçalvez, 1569, f. 36.

²⁸⁹ *Ordenações da Índia*, f. 1.

offered for such a dangerous enterprise was, of course, the common good to all the realms and lands of the Portuguese crown, as well as in the name of God and the Catholic faith.

The document confirms privileges for merchants who received royal charters, prohibitions against officials forbidding their participation in trading business, as well as strict control over royal funds, merchandise and capital. As for slavery, the issue is subject of two specific provisions, as well as it is included as punishment in a different provision. The first text forbids slaves to be brought to Portugal from India. It reads as follows:

“Itê defendemos e mãdamos: que nas nossas naos: nê de mercadores que vierê da india pera estes reynos cõ a carregua das espeçiarías: possa ninhãa pessoa trazer: nê tragua ninhuũs escrauos machos: nê femeas: posto que prouisam tenha do nosso capitam moor: nê veedor da fazenda: sob pena que quem o contrario fezer os perca anoueados: a metade para a nossa camara: e a outra pera os catiuos. E os q em naoss de mercadores vierê: sera a metade pera elles: e a outra metade pera os catiuos. E porê os mercadores e armadores q por nossa liçença enuiarê aas ditas partes suas naos: poderã trazer nellas como mercadoria quaesquer escrauos machos que quiserê: porê nam poderã dar lugar a ninhũas pessoas: pera nas ditas suas naos os trazerê: sob a dita pena: na qual elles ditos mercadores q a dita liçêça derê: êcorrerrã: alem da pena em q emcorrerrê as proprias partes: e neste caso sera a dita pena pera a nossa camara a metade: e pera os catiuos a outra metade: sê elles mercadores della auerê parte algũa.²⁹⁰”

[“Item: we forbid and command that neither on our [royal] ships, neither on any private ships coming from India to these kingdoms [Portugal and Algarves] carrying spices, no person may bring any male or female slaves, even if permitted by the captain-major or the overseer of treasury; whoever does otherwise shall lose them [slaves] and be fined in nine times the original price, of which half is for our chamber, and half for the [rescue of the Christian] captives²⁹¹. And for those who come on board of private ships, half shall be to them [private merchants], half to the captives. But if these were merchants and ship-owners that sent their ships to those parts [India] with our license, then they may bring as merchandise any male slaves as they wish. However, they [merchants and ship-owners] must not offer space in their ships for anyone to bring them [slaves] on said ships, otherwise these merchants that had received the license will be subjected to the punishment aforementioned, and in this case the fine will be divided half for our chamber, half for the captives, with no part for the merchants.”]

²⁹⁰ *Idem*, f. 3.

²⁹¹ This was the public fund directed at paying for the rescue of Christian Portuguese taken captive by Moors in Northern Africa.

It was a relatively standard punishment that included a standard fine that was present in similar terms since at least the *Ordenações Afonsinas*. The slave trader was to lose his merchandise brought from India and be fined by the administration. The interesting part is the restriction to female slaves – these were not to be brought in any case, nor even by authorized captains and merchants. Male slaves, on the other hand, could be brought to Portugal and Algarves. The restriction to slaves on authorized ships was applied, apparently, as an attempt to guarantee space for the spices on board and limit the volume of unofficial trade conducted by merchants on board. Slave trade was not to overtake spice trade on authorized ships. Privateers were allowed to bring slaves by themselves, but were not allowed to operate as freighters for slave traders. These legal impediments may have contributed to the ultimate preference for Black African slaves on the part of Portuguese traders.

This provision confirms a letter sent to the governor of India Diogo Lopes de Sequeira in March 1520, where the king explains in detail the reasons for this move. According to the letter, the presence of slaves on ships coming from India was a waste of supplies, among other inconveniences. For that reason, the king restricted the presence of slaves on board of said vessels, although he admits that private merchants on the service of the king were not to follow said restriction, in respect to contracts they had with other merchants. However, in the March letter, the king provides that, whether it was a necessity for the safety of the ship, the monarch would allow up to 20 slaves – or even more if necessary – to come on board of the vessel, as far as they were men. The reason for this no-female restriction had nothing to do with mores or social norms – as the letter explains, men were allowed as far as they were able and knowledgeable enough to help sailing the ship²⁹².

Interestingly, unlike the spice trade, that had restrictions in regard to trading officials and the commerce between Portuguese-controlled ports in Asia, slave trade was simply unregulated in Asia. This situation may have contributed to the integration of Portuguese merchants in the intense inter-Asian trade side to side with Arabs, Indians, Malays and others. Human trafficking would thus become the number one choice for small traders in search of profit but who lacked enough capital to take part in the spice trade. The result was an active slave trade in Goa and other large settlements that would amaze and bewilder European travelers in the end of the sixteenth century and during the whole seventeenth century. The following text is the second law concerning slavery in the *Ordenações da Índia*.

“Itê defendemos e mandamos: que os capitaês das naos q vã aa india: pera hir e vjir cõ carregua das espeçiaras: aa ida nem a vinda nom façam presas: nem tomadias em algũas naos: posto que se possa dizer que sam de mouros: ou

²⁹² APO Fasc. 5 p. 1, pp. 52-3.

de partes q nom estam assentadas em nosso seruiço: saluo na cõpanhia do seu capitã moor: ou a sua vista: ou por seu mandado: porque neste caso guardarã e faram: o que por seu capitã moor lhe for mandado. Nê os ditos capitaês se desuiê do caminho ordenado de sua viagê: saluo temdo tal neçessidade: que aysso os constringua: ou leuando em seu regimento o contrairo: sob pena que nõ guardãdo inteiramente esta nossa defesa e mandado: percã suas fazendas: e mays todos seus soldos e ordenados da viagem. E himdo soo: ou sem capitã moor: ysso mesmo nõ fara as ditas presas: saluo leuando em seu regimento sob as ditas penas.²⁹³”

[Item: we forbid and command [all] captains of ships bound to go and come from India with spices to not capture or seizure other ships, even if these are Moor ships or ships of others who are not obedient to the Portuguese crown. Unless they [captains] are accompanied by their captain-major, or in sight-range distance of him, or are following his orders. In this case, they [captains] shall obey and abide what has been ordered by their captain-major. Said captains must not detour from the ordered route, unless there is need for it that may compel them, or if they carry a regiment disposing otherwise, or else they shall be punished if they do not comply entirely with this prohibition and order, by losing all their merchandise and, trip wages and earnings. And even if they go solo, or without a captain-major, they must not carry said seizures, unless their regiment disposes otherwise, or else they shall be punished accordingly.]

Once more, the legislation aims at protecting the spice trade, forbidding captains to act on their own by attacking and capturing enemy vessels at will. Widespread piracy was not excluding of Portuguese merchants, they too carried their own attacks, enslaving crewmembers and seizing cargoes. Many would even make career for themselves with such attacks, in the name of the Portuguese crown and God against Muslims and other violating merchant ships.

Lastly, the *Ordenações da Índia* gave official recognition to the enslavement of Moors in the Indian Ocean, in one of the most important passages of the text. This is the law that confirmed the project of Portuguese royal monopoly on spices in the Indian Ocean. In this provision, any person, including officials of the colonial administration, “*assi cristaõ: como mouro: como de qualquer outra naçam que for*” [Christians, Moors, and people from any other nation] were forbidden to trade pepper, clover, ginger, cinnamon, mace, nutmeg, lacquer, silk, and tincal²⁹⁴ without the necessary royal permit. Christians caught in this act would lose all their merchandise – if they were royal officials,

²⁹³ *Ordenações da Índia*, f. 3.

²⁹⁴ “A mineral $\text{Na}_2\text{B}_4\text{O}_7 \cdot 10\text{H}_2\text{O}$ consisting of a native borax formerly imported from Tibet and once the chief source of boric compounds.” “Tincal.” Merriam-Webster.com. Merriam-Webster, n.d. Web. 16 Apr. 2016.

they would also lose their earnings and wages to the state. If any of the aforementioned products were to be found in the hands of Moors, said Muslims were to be enslaved²⁹⁵.

As seen by the tone of the *Ordenações da Índia*, Portuguese legislation in this period was directed at regulating and curtailing slave trading practices, not defining legitimacy or restricting ownership of slaves. However, there is no doubt that this legislation created a legal framework permissive of slavery and slave trade. It was, in principle, allowed and free for many private and small traders. As seen by the last provision mentioned above, it was encouraged even, as the enslavement of Moors would work as a means of protection to the royal monopoly over the spice trade. Even big time merchants could, circumstances allowing, bring their own ships from India full of slaves, if they wished to do so.

However, Black African slaves had an overall cost that was cheaper than Indian slaves. The routes from Africa to Portugal were shorter, there were already established network of slave trade from Africa to the Atlantic Islands and Southern Portugal by the beginning of the sixteenth century, and supply sources in the African continent interested in selling humans. Thus, large supplies of slaves from Africa were available not only by a less money, but in a shorter time span. The sector was completely free for private enterprises, though, as long as the interested privateer was able to cover the forbidding costs of preparing a private ship for a round-trip between Lisbon and India after lobbying for a royal permit. As a result, those Asian slaves that ended up in Europe did so for a variety of reasons, such as domestic servants, specialized artisans, or elements brought to add up to their master's honor and social status. But none were because of large scale slave trade between Asia and Portugal or in order to respond to demanding plantations owners in Southern Portugal, the Atlantic Islands or South America.

As it seems to be, the mentions to slavery in the *Ordenações da Índia* were not aimed at controlling slave trade in itself, but rather were targeted at preventing spice traders from putting the precious cargo at risk because of any given small chance of personal gain. Spices were a much more profitable business for the state, and royal administrators were trying to put limits on to private initiatives that could jeopardize any pepper, cinnamon or any other spice cargo headed to Portugal. Slave trade was free, unless it represented any danger to the spice trade.

These legal circumstances allowed the emergence of the slave trade between Asian ports involving Portuguese and Asian traders. The inter-Asian market for slaves was certainly limited though: as far as we know, there were no Portuguese-owned large

²⁹⁵ *Ordenações da Índia*, ff. 3-3v. The same provision was included in Carmo D'Souza's analysis of Portuguese legislation concerning slavery in India. See D'SOUZA, Carmo. 'Slavery in Goa: Legal and Historical Perspectives.' In: FERNANDES-DIAS, Maria Suzette (org.). *Legacies of Slavery – Comparative Perspectives*. Newcastle upon Tyne: Cambridge Scholars Publishing, 2008, pp. 66-7.

plantations in any of the Asian overseas Portuguese territories during the first half of the sixteenth century, thus there were no big single consumers of human chattel in the region – the market was seemingly restricted to domestic slavery. Parallel to this situation, the competition with Arab and Asian merchants for the spice trade itself may have limited the Portuguese capital destined to slaves, thus restricting the ability of colonial societies in absorbing this merchandise, although this can be seen as a restriction when compared to the large slave owners in following centuries in the Americas. Even if we imagine that many Portuguese were, in a way or another, working to supply Arab traders and others with slaves, thus acting as intermediates between slave producing areas in the African eastern coast, South and Southeast Asia and slave consuming areas in these regions and beyond, big merchants were more interested in spices and cloths. Differently than the slave trade, spice trade conferred not only social status, but very large profits.

In the decades following the *Ordenações da Índia* up until the 1560s, the Portuguese crown would rule very little on slavery and related practices in the overseas territories, especially in regard to the *Estado da Índia*²⁹⁶. Official legislation compiled by the crown showed little in regard to overseas slavery. Since 1566, the legal scholar Duarte Nunes de Leão was entrusted by the administration with the task to compile a comprehensive list of all laws and acts that overruled or altered provisions in the Manueline code enacted since the 1520s. The result was a series of volumes elaborated up to the end of that decade, of which the most well-known is the 1569 *Leis Extravagantes Collegiadas e Relatadas Pelo Licenciado Duarte Nunez do Liam per mandado do mui alto & mui poderoso Rei Dom Sebastiam nosso Senhor*²⁹⁷. Among the enlisted laws, those that refer specifically to slavery are mostly related to crimes committed by enslaved individuals²⁹⁸. Out of 10 laws forbidding slaves to carry weapons when alone, playing games, and holding dancing balls, as well as other restrictions, six were specifically directed at slaves in Lisbon or wherever the royal court was. The remaining four could,

²⁹⁶ Exceptions include a 1533 law forbidding anyone to sell or buy merchandise to or from slaves in Cabo Verde. See LEÃO, Duarte Nunes de. *Leis Extravagantes Collegiadas e Relatadas Pelo Licenciado Duarte Nunez do Liam per mandado do mui alto & mui poderoso Rei Dom Sebastiam nosso Senhor*. Lisbon: Antonio Gonçalves, 1569, f. 120v.

²⁹⁷ *Idem*. Leão also produced at least three other works dedicated to the issue in this period: LIÃO, Duarte Nunes. *Livro das Extravagantes, que atte ho tempo presente ha na Casa da Suplicação ho qual se lançou na Torre do Tombo no ano do Senhor MDLXVI per mandado do Serenissimo Principe ho Infante Dõ Henrique presbytero do título dos Sanctos quatro coroados, Cardeal de Portugal Regente destes Regnos*. Lisbon: 1566; LIÃO, Duarte Nunez. *Livro das Leis Extravagantes copilado per mandado do senhor Regedor Lourenço da Sylva*, 7 volumes. Lisbon: 1566; LIÃO, Duarte Nunes do. *Annotações sobre as ordenações dos cinco livros, que pelas leis extrauagantes são reuogadas ou interpretadas. Item os casos das mesmas estrauaganes per que os julgadores são obrigados a deuasar*. Lisbon: Antonio Gonçalves, 1569.

²⁹⁸ Other laws include mentions of slaves as subject to harsher punishments than free individuals. For example, a 1557 law prohibiting harquebuses shorter than two palms provides that infracting slaves were to be killed. See LEÃO, Duarte Nunes de. *Leis Extravagantes Collegiadas e Relatadas Pelo Licenciado Duarte Nunez do Liam per mandado do mui alto & mui poderoso Rei Dom Sebastiam nosso Senhor*. Lisbon: Antonio Gonçalves, 1569, f. 119.

however, hardly be interpreted as applicable by overseas administrators. One was restricted to the kingdoms, Portugal and Algarve; one was in reply to a demand made by the city of Lisbon in the 1524 Almeirim Courts; and only two – a 1521 prohibition against slaves carrying weapons unaccompanied by their masters, and a 1521 validation of testimonies on cases where the defendants were Moor or white slaves – were geographically non-specific²⁹⁹. However, even if the two 1521 laws could be applied in India – which they most certainly could not – they would need validation by local authorities. The Portuguese crown ruled very little in regard to slavery in India, thus the issue of everyday regulations over local slavery and its practices was in the hands of the *Estado da Índia*. Nevertheless, the crown held great influence over this process.

Rather than laws and legal provisions, the king would enact orders addressing slavery through the many instructions given to his officials. For example, in 1526, the overseer of treasury Affonso Mexia arrived in Goa bringing a long list of royal instructions. Among the items, there was an order to forbid officials employing their own slaves in public works. By doing so, officials were exploring legal loopholes in order to get their slaves to receive stipends destined to public workers, thus pocketing public funds. Also, there was a prohibition against the use of personal slaves on menial labor concerning official buildings³⁰⁰.

An issue of special concern was manumission through baptism. When the king received complaints regarding the Portuguese in Hormuz, who were not freeing their baptized slaves as they should, the monarch wrote to the D. Henrique de Menezes, Governor of India from 1524 through 1526. His letter included advice on how to proceed in such cases, confirming that slaves were to be freed upon baptism. The same measure would be repeated in 1533, when the king wrote to Governor D. Nuno da Cunha regarding a similar case³⁰¹. However, in 1557, the king wrote Governor Francisco Barreto that Moor-owned slaves were to be sold to Christians upon baptism, but not regain their freedom³⁰². This tension between baptism and manumission would be of special interest to the prelates and vicars of India, as we will see in the following chapter.

Slavery would also be a point of contempt between Portuguese and local authorities in the many treaties signed between the *Estado da Índia* and neighboring monarchs. D. João de Castro, Vice-Roy between 1545 and 1558, included in an agreement with the guazil of Hormuz a clause regarding slaves in local gambling houses, among others. The Vice-Roy ordered these houses to be closed, as not only slaves owned by the Portuguese but also those owned by natives and others would gamble money obtained

²⁹⁹ *Idem*, ff. 121-2v.

³⁰⁰ APO Fasc. 5, p. 1, 94 and 110-1.

³⁰¹ *Idem*, p. 153-4.

³⁰² *Idem*, p. 320.

from stolen goods from their masters³⁰³. Fugitive slaves were of special concern. When Vice-Roy D. Pedro de Mascarenhas negotiated a peace treaty in 1555 with the prince of Bijapur, Ali bin Yusuf Adil Khan, known on Portuguese sources as “Mealecão”, one of the clauses determined that slaves owned by the Portuguese who fled to Bijapur were to be returned. In case these slaves became Muslim, they were to be sold and the money sent to their former masters. On the other hand, fugitive slaves from Bijapur who entered Goa were to be returned to their masters, unless they converted to Christianity, upon what they were to be sold and the money returned to their masters³⁰⁴. Similar clauses were present in peace treaties between Portuguese authorities and local monarchs, such as with the king ‘Adil Shah – “Idalxá” in the Portuguese sources – in a 1571 treaty, and with the ruler of Ramnagar, also called the Raja of Sarceta or Asarceta, in 1635³⁰⁵.

Local legislation enacted by Governors and Vice-Roys concerning slavery was fragmentary and diffuse. However, with the death of D. João III and the ascension of D. Sebastião to the Portuguese throne, the concern with which legislators in Portugal and India regarded slavery goes through a deep transformation. By the end of the 1560s, legislators and prelates became increasingly aware of the problem of legitimacy.

Since D. Sebastião assumed the throne in 1568, the Portuguese court was considering a new strategical direction for the empire – new campaigns to conquer new areas. The crown had left behind the years of the so-called *pax joanina*, celebrated during the more than thirty years of governance by D. João III, D. Sebastião’s grandfather³⁰⁶. The first choice was the kingdom of Mutapa, a Bantu confederation in southeastern Africa referred in Portuguese documentation as *Monomotapa*. The conquering expedition, to be led by Francisco Barreto, had to be carefully discussed and evaluated before its execution³⁰⁷. So, as requested by the monarch, Portuguese scholars gathered the following year to discuss the issue of just war and justifiable causes that could be used for the king to wage war on foreign polities in areas conquered by Portugal. They were members of the so-called *Mesa de Consciência e Ordens* [Board of Conscience and Orders], an official institution created in 1532 to which monarchs would regularly consult to listen to their final thoughts on decisions that could bring deeper legal, moral and religious consequences³⁰⁸. In 1569, the Board members were the Jesuit Martim Gonçalves da

³⁰³ *Idem*, p. 189.

³⁰⁴ *Idem*, pp. 270 and 272.

³⁰⁵ BIKER, Julio Firmino Judice. *Collecção de Tratados e concertos de pazes que o Estado da Índia Portuguesa fez com os Reis e Senhores com quem teve relações nas partes da Ásia e África Oriental desde o principio da conquista até o fim do seculo XVIII*, tomo I. Lisbon: Imprensa Nacional, 1881, pp. 66, 69-70, and 162.

³⁰⁶ On an example of analysis of poetics and literature of the last years of D. João III, see FARDILHA, Luís F. de Sá. “A ‘Santa Paz’ e as ‘Justas Armas’. O tema da guerra em António Ferreira”. *Revista Via Spiritus*, 20, 2013, pp. 73-90.

³⁰⁷ See MARCOCCI, Giuseppe. *Op. cit.*, pp. 329-30.

³⁰⁸ For a recent analysis of this process, see MARCOCCI, Giuseppe. *Op. cit.*, pp. 329-30.

Câmara, Notary of Purity [*Escrivão da Puridade*]; Leão Henriques, Jesuit superior of the Province of Portugal; Miguel de Torres, Jesuit, former visitor to Portugal and confessor of the king's grandmother; Duarte Carneiro Rangel, associate judge at the royal palace in Lisbon [*Desembargador do Paço*]; Paulo Afonso, judge who would be appointed in 1579 deputy to the Board of the King's Conscience and of the Military Orders [*Mesa da Consciência e Ordens*]; Simão Gonçalves Preto, jurist official; and Gonçalo Dias de Carvalho, canonist and associate judge of the so-called Royal Higher Court of Appeals [*Casa da Suplicação*], an assisting tribunal for the monarch³⁰⁹, and author of the *Carta dirigida a elRei Dom Sebastiam nosso senhor*³¹⁰, a public letter published in 1557 and addressed to the new king Dom Sebastião with political instructions and documents for the good government of the Portuguese Republic.

The result was a revealing document titled *Determinação dos letrados – a saber – com que condiçoens se podia fazer guerra aos reys da conquista de Portugal. Fala em especial do Monomotapa*” [Scholar's conclusions – to inform – on the conditions necessary to wage war against the kings of Portugal's conquest. With special reference to Mutapa]. The decision not only laid down the reasons as why conquering the African confederation was just, but also cleared the reasons that could be used by the Portuguese crown for future expeditions. It represented a step further from contemporary notions of just war. In the instructions given by D. Sebastião to D. Luís de Ataíde in 1568, the king was investing the new government with powers to stop already offending Muslims who were breaking the Portuguese monopoly over the spice trade by enslaving them. This turn, the Board gave powers for the king to wage just wars against those who were already under his nominal jurisdiction – areas considered “conquered” by the crown.

The document starts by stating the injuries and offenses the emperor of Mutapa had inflicted: killing innocent subjects, killing pacific Portuguese merchants, and the Jesuit D. Gonçalo da Silveira, who had been killed in the area in 1561. The mention of the missionary is of crucial importance here. He is described in the conclusions as “*embaixador mandado do viso rey da India a pregar a fee de Christo*” [ambassador sent by the Vice-Roy of India to preach the faith of Christ].³¹¹ The characterization of D. Gonçalo da Silveira as an ambassador of God allows the scholars to use of the procedures exposed by the anonymous document of 1556 aforementioned.

The emperor is also accused of hosting many Moors, “*who are hostile to the faith of Our Lord Jesus Christ.*” The scholars considered that, as it was not possible to prove that the Portuguese there had any guilt in their demise, these Muslims were to be

³⁰⁹ MENDONÇA, Manuela. “The Regulation of the Royal Higher Court of Appeals. The first regulatory instrument of justice in Portugal.” In: *História [online]*. 2015, vol.34, n.1, pp. 35-59.

³¹⁰ CARVALHO, Gonçalo Dias de. *Carta dirigida a El Rei Dom Sebastiam nosso senhor*. Lisbon: Francisco Correa, 1557. Available at <http://purl.pt/14439>.

³¹¹ Here we use two editions of this source: DPMAC, pp. 162-5; and DI VIII, p. 676.

considered guilty. The papal bulls are also mentioned as guaranteeing to the Portuguese crown the right to conquest all the commerce in the areas between the Cape Chaunar (called *Cabo Nãõ* on Portuguese sources) and Bojador through India. This idea of conquest is in accordance to the medieval notion exposed by Marcocci in regard to the atmosphere surrounding the papal bulls in the fifteenth century, to which he attributes a notion of conquest as “*a portion of physical space reserved for settlement and eventual exercise of a single legitimate power*”³¹².

After considering the offenses, the scholars decide the Portuguese king was entitled and obliged to establish missions not only in the Mutapa, but in any kingdoms and lordships under his jurisdiction. Missionary work was to be protected by the crown, D. Sebastião and subsequent kings were to build fortresses and send in armed forces to guarantee the safety of the preachers. In order to secure not only the missionary work, but also their people and merchandise, Portuguese captains and other subjects of the king were allowed to wage just war and enjoy of all the spoils of these conflicts, including slaves and conquered territories, in order to restore security. The second reason the king was allowed to wage just war was tyranny – monarchs and administrators under his jurisdiction who had tyrannical laws or nefarious rites were fair targets for the Portuguese crown. If any other move proved futile, war was considered a fair last resort, thus unjust rulers could be deposed in favor of ceasing said offenses. All of these measures guaranteed the justice of war against the Mutapa and any other polities under the Portuguese “conquest.”³¹³

According to the Board, however, the king was obliged to have in mind the three basic causes necessary to wage just war. First, the king had to be the responsible for protecting his republic and subjects. Second, he should have the honest intention of preaching the Gospel, thus being the salvation and conversion of souls his primary objective. And lastly, the war was not to be waged for any particular gain or honor³¹⁴. The Board was, in this sense, reiterating the preeminence of Thomistic principles in the analysis of the justice of war – by reiterating the need of a legitimate authority and a right intention³¹⁵ – and confirming the direction the governance of the Portuguese empire was supposed to take as a means of spreading the Catholic faith.

As for the specific case of the Mutapa, the scholars suggested that the king should first ask for the ruler to expel all Muslims from the area and, second, to present those guilty of all offences against the Portuguese. The armed forces to be sent to the region were aimed at punishing the Muslims. The whole conflict was to last until the Moors were completely expelled from the Mutapa. As for the offences committed by the emperor and

³¹² MARCOCCI, Giuseppe. *Op. cit.*, p. 42.

³¹³ DPMAC, pp. 164-6; and DI VIII, pp. 676-7.

³¹⁴ DPMAC, pp. 166-8; and DI VIII, pp. 677-8.

³¹⁵ A UINAS, Thomas. *Summa Theologiae*, 2a. 2ae. q. 40, art. 1.

his subjects, they were to pay back in gold or land in quantity considered enough according to the injury as decided by the armed Portuguese sent to the area³¹⁶.

Marcocci explains that the main difference between the 1556 anonymous document and the 1569 sentence is that the Board had reaffirmed the importance of military action side by side with religious preaching. According to the Italian historian, this was a reflection of a silent transition in the juridical-theological culture of the Portuguese empire, which was under heavy criticism in the 1550s. The result was the influence of a Spanish model of conquest, which since the early sixteenth century had followed a procedure of first imposing legal conditions to the natives, and declaration of just war upon refusal³¹⁷.

As for slavery, the issue became increasingly associated with the assumption that there were just and unjust, fair and unfair enslavements, especially in regard to the multifarious practices of *asservicement* encountered in Asia. The argumentation concerning legitimacy of war had “trickled down” via moral theology and casuistry into everyday confessional practice, thus seemingly affecting the right to own and use slaves. It was amidst the revision of the doctrines of just war that not only slavery, but slavery in Asia would be reinterpreted at the local and personal level by ecclesiastical authorities interested in determining guidelines for confessions and securing social control of their parishes. The necessity of justifications for the enslavement of an individual would thus become a rule and an official policy from the late 1560s on, especially since the arrival of the laws in benefit of Christianity in India enacted by D. Sebastião. As for the Japanese slaves, the construction of the argument of legitimacy of slavery as derived from the discussions regarding the just war doctrine would be decisive for the recognition of procedures and doctrines of slavery by the Jesuits in the Far East. They would become the main controllers of transactions if not financially, at least morally. Their interference as the guardians of the keys to justification of the enslavement of Japanese would have dire consequences and impact lives of hundreds, if not thousands of individuals acquired or hired in Japan and transformed into slaves by their transposition to distant lands. The next section will focus on the issues missionaries dealt with related to slavery up to the 1560s, when the First Goa Council and the formalization of slavery legitimacy as a political tool of social control in Asia by the turn of the 1570s would become a major turning point on the relations established between ecclesiastical and secular authorities and slavery practices.

³¹⁶ DPMAC, pp. 168-70; and DI VIII, pp. 678-9.

³¹⁷ MARCOCCI, Giuseppe. *Op. cit.*, pp. 331-2.

Enslaved parishioners

By the mid-sixteenth century, the Jesuit house of Goa was already a center for young students and converts. The oldest were young men of 20 or 21 years old, and the youngest were 7 or 8 years old. In 1545, they summed up to around 60 students, which included a variety of different origins and motifs that lead each individual to Jesuit guidance. Among the disciples, some were happy and willingly living in the house, while others were involuntarily kept. According to the Italian Jesuit Antonio Crimali, there were slaves donated by their masters, and also some who were bought using money raised from tithes. The responsible for the initiative was father Diogo de Borba, who had arrived from Portugal in 1544. The plan aimed at instructing these young men, including slaves, so when they left the Jesuits' jurisdiction they could bring back to their homelands Christian values and ideas, pollinating local communities and facilitating proselytism. Properly instructed, they would open the way for the missionaries.³¹⁸ But not all slaves were disciples and students learning grammar or Latin. Some of the donated slaves were held by the Jesuits as temporary servants as well. For example, in 1550 a man in Muscat left for the Jesuit College a slave on the condition he would serve them for three years, after which he was set to be freed.³¹⁹ Before the First Goa Council of 1567, the Jesuits, as all other European religious institutions in India, held slaves under various pretexts and forms, with mostly no concern for the nature or legitimacy of their bond and enslavement.

While they held no insignificant number of slaves in their quarters, Jesuits planned to expand their control and influence over these relations beyond the walls of their residences. One early example of such attempt was a letter by the Jesuit Provincial in Portugal to D. João III. By the end of 1545, the Provincial Miguel Vaz wrote the king details regarding deeds of Portuguese merchants who would bring slaves from the Coromandel Coast and other areas to the *Estado da Índia*. After arriving in Goa and other settlements, they would proceed to resell the human cargo to Muslims in other ports. The Jesuit Provincial, concerned with the fate of these slaves' souls, warns that resold men and women were, as result of the trade, captured by the Devil. The priest also suggested that, rather than passing to Muslim masters, under Portuguese dominance the slaves could easily be converted to Christianity, without offering any resistance³²⁰. Since the beginning of the missions, slaves were targeted by the Jesuits as candidates for conversion, not always expecting the same results or with the same intent.

Inside their own houses, missionaries concerned with slavery were less preoccupied with the enslaved individual's well-being – their concern regarded consequences to the very nature of what meant to be a Jesuit. Regulations for the

³¹⁸ DI I, p. 12.

³¹⁹ DI II p. 59.

³²⁰ Miguel Vaz to D. João III, Portugal, end of 1545. DI I, p. 65.

governance of their Goa house and other missions included provisions on slaves trying to mend the situation and dissipate such concerns. All young disciples of the missionaries were to be listed in a book, including enslaved individuals. Overall, the rules determined that the Jesuits should keep the number of servants to a minimum: in Goa it meant six men for the yard, burial of those who were poor people, and other domestic services. Also, two or three slaves were necessary for the kitchen. These slaves were to be supervised by a layman who could receive some form of payment, if working for the Jesuits were not to amount as enough proof of devotion³²¹. In 1552, then Rector of the Goa Jesuit College Gaspar Barzeus would attempt to reduce the number of slaves by reviewing costs and ordering a comparison to allow the Jesuits decide best if it they should have slaves doing domestic tasks or rather if it would be better to have the Brothers themselves do said tasks³²². He also ordered that the Master of the House should take care of the slaves, make them confess one a month and make sure they had whatever they needed³²³. Their main concern was that the overuse of slaves could represent an incongruity, as the Jesuits themselves were supposed to perform their menial and domestic tasks as part of their votes to enter the order.

Proper Christian instruction for slaves was a priority for the missionaries not only in their houses, but elsewhere as well. One of the main proponents of this initiative was Xavier. The later called Apostle of the Indies would walk around Goa ringing a bell and gathering children and slaves to the Jesuit church, sometimes twice or three times a week. In the church, he would teach them the Christian doctrine using a mish-mash of languages – *meo negro meo portuges* [*half Black, half Portuguese*]³²⁴. According to father Antonio de Quadros, Xavier was not direct and rigid; he would become their acquaintance, get to know the converts better and personally, and slowly would make them give up on illicit lovers every ten or twenty days, slowly bringing them closer to God³²⁵. The power of the bell is something that must not be overlooked: in medieval hagiography it meant announcements were to be made, and it was related to saints such as Saint Lioba and, closer to the Jesuits ideology, Saint Anthony.³²⁶

In a series of instructions left by Xavier to Gaspar Barzeus in April 1549, he ordered the continuation of his own work. The Jesuits were to gather children of the Portuguese with locals, slaves, freed baptized natives by ringing a bell on the street, just like Xavier used to do himself. The missionaries were to teach prayers and the Christian

³²¹ Constitutions of the Goa College, Goa, January 27th 1546. DI I, pp. 122 and 124.

³²² MX I, p. 903-4: Gaspar Barzeu, Goa, April of 1552.

³²³ DI II, p. 351.

³²⁴ Xavier instructs Paulo de Camerino to keep using this way of speaking to the slaves in his absence as well. See DJ I, p. 175: Xavier to Paulo de Camerino, Kagoshima, 5th November 1549.

³²⁵ DI III, pp. 336 and 340: Antonio de Quadros to Jacobo Mirón, Goa December 6th 1555.

³²⁶ SCHLEIF, Corine and SCHIER, Volker. *Katerina's Windows: Donation and Devotion, Art and Music As Heard and Seen Through the Writings of a Birgantine Nun*. University Park (PA): The Pennsylvania State University Press, 2009, p. 439.

doctrine, and on Sundays and festive days after dinner, they should preach to exclusively to the same *mestiços* and *castiços*, enslaved and freed natives in the churches or at the local Misericórdia.³²⁷ When Gaspar Barzeu left India and headed to Hormuz, Xavier offered him similar instructions – which were later copied and distributed to all missionaries. Barzeus, following Xavier’s orders, would spend his Sundays in three preaching sessions: one in the morning for the people in the See Church, one in the afternoon for the slaves, and one in the hospital for the sick.³²⁸

Following Xavier’s example and orders, many Jesuits preached and taught slaves, directly or via children. From Malacca, Father Francisco Perez wrote to Loyola explaining that, Sunday mornings, he would preach to the Portuguese and, in the afternoons, to their children, slaves and local Christians, while everyday slaves and their children would be taught in the *Misericórdia*³²⁹. A few years later, Melchior Nunes Barreto wrote that a Jesuit Brother in Malacca would go out every day ringing a bell to teach local boys, who in turn would transmit the doctrine to their slaves at home³³⁰. Brother Luís Fróis would gather slaves in two or three different areas of Malacca for the indoctrination³³¹. Also in the Malaysian port, Amador Correa would teach the doctrine to over 200 slaves owned by a local rich man, as well as to the slaves owned by the *Estado da Índia*³³², and another Brother, Pedro de Almeida, was especially talented, being able to gather with his bell not only local children, but also many Asian and Black slaves³³³. Meanwhile, Jesuits in Kochi would run the city in procession singing litanies and gathering local children, who would later transmit the doctrine to their slaves³³⁴. One of these Jesuits was Brother Bernardo Rodrigues, whose letter makes it clear that to transmit the doctrine to their slaves was one of the main points taught to local children³³⁵. In Goa, the Jesuit church would receive 200 slaves, more on Sundays, and the Brothers would go to prisons and other parts of town to preach³³⁶. The Patriarch of Ethiopia João Nunes Barreto was one available to listen to confessions from slaves³³⁷. Even priests from other orders, such as the Dominican Gaspar da Cruz, would walk around Malacca with a bell to bring slaves and locals in the Church of “*Nossa Senhora do Monte*” – *Our Lady of the*

³²⁷ MX I, pp. 859, 865, 870 and 876.

³²⁸ DI II, p. 91: Gaspar Barzeu to the Jesuits in Coimbra, Hormuz, 24 November 1550.

³²⁹ Ajuda, 49-IV-49, f. 5v-6: Father Francisco Perez to Ignacio de Loyola, Malacca, 4th December 1548.

³³⁰ DI III, p. 133; NKKS I, p. 60: Melchior Nunes Barreto to the Jesuits in India and Europe, Malacca, December 3rd 1554.

³³¹ NKKS II, p. 301: Luís Fróis to the Jesuits in Goa, Malacca, 1st December 1555.

³³² DI III, p. 188; NKKS I, p. 132: Aires Brandão to the Jesuits in Coimbra, Goa 23rd December 1554.

³³³ DI III, p. 372: Aires Brandão to the Jesuits in Portugal, Goa 15th December 1555.

³³⁴ DI III, p. 240: Francisco Perez to Loyola, Cochin 20th January 1555.

³³⁵ DI IV, p. 52: Brother Bernardo Rodrigues, SJ, to the Jesuits in Portugal, Kochi, 20th January 1558.

³³⁶ DI III, p. 352: Antonio de Quadros to Jacobo Mirón, Goa December 6th 1555.

³³⁷ DI III, p. 711: Brother Luís Fróis to the Jesuits in Coimbra, Goa 30th November 1557.

*Hill*³³⁸. This method of gathering slaves or teaching them the doctrine via children was repeated for decades after Xavier's demise in 1552.

However, hearing confessions from slaves was not an activity free of challenges. First, it was possible only when they had a common language in which they could communicate. Jesuit Gonçalo Rodrigues, missionary in Bassein, wrote that he would listen to confessions from the Portuguese, and baptized locals – including slaves – who could speak Portuguese³³⁹. But language was not the only impeditive. According to father António da Costa, many slaves, although have been baptized for a long time, could not confess because they were prevented by their masters from doing so, even though their confessions a chance to both learn and teach the doctrine.³⁴⁰

Convert slaves did not mean only challenges – they could become also symbols of resistance of the Christian faith and success of the missionary work in the Jesuit letters. Father Henrique Henriques, who worked for years in the Fishery Coast and was one of the oldest missionaries in Asia, registered a case told him by a slave who had been to a Muslim-controlled area and came back to tell his story. The slave, who had been raised in the Santa Fé College of Goa, wishing to accompany the missionaries on their trip to the Moluccas secretly boarded their ship. After the stowaway passenger was discovered, he was taken off the boat in Cochin and left with a Portuguese man who was asked to bring the slave back to Goa. However, the servant fled, and ended up in the hands of Muslims who tried to convert him. Rescued later by a Portuguese captain, the slave told not only his own tale of resistance, but also of many other fugitive slaves living in Muslim-dominated areas. And, even though they were living in a “Moorish” land, among Muslims, they lived according to “the faith of Christ”. Henriques uses the case to illustrate the effectiveness of their missionary work among slaves who, even though came from generations of pagans and fled their masters, did not leave the Christian faith in face of their own demise. According to the Portuguese Jesuit, some of these slaves had even asked Xavier himself to intervene in their favor, in order to allow these slaves to come back to Christian areas not as enslaved individuals, but rather as free men and women. Xavier promised them he would try his best, but there is no further information on this case³⁴¹.

In December of 1550, more than half a century after the arrival of the Portuguese in India, the Italian missionary Nicolao Lancillotto wrote a letter to Loyola from Kollam which may be the first register of some concern regarding the legality of Asian slavery and its use by Europeans. Lancillotto had for a few years written annual reports to the founder of the Society of Jesus on issues concerning the missions in the region. His

³³⁸ DI III, p. 688: Brother Paulo Gomes the Jesuits in India, Malacca 11th November 1557.

³³⁹ DI IV, p. 105: Father Gonçalo Rodrigues to the Jesuits in Portugal, Bassein, 5th September 1558.

³⁴⁰ DI IV, p. 184: Father Antonio da Costa to the Jesuits in Portugal, Goa, 26th December 1558.

³⁴¹ DI I, p. 297-8: Henrique Henriques to Loyola, Vembar [Mumbai], 31st October 1548.

missive denounces how Portuguese soldiers would, since they first settled in India, take lands and enslave people, baptizing themselves said slaves, without any liturgical concern or rigor. These practices gave way to a lack of rigor towards the local Christian community that the Jesuits were ready to correct. In fact, Lancillotto attributes to these forceful baptisms the general situation of Asian Christians, who would receive the baptism for reasons considered by the missionary to be unholy or secular³⁴².

He also complained of the Portuguese behavior in Asia. Two points in particular concern Lancilotto: Portuguese selling weapons and horses for Muslims against the *In Coena Domini* bull, and promiscuity between Portuguese settlers and their female slaves. According to the Italian priest, the lack of guidelines for confessors allowed the confusion regarding those Portuguese Christians trading forbidden articles with *enemies of Christ*. The solution proposed by Lancilotto is to pardon all trade and allow the Portuguese to trade freely with Muslims³⁴³.

However, in regard to Portuguese maintaining large numbers of slaves, he is not so forgiving. First, Lancilotto wrote the responsibility for such situation was of local “*vicios e custumes*” [*customs and vices*], to which the Portuguese would adhere rampantly. They would buy hordes of slaves, young and adults. Many would buy large numbers of female slaves, sleep with all of them, and sell them afterwards. Some had four, eight, or ten female slaves, and everything was publicly acknowledged. Lancilotto mentions the example of a man in Malacca who had a total of 24 female slaves, all of them coming from different areas who served him sexually. According to the missionary, almost every man who had enough capital to own a female slave would keep a concubine. The solution proposed by Lancilotto is for the Pope to, first, forgive all past mistakes – given the incapacity to process and punish all perpetrators – and, second, determine that if a man slept with his female slave, she should be retrieved by the confessors, who in turn could not absolve the sinner unless he sold the slave – offering the money obtained to the local *Misericórdia*. The Italian priest expected that with such order the holy sacrament of Matrimony would be more respected³⁴⁴.

But the more interesting part of his letter is his description of local costumes and mores. Lancilotto offers a detailed account on the ways one could become a slave in India. First, he alludes to the power local rulers had over the populace – a *dominion* that included the capacity to sell subjects as slaves³⁴⁵. Next, any person could sell a relative over which he or she had any power: parents sold their children, uncles and aunts sold nephews and nieces, and older brothers sold younger siblings – “*asi como em nosa terra de bois e*

³⁴² DI X, p. 125-129.

³⁴³ DI II, pp. 129-30.

³⁴⁴ DI II, pp. 130-1.

³⁴⁵ As indicated by Wicki, Dubois had already discussed this practice in his description of Hindu costumes. See DUBOIS, Jean-Antoine. *Moeurs, institutions et cérémonies des peuples des l'Inde, Tome I*. Paris: Imprimerie Royale, 1825, pp. 61-3.

cavalos” [like cows and horses in our land]. Third, there was the problem of volunteer slavery, which according to Lancillotto accounted for thousands of new slaves every day in India. The missionary reiterates that all these sorts of slaves were traded as merchandise, on the likeness of horses and kettle in Europe. His concerns were mainly two: whether Jesuits were allowed to buy these types of slaves and, second, if it was licit to speculate on their prices. For example, one could buy three slaves when prices were low, but should the buyer repay the seller the difference when the market changed and prices went up later on?³⁴⁶ Loyola replied this and other four Lancillotto’s letters in a single short missive dated January 27th 1552, where he offer no concrete answer to Lancillotto’s questioning on slavery legitimacy. Instead, he preferred to leave those who were in India to address the issue and offer locally elaborated solutions, as they allegedly had a better understanding of the situation.³⁴⁷

Lancillotto’s concerns were mainly the extent to which Jesuits could enjoy the slave market in Asia without any harm to their Christian conscience. Between his surprise on the reification of the human condition as witnessed by Lancillotto in Asia and other issues, his letter interestingly sheds some doubt concerning the legitimacy of Asian method of enslavement. The issue remained unanswered and unassessed for at least seventeen years when, finally, ecclesiastical authorities in India deliberated on the general legitimacy of slavery, thus striking the final blow on the unruly slave market in Portuguese Asia and triggering the series of legal acts by the crown in order to control and curtail slavery, in the name of Christian proselytism and the missions.

The invention of Japanese slavery

It took some time for the discussion on legitimacy to happen in the case of Japanese slavery. While the Jesuits were busy in India addressing marginally the issue of slavery, Japanese slaves were slowly discovered – or rather invented – by merchants and missionaries. In that process, Japanese subaltern forms of labor, such as *genin* 下人 and *shojū* 所従, were gradually tied-up to the notion of slavery and servitude.³⁴⁸ Almost simultaneous to the establishment of the so-called Nanban trade, the category of Japanese slave was created – a social category that covered many different forms of labor exported from Japan to other areas overseas. But before Japanese slaves became exclusively those owned as slaves overseas, the process that created this category happened at first through a process of identification and classification of Japanese social labor relations in Japan.

³⁴⁶ DI X, p. 129-30.

³⁴⁷ MI Series Prima, Tomus quartus, ep. 2371, p. 116-9.

³⁴⁸ MAKI Hidemasa. *Jinshin Baibai*. Tokyo: Iwanami Shinsho, 1971, p. 60; MAKI Hidemasa. *Nihon Hōshi ni okeru Jinshin Baibai no Kenkyū*. Osaka: Yūkaikaku, 1961, p. 194-5.

Its aim was to fill the intellectual and conceptual gap between European and Japanese notions of labor relations. Here we analyze some key texts that helped to inform European minds of what Japan consisted of, and allowed the construction of the notion of Japanese slavery from the mid-sixteenth century onwards.³⁴⁹

When the Jesuit Francisco Xavier arrived in Japan, in 1549, he was not arriving in a totally unknown land – the missionary had already some previous knowledge about what he would find. Informed by Portuguese merchants who had visited the area since the early 1540s, it is safe to assume the missionary expected to meet some kind of slavery in Japan³⁵⁰. The extension of his knowledge included a previously formed notion on how the relations between masters and servants in the area were, and also on how people were enslaved in the so-called 66 kingdoms of the archipelago. The main informants of Xavier that we can identify were the Japanese Anjirō and the Portuguese merchant Jorge Álvares. The former was later baptized Paulo de Santa Fé, and had described his own country to the priest, while the latter had been commissioned by Xavier to write a detailed account on Japan and the Japanese people. Thus, at once, the missionary had access to two distinct visions: a description offered by a local, though filtered by the translation mindset of the Japanese man, and the account of a European with some talent for ethnography.

Álvares' letter was written in Malacca in December of 1547, after arriving from Japan bringing some Japanese aboard his ship. According to Boxer, it was “*the last report available by a layman, for after the arrival of Francis Xavier Japan is seen only through missionary spectacles until the coming of the heretic Hollanders half a century later.*”³⁵¹ The merchant's description of Japan has, thus, to be read by taking into account that it was: first, a first-hand description written by a European, and second an account offered by a layman. Álvares' letter is filled with wonder and amazement and deserves in itself an in-depth study: it fits the then contemporary model of geographic and ethnographical reporting, which included explanations of an unknown land not only in its dimensions and political situation, but also its fruits, trees, habits, clothing and so on. The richness of Álvares text creates a full picture for Xavier. The account is filled with descriptions of the environment, contributing thus to the building of an imaginary scenery from which the Jesuits could imagine and interpret how it related to the formation and transformations of Japanese bodies³⁵². He describes the Japanese as honest, proud, and martial-like people,

³⁴⁹ Nelson proposes a similar analysis, although covering the whole period of the Jesuit mission, to prove Japan was, “by the standards of Occidentals of the same period, a slaveholding society.” See NELSON, Thomas. “Slavery in Medieval Japan”. In: *Monumenta Nipponica*, vol. 59, No. 4 (Winter, 2004), p. 463.

³⁵⁰ Xavier had been informed, among others, by Portuguese merchants in Siam who had had been to Japan. See DJ I, p. 88, 117 and 120.

³⁵¹ BOXER, Charles Ralph. *The Christian Century in Japan, 1549-1650*. Berkeley, Los Angeles and London: University of California Press, Cambridge University Press, 1951, p. 32.

³⁵² For later readings on the relation between environment and protoracialism, see: CAÑIZARES ESGUERRA, Jorge. ‘New World, New Stars: Patriotic Astrology and the Invention of Indian and Creole Bodies in Colonial America’. In: *The American Historical Review*, Vol. 104, No. 1 (Feb. 1999), p. 35.

and the idyllic and different nature of the land contributed to consolidate his message. As Olof G. Lidin writes, “*it must have made an impression on Xavier and [the] Portuguese.*”³⁵³ The data obtained helped Xavier create his own description of Japan and the Japanese even before setting foot in Kagoshima.

Álvares’ account includes a brief note on what he promptly recognized as Japanese slaves. The letter reads as follows:

“[...] *na terra há allguns escravos que se tomão na guerra e há empenhados que, com a grande omzena, fiquão cativos; tem os escravos tal lyberdade que, como não querem estar com hum homem, diz-lhe que ho vemda e de necessity há de buscar quem lho compre, porque, fogymdo-lhe, não lhe pode por iso fazer nenhum mal, e os outros que não tem este comprimento podem os matar.*”³⁵⁴

[In that land there are some slaves taken in wars and [some] pawned which, because of excessive interest rates, remain captive; the slaves have such freedom that, if they do not wish to be kept by a man, tell him to sell them, [and the master] out of necessity has to search for someone who buys [the slave], because, if he runs away, he [the master] cannot do to him any harm, and others who do not follow this through may be killed.]

Immediately, the merchant identified two kinds of slaves in Japan: those captured in war, and those enslaved in order to pay some debt. This identification was not much a leap from what Portuguese understood as slavery at that time in Southeast Asia – war captives and bonded laborers. This identification also served to include Japanese forms of labor in more familiar terms for the Portuguese. After all, Japan was, in the geographical order of the sixteenth century Europeans, an archipelago located in the Southern Seas, beyond Malacca. The identification of familiar codes and practices helped Jorge Álvares to understand and digest Japanese servitude in his own terms, in a two-way epistemological process: he labeled unknown forms of labor while his own concepts were modified by them. Thus, Japanese servitude was equaled to slavery. Like Columbus naming the islands of the New World, Álvares reduces these forms of labor to slavery. The interconnection between these different forms of labor was complete and so Japanese servants, and the whole set of places, people and cultures known as Japan, were brought from ignorance to knowledge³⁵⁵.

³⁵³ LIDIN, Olof G. *Tanegashima – The arrival of Europe in Japan*. Copenhagen: NIAS Press, 2003, p. 22.

³⁵⁴ CALADO, Adelino de Almeida (ed.). *Livro que trata das cousas da India e do Japão – Edição crítica do códice quinhentista 5/381 da Biblioteca Municipal de Elvas*. Coimbra: Universidade de Coimbra, 1951, p. 106; NKKS I, p. 8; DJ I, p. 13-4.

³⁵⁵ For more on Columbus and the naming process, see GREENBLATT, Stephen. “Marvelous Possessions.” In: PAYNE, Michael (ed). *The Greenblatt Reader – Stephen Greenblatt*. Oxford and Malden, MA: Blackwell Publishing, 2005, pp. 104-5.

However, even though Japanese servants were equated to slaves, they were different when compared to the general idea Portuguese had in regard to slavery: the relation slave-master in Japan bore differences to the norm in Europe or in European settlements in Asia. This warning also gave Álvares' readers – in this case, Xavier – some insight on the differences of the *dominion* a slave owner held over his or her servant in that recently found land. Furthermore, the merchant, while commenting on marriages and how the Japanese are married to only one woman, also mentions that *homrrados e riquos* [rich and honored people] owned female slaves to serve them³⁵⁶.

Álvares also seemed amused by the curiosity Japanese displayed over his Black African slaves: “*hé gente que folga muyto de ver gente preta, prymcypalmente cafres de Moçambique, que vierão de xv e vymte legoas a ve-lhos; fazem-lhe muyta homrra tres ou quatro dyas*”³⁵⁷ [they also enjoy very much seeing black people, especially blacks from Mozambique, that [there were those who] had come 15 to 20 leagues just to see them; they [the Japanese] pay them [Black slaves] much respect for three or four days.]. Here slavery becomes an accessory to the narrative – Japanese personality is the protagonist. Japanese curiosity reflects what Álvares believed to be the essence of that people. It would become a recognizable trait of the Japanese personality for contemporary travelers and missionaries.

Another early account of Japan is the text by García de Escalante Alvarado. A member of the Spanish expedition which left New Spain to the Philippines in 1542, Escalante's information was obtained from a Galician merchant, Pero Diez, who allegedly had been to Japan in 1544. Escalante was back to Europe in August of 1548, when he wrote in Lisbon his account filled with information obtained from different sources. In the Spaniard's words, Japan was a very cold land, inhabited by white, bearded, heavy-haired and well-disposed people. They were gentiles, fought with long hooked bows and had no swords or spears. They read and write as the Chinese did, but their language sounded more like German. Workers dressed with a wool cloth that looked like a cheese cloth – *estameña* in the original. Lords wear silk damasks and other expensive materials. Women were white and beautiful, dressed as Castilian women in cloth or silk, according to their status. In Japan there was much sugar, fruits, melons, fish and silver³⁵⁸. Although Escalante' narrative offers a glimpse of social division between lower and higher classes in the Japanese society, his record of Diez' account does not make any direct mention to slaves or slavery.

³⁵⁶ CALADO, Adelino de Almeida (ed.). *Livro que trata das cousas da India e do Japão – Edição crítica do códice quinhentista 5/381 da Biblioteca Municipal de Elvas*. Coimbra: Universidade de Coimbra, 1951, p. 105; NKKS I, p. 7.

³⁵⁷ NKKS I, p. 8.

³⁵⁸ ESCALANTE ALVARADO, García, and MARTÍNEZ SHAW, Carlos (ed.). *Viaje a las Islas del Poniente*. Santander: Universidad de Cantabria, 1999, pp. 128-9.

Comparing both text, Olof Lidin concludes, just like Charles Boxer, that Álvares' report deserves more credibility because he, unlike Escalante, had actually been to Japan and registered what he saw³⁵⁹. Although this is undoubtedly a valid assertion, there is also another factor that must be considered: impact. Escalante's report was written in Europe to the Vice-Roy of Mexico. It is questionable whether it had any influence on the opinion more immediate actors in Asia had about Japan at that time, more specifically the Portuguese. Álvares' report, on the other hand, was one of the main sources of information for Xavier – besides information directly obtained from the Japanese Anjirō and the other Japanese. It also was one of the manuscripts copied into a codex now known as *Livro que trata das cousas da India e do Japão* [*Book about things from India and Japan*], which was compiled in the late 1540s³⁶⁰. As a Jesuit commissioned source, it became a staple for generations of missionaries after its inclusion in successive editions of the missionaries' letters in Europe. As a source for the administration in India, its inclusion in the codex commissioned by then-governor, Garcia de Sá, helped to conceive a primitive notion on how the two policies would relate diplomatically to each other³⁶¹.

Garcia de Sá's codex also offers two other texts with early descriptions of Japan. One was authored by Francisco Xavier based on information he collected from “*pesoas muy autemtiqvas, prymcypalmemte de hũu japão que se tornou crystão nesta cydade de Goa, homem de grande emgenho e abeydade* [*very trustworthy people, especially a Japanese which became Christian in this city of Goa, man of great reason and ability*]³⁶². The Jesuit's description is focused on the geography of Japan, its Emperor, lords, monks, religions, and the story of Śākyamuni – *Xaça*, in the manuscript, from the Japanese 釈迦. Xavier includes also some information on Japanese reading habits, their food and a mention on the *daimyo* of Satsuma and the cross in his crest³⁶³. Xavier's sources are of course Álvares' letter and Anjirō, as maybe others who've been to Japan as well. However, considering the differences between Álvares' account and Xavier's summary, it seems there is much more information he obtained from other sources than from the merchant.

The last manuscript in the codex to describe Japan was authored by the Jesuit Nicolao Lancilotto. Lancilotto had interviewed the Japanese Anjirō in Goa, and the account is a summary on the information he obtained. The Italian missionary's text was apparently a second reply to a questionnaire sent by Garcia de Sá, as the governor wished

³⁵⁹ LIDIN, Olof G. *Tanegashima – The arrival of Europe in Japan*. Copenhagen: NIAS Press, 2003, p. 21-2; BOXER, Charles Ralph. *The Christian Century in Japan, 1549-1650*. Berkeley, Los Angeles and London: University of California Press, Cambridge University Press, 1951, pp. 31-2.

³⁶⁰ The codex was published in a critical edition by Adelino de Almeida Calado. See CALADO, Adelino de Almeida (ed.). *Op. cit.*, 1951.

³⁶¹ CALADO, Adelino de Almeida (ed.). *Op. cit.*, pp. 13-4.

³⁶² CALADO, Adelino de Almeida (ed.). *Op. cit.*, p. 88.

³⁶³ CALADO, Adelino de Almeida (ed.). *Op. cit.*, pp. 88-99.

to know more on secular matters regarding Japan³⁶⁴. Lancilotto's report, however, mentions just a couple of the governor's questions: "*O que Vosa Merce pergumta se amtre os japães se faz g[u]erra...*" [In regard to what Your Mercy asks whether the Japanese wage war]; and "*Ho que Vosa Merce dis see á sidades grãodes nelaa...*" [What our Mercy asks whether there are large cities]³⁶⁵. Even though he gives a detailed account on how the Japanese behaved and waged war, he does not mention captives and enslavement.

From all these early accounts, the one that stands out in relation to slavery is Álvares'. It identifies slaves in Japan and, furthermore, classifies types of slaves. However, one Jesuit in particular appears to be more hesitant to call Japanese slaves: Francis Xavier. This is especially true for the case of Anjirō and his two Japanese companions.

The relation between the three Japanese is particularly relevant for our case. The first direct sources of data for the Jesuits and the Portuguese administration in India regarding Japan were Anjirō and his two companions. The identification of how the three related to each other is a key element to understand the early process of creation of Japanese slavery as a concept. Álvares' does not refer to the three Japanese in his account, so there is no way to determine if he identified the three as master and slaves. But the form Xavier chose to describe them may hint on yet another important aspect: the reason why the Jesuit seemed to be reluctant to identify Japanese forms of labor with slavery.

Japanese historian Kishino Hisashi, through a careful reading of contemporary sources, indicates some strong explanations regarding the bond between the three Japanese. According to Kishino, Anjirō had previously one servant, which would be baptized João. The other Japanese man, which would be identified as Anjirō's second servant and baptized as Antonio, was in fact a slave who had been bought by a Portuguese in Japan. Although the sources are unclear about who had been his previous master and when he was given to Francis Xavier, Kishino explains Antonio was probably acquired as a slave by a merchant and handed over to the Jesuit in Malacca.³⁶⁶

Upon their arrival in Goa, they were now identified as one master (Anjirō, who was baptized as Paulo de Santa Fé) and two servants: Antonio and João. The two would be referred by Portuguese layman Tomé Lobo³⁶⁷, for example, as *criados*, that is to say

³⁶⁴ Lancilotto says that, in his first reply, he focused on religious matters. CALADO, Adelino de Almeida (ed.). *Op. cit.*, p. 121; NKKS I, p. 35.

³⁶⁵ CALADO, Adelino de Almeida (ed.). *Op. cit.*, pp. 121 and 124; NKKS I, pp. 35 and 38.

³⁶⁶ KISHINO, Hisashi. *Zabieru no Dōhansha, Anjirō – Sengoku Jidai no Kokusaijin*. Tokyo: Yoshikawa Kōbunkan, 2001, pp. 18-22.

³⁶⁷ Tomé Lobo was, according to Fernão Mendes Pinto, an agent of the captain of Malacca residing in Pahang. See *Peregrinação*, chapter 34.

servant or *menial*.³⁶⁸ The Jesuit and once Rector of the Goa Jesuit College Paulo Camerino, commonly known in the letters as Micer Paulo, also called them *criado* and *moço*.³⁶⁹ The true nature of the contract that had previously bonded João to Paulo is unclear though. This uncertainty was responsible for the positive identification of Antonio and João as slaves of Paulo, identified as such by both laymen and clergymen in the Portuguese settlements. Xavier, on the other hand, refrains from adopting this nomenclature.

Xavier was more concerned building a case for the start of the Japanese mission. For that reason, the Jesuit is dedicated to present an image of the Japanese as perfect Christians. Even though he had access not only to Álvares' account but to the merchant himself, unlike the merchant's letter Xavier avoided terms such as *criado* and *escravo* when talking about the Japanese. What is clear to us is that presenting the Japanese as slaves could stain the identity he was trying to create for them.

Xavier's letters were building the Japanese as a people ideal for conversion. He carefully described how the three Japanese – Paulo, João and Antonio – were fully-abled Christians. They were good students, could read and write, were training the *Spiritual Exercises*, and confessed and received communion multiple times.³⁷⁰ The emphasis on their qualities puts them in a different category when compared with other Asian converts – in the case of Paulo – and common Asian slaves – in the case of his servants João and Antonio. In fact, the missionary refers to João and Antonio as Paulo de Santa Fé's *companheiros* [companions]. Xavier's choice is far from coincidental – one cannot avoid thinking how this term was specially charged for members of the Company of Jesus.³⁷¹ The three Japanese were bonded to each other less as master and slaves, but more as members of a single brotherhood. This relation is built as a reflection of how the Jesuits related to each other as members of the order. The comparison could lead Xavier's readers to equate the obedience and dedication João and Antonio had to Paulo to the relation established between the Jesuits, as members of the same company.

Xavier's choice of shedding light on the two sacraments also seems to be calculated. In this period, confession and communion represented some of the main problems Jesuits faced when dealing with local Christians and slaves in this period. The two sacraments served as a measuring stick for local converts, including slaves, because receiving them represented an important step in the life of a convert towards his complete integration with Christianity. Xavier's focus on confession and communion aimed at

³⁶⁸ NKKS I, p. 41: Tomé Lobo to D. João III, Goa, October 13th 1548.

³⁶⁹ NKKS I, p. 50: Micer Paulo to Simão Rodrigues, Goa, early December 1548.

³⁷⁰ NKKS I, p. 86: Francisco Xavier to D. João III, Malacca, June 20th 1549.

³⁷¹ NKKS I, p. 93: Francisco Xavier to Micer Paulo, Antonio Gomez and Balthazar Gago, Malacca, June 20th 1549. A few years later, when Antonio and João served Xavier, he would refer to them as *jurobaça* and *topaz* – both terms meaning interpreter. See NKKS I, p. 290: Francisco Xavier to Gaspar Barzeus, Straits of Singapore, 22nd July 1552.

qualifying the Japanese converts and putting them above other local Christians and slaves. It is amazing to consider that Xavier's project of constructing an idealized image of the Japanese Christian started even before his arrival to Japan. In a letter to the Jesuits in Europe a few months before arriving in Kagoshima, the missionary wrote:

Preguntei-lhes muitas vezes, que lhes parecia qual era o melhor que tínhamos em nossa lei? responderão-me sempre que era a confissão, e comunhão, & que nenhum homem de razão lhes parecia que poderia deixar de ser cristão³⁷²

[I asked them many times, what was the best thing we have in our law? To which they always replied it was the confession, and communion, and it seemed to them that no man of reason could avoid becoming a Christian].

The process of construction of the new identity of Japanese as good Christians needed to focus on the differences between them and the common Asian converts and slaves. For that reason, while Álvares, Tomé Lobo and Paulo Camerino quickly identified Japanese servants as slaves, Xavier takes a different approach, rather preferring to classify Antonio and João as *companheiros* [companions]. Even when in Japan, Xavier does not refer to any Japanese servant as a slave. In his letter known as the *carta grande* [large letter], written in Kagoshima, he writes that Paulo de Santa Fé preached to his relatives and friends, and because of that his mother, wife, daughter, many of his relatives and friends became Christians.³⁷³ However, Xavier fails to mention any servants or slaves, as would be the norm when describing one's household in this period.

Although Xavier carefully crafts his texts with the purpose of creating a positive and idealized image of the Japanese, the same cannot be said about the other Jesuits that went along him to the archipelago. Cosme de Torres, the Valencian priest who joined the Society of Jesus in India and had accompanied Xavier to Japan, offered a description of the Japanese society in which he says:

“Os senhores da terra sam mui servidos & venerados de seus criados, & escravos: porque qualquer homem de qualquer qualidade que seja, manda matar seu criado por qualquer descobediencia que acha nelle: & por isso os criados sam mui obedientes a seus senhores: sempre quando lhes falão estão com a cabeça baixa, & com as mãos postas em terra, & isto ainda que faça grandissimo frio.³⁷⁴”

³⁷² NKKS I, p. 96: Francisco Xavier to the Jesuits in Europe, Malacca, June 22nd 1549.

³⁷³ NKKS I, p. 127: Francisco Xaver to the Jesuits in Goa, Kagoshima, November 5th 1549. He also repeats the same description of Paulo de Santa Fé's household in a letter written on the same day to D. Paulo da Silva, captain in Malacca, see NKKS I, p. 148.

³⁷⁴ NKKS I, p. 170; DJ I, p. 216: Cosme de Torres to the Jesuits in India, Yamaguchi, September 29th 1551.

[Landlords are very served and venerated by their servants and slaves, because any man of any quality [may] order his servant to be killed because of any disobedience he may find. And because of that, the servants are very obedient to their lords, always lowering their heads and prostrating themselves when talking to their lords, even when it is very cold.]

Torres, who would become the Superior of the mission after Xavier's departure in November of 1551, was one of the few Jesuits who did not hesitate to equal Japanese servant to slaves. In the same terms chosen by Álvares, he draws attention to the power of life and death Japanese masters could exert over their servants, an extreme form of *vitae necisque potestas* – the phrase used in Roman law to exemplify the capital power a master had over his slave.³⁷⁵ In response, the servants were extremely subservient to their masters, as described in Torres testimony. The identification of Japanese servants with slavery was fundamental for the subjection to the Jesuit supervision of the negotiations of human cargo between Japanese and Portuguese.

But Torres could be an exception in the mission. Japanese servants were rarely indicated in the missionaries' letters from Japan as slaves. In the first years since their arrival, the priests were apparently helped by baptized Japanese wishing to be closer to the missionaries. For example, in 1555, Duarte da Silva wrote that their house in Bungō was guarded by four or five Christians – identified as *homens de recado* [messengers] – and a 50- or 60-year-old baptized Japanese named Antonio. By day, they would instruct visitors on religious matters, using a Japanese translation of the doctrine. By night, they would pray with the missionaries and secure their safety.³⁷⁶ This indecisiveness concerning the status of Japanese servants could have been a continuation of Xavier's project, a concern that readers would not understand Japanese categories, inexperience of the senders, or even personal choice. But it is clear that in later years the Jesuits in Japan preferred to refer to this labor using local categories, such as *komono* and *dōjuku*. In Japan, the word “slave” – *escravo* or *esclavo* in Portuguese and Spanish, respectively – is used by the missionaries in Japan to refer to servants originally from places other than the archipelago. Balthasar Gago described the occupants of the house in Yamaguchi in the following terms: “*Tem o Padre [Cosme de Torres in Yamaguchi] consigo dous Iapões que pregão e mais dous escravos*”. [Father Cosme de Torres has with him in Yamaguchi two preaching Japanese plus two slaves.], indicating the two slaves – Amador and Antonio China – he had brought with him from India.³⁷⁷ As for missionaries that had never been to the region, they did not seem to have the same level of knowledge or care for wording. For example, Luís Fróis, in a letter to the Jesuits in Goa written in Malacca in January 7th 1556, explained that many Japanese would travel 50, 100 or even 200

³⁷⁵ WESTBROOK, Raymond. “*Vitae Necisque Potestas*”. In: *Historia: Zeitschrift für Alte Geschichte*, Bd. 48, H. 2 (2nd quarter, 1999). Stuttgart: Franz Steiner Verlag, 1999, p. 203.

³⁷⁶ NKKS II, p. 217: Brother Duarte da Silva to the Jesuits in India, Bungō, 10th September of 1555.

³⁷⁷ NKKS II, p. 237.

léguas to receive the Christian baptism – “*homens com toda sua família de mulher he filhos he escravos*” [men with their whole family: their wives, children and slaves].³⁷⁸

In Japanese historiography, this wording issue created a problem, especially for those interested in identifying the first occurrence of the term Japanese slave. Okamoto understood that in a letter written in 1555 by Melchior Nunes Barreto the priest had made the first mention ever of enslaved Japanese people. The Japanese historian asserted the passage mentioned Portuguese as forgetting real virtues by falling victims of greed and by using female slaves. Also, Portuguese coming from Japan would be committing sins by resorting to said servants.³⁷⁹ However, it seems Okamoto misread a transcription of the letter included in a study by Christovam Ayres on Fernão Mendes Pinto. Based on the codex formerly owned by the Jesuit college in Évora and deposited at the library of the Academia Real das Sciencias de Lisboa, Ayres’s transcribed the text as follows:

“(…) *faça a deuina bõdade q[ue] creçamos e[m] virtudes e[m] nossas almas, Já [sic] q nas alheas o suseço do t[em]po, e dos lugares da pouca ajuda, mas polla bõdade de ds nu[n]ca falecerão as douctrinas dos moços, e amoestações, e a todos os portugueses os quais nestas partes andão muito esquecidos da uerdade, assim polla cobiça de seu cóprar e ue[n]der, em aquerir, como por escravos [sic] suas das quais hos mais deles se perde[m] be[m] mal dos portugueses q uierão do Japão e polas cartas dos p[adr]es soubemos quãto se uai multiplicado a Igreja de ds naquela terra (...).*”³⁸⁰

The Ajuda copy of the same letter reads as follows:

“*Faça a divina bondade que creçamos é uerdadeiras virtudes é nosas almas, ja q[ue] nas alheas o succeso do Têmpo e dos Lugares da pouca aJuda mas pola bondade de d’s núca falecerão as doutrinas dos moços e amoestações e a todos os portugeses os quais nestas partes andão muy esquecidos da verdade asim pola Cubiça de aquirir é seu cõprar e vêder como por escrauas suas das quais os mais delles se seruê bem mal. Dos portugeses q uierão do Japão, e polas*

³⁷⁸ DJ II, p. 647.

³⁷⁹ OKAMOTO Yoshitomo. *Jūroku Seiki Nichiō Kōtsūshi no Kenkyū*. Tokyo: Kōbunsō, 1936, p. 730-2; AYRES, Christovam. *Fernão Mendes Pinto. Subsídios para a sua biographia e para o estudo de sua obra*. Lisbon: 1905, p. 89. This reading has been repeated by others in Japan as the first textual reference to Japanese enslaved by Portuguese. See, for example, FUJITA Midori. “Dorei Bōeki ga ataeta Kyokutō he no Shōgeki.” In: KOBORI Keiichirō (ed.). *Tōzai no Shisō Tōsō*. Tokyo: Chuokoron-sha, 1994, pp. 172; and NELSON, Thomas. “Slavery in Medieval Japan”. In: *Monumenta Nipponica*, vol. 59, No. 4 (Winter, 2004), p. 463.

³⁸⁰ AYRES, Christovam. *Fernão Mendes Pinto. Subsídios para a sua biographia e para o estudo de sua obra*. Lisbon: 1905, p. 89.

*cartas dos padres Soubemos quãto se uai multiplicãdo a Igreja de d's naquella Terra...*³⁸¹

[May God's will allow true virtues to grow in our souls, as time and places' successes help little those of others. But by God's grace, young men's indoctrination and admonitions may never fail, as also in all the Portuguese that wander in these areas, who are forgetful of the truth because of the greed in trading as well as because of their female slaves, which they sinfully use. From the Portuguese that came from Japan, as well as from the priests' letters, we've heard of how God's church is thriving in that land.]

Here we can read Barreto was not referring to female Japanese slaves, but rather lamenting how Portuguese who frequented seas between Malacca and Japan lived in sin with female slaves. Okamoto was possibly led to misinterpretation by Ayres's transcription of the same letter, because of a lack of punctuation. In fact, by comparing both manuscripts and reading it carefully, it is possible to understand that Barreto's letter did not register the Portuguese coming from Japan as bringing female slaves. Newer transcriptions of the same document clearly separate both sentences and understand the Portuguese coming from Japan as actually bringing news about the Jesuit mission, not as those procuring slaves in the region. Thus, the letter criticizes general misbehavior in the area by Portuguese merchants while quoting those coming from Japan and their news of the mission in the islands.

Meanwhile, in Japan, the missionaries had a number of slaves from other regions at their service, which they had no problem identifying with the word *escravo*. In 1555, Portuguese captain Duarte da Gama, an experienced man who had been Captain of the Fortress of Kollam and previously arrested by Portuguese authorities in India, had been at least six years trading in the waters between Japan and China. After arriving in Hirado, Gama sent a message to the missionaries asking for a priest for the Portuguese to confess. Torres dispatched father Balthasar Gago, who after making the way from Bungō to Hirado, met the Portuguese carrack and her crew. Gago described in redeeming terms the liberality of the captain and willingness to help the mission in a missive addressed no other than the king, a letter that could have been commissioned by the merchant himself. According to the letter, da Gama offered the Jesuits everything they needed the most: silver, clothing, wax, slaves, and much more.³⁸²

The fluidity of definition regarding slaves and slavery in this period makes identification of slaves a challenge for unaware researchers. For example, in a letter written by Gaspar Vilela in Hirado in October 29 1557, he described how Portuguese merchants and their *moços* – young men – would also participate in ceremonies promoted

³⁸¹ BA, 49-IV-49, f. 241; NKKS II, p. 287.

³⁸² NKKS II, p. 227; DJ I, p. 543: Baltasar Gago to D. João III, Hirado, 20th September 1555.

by the Jesuits. In the Easter of 1557, four Portuguese who stayed in Japan to trade took part in the events of the Passion, along with fifteen to twenty *moços*. Two Portuguese and two *moços* helped in the theater by portraying Roman centurions during Maundy Thursday, while thirteen to fourteen *moços* would salute the procession by firing their harquebuses during the early hours of Easter Sunday.³⁸³ The identification of these *moços* with slaves is possible only by analyzing how in the letter Vilela uses the preposition “*dos*”, by writing *moços dos Portugueses*, thus denoting possession and ownership.

However, it was not only servants in Japan that could be identified with slavery in this period. The Jesuits identified other forms of servitude in a different social group in Japanese society. Once more, Gaspar Vilela, writing 1557, gives his own account of the divisions of the Japanese society. According to the missionary, there were three categories of people in Japan: *fidalgos*, Buddhist monks, and farmers. While *fidalgos* and monks are described as economically self-sufficient, Vilela indicates that farmers were in a slave-like state, as all their work was for the first two groups and just a very small portion of revenue was left for them. Vilela was most certainly referring to the tributes paid by the commoners to their landlords in products and service, the so-called *nengu* 年貢 and *kuyaku* 公役. But the priest warns that this division was not entirely economical: even if a farmer or a merchant (which now he includes in the same group) becomes very rich, his social value could not surpass that of a *fidalgo*. As for the *fidalgo*, even if he became very poor, he would never lose his social status.³⁸⁴ Vilela offers an interesting alternative, showing how the very category of *escravo* – slave, in Portuguese – was malleable and used to explain metaphorically the dire situation in which farmers lived in Japan.

The relation Jesuits established in Japan with their *criados* or servants was similar to what had been established year earlier in the Jesuit residences in India, thus also approximating local Japanese servants to slavery. Every day, missionaries would preach to the servants of their houses, just like in India. The missionaries would begin their day by praying and holding a mess in the morning for the local Christians, Jesuit Brothers and the servants of their residence in Bungō. Interestingly, their routine also included a daily session of physical exercise, by digging a hole or riding horses, as if the Jesuits were captured by enemies, “*estejamos avezados ao trabalho e não nos achemos novos.*” [we would be used to the labor and not find ourselves unexperienced].

Conversion of servants was also an important front for missionaries in Japan, although it did not assume the organized and systematic form as in Malacca, for example. Brother Pedro de Alcáçova, after a two-year stay in Japan between 1552 and 1553, wrote about many of his experiences in the region. In Yamaguchi he heard of a maid to the

³⁸³ DJ II, pp. 695-8.

³⁸⁴ DJ II, p. 705.

falconer of the local *daimyo* who had had secret nightly meetings with a fox. The fox, according to the locals, would take the maid – *uma criada* – out of her house and have relations with her. Afraid of the metamorphic creature, who some believed it to be the devil, she decided to become a Christian. Since her baptism, the fox never came back and she was freed from the creature.³⁸⁵

The identification of Japanese slaves, especially in the Japanese archipelago, is a very challenging issue. In the beginning, the missionaries seemed to prefer to adopt more general terms – such as *criado* and *moço* – rather than the term *escravo* or *esclavo*. Sousa believes this option was made in order to mask a probable infraction of the 1570 law enacted by Dom Sebastião on Japanese slavery, which he understands as a total prohibition.³⁸⁶ Considering the term had been used before the prohibition and in regard to slaves from other regions than Japan, we rather believe it to be a reflection of the growing presence of the word *escravo* in Portuguese culture during the sixteenth century. For example, we can compare the use of these terms on Portuguese legislation: *criado* in the *Ordenações Manuelinas*, published in the first decades of the century, was substituted for *escravo* in the *Ordenações Filipinas*, published in the early seventeenth century. The fact is that servitude itself was gradually assuming its form as early modern slavery during the sixteenth century. The association of the idea of just war and slavery, the emergence of the just war doctrine in the Iberian Peninsula, the first attempts to hinder abuses between Portuguese masters and local slaves in Asia and the way Jesuits seized the opportunity to use slaves in their missional enterprise are all part of this process. The contact between local forms of labor relations and European ideas would be an underlying theme during the 1560s, especially during the First Goa Council. Prelates and vicars in Portuguese India discussed, among many issues, how the notion of servitude itself and legitimacy had to be adapted to the situation in Asia. The gathering in Goa and its consequences for slavery practices is the theme of our next chapter.

³⁸⁵ DJ I, p. 425; NKKS II, p. 159: Pedro de Alcáçova to the Jesuits in Portugal, Goa, March of 1554.

³⁸⁶ SOUSA, Lúcio de. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, pp. 258-9.

Chapter III – Doctrinal expansion

The Jesuit father Francisco Lopes arrived to the fortress of Kollam – Couvão in the Portuguese sources – in the middle of the 1560s. Located at the beginning of the Malabar Coast³⁸⁷, it was not his first stay in the Portuguese factory, but that time he could count on the support of a strong ally – then captain-major of the fortress Bernardo de Sousa. The excitement felt by the priest with the official's liberality towards the missionaries' activities was surpassed only when a visitor arrived: vice-provincial father Melchior Nunes Barreto. Famous for his travels around the Portuguese empire and its surroundings, Barreto personally knew most of the intricacies and vicissitudes of the missions. But that was no social visit. Barreto spent 1566 on a tour to announce the First Provincial Council in Goa, which would take place in the following year. The local Keralan Christian community rejoiced with the news, leaving both visitor and host Jesuits anxious and excited for the gathering³⁸⁸.

Nevertheless, the prospect of the council left all missionaries walking on eggshells. They knew that the meeting would put to the test local determinations and practices, which the priests were used to decide independently. It was, after all, an effort to unify religious practices and curtail those which were understood as unnecessary or in disagreement with central decrees. Even an experienced missionary as father Henrique Henriques, who at that time had already been in India for 20 years, felt uneasy about the event. Henriques was in Kollam recovering from a disease, and received Barreto during his visit to the fortress. The convalescent Jesuit and his peers in the area were working hard to follow the rules and set a good example for others. According to Henriques, they had started an exercise aiming at moral and spiritual improvement. In such sessions, the missionaries would gather and write lists of shortcomings they would take note about each other. Those who infringed the items on the list would be called out. However, Henriques was careful to explain in his letter to the Jesuits in Europe that the exercise had not been started before informing the visiting vice-provincial. Barreto answered that such practice could be done from time to time, until they received proper authorization from the provincial, Antonio de Quadros, in Goa³⁸⁹.

The visiting father published the news about the council in settlements around India, making use of sermons and formal processions in the churches he visited³⁹⁰. The announcements were followed by public demonstrations of punishment. In Ceylon, for

³⁸⁷ Or its end, "*como for mais a vontade dos matematicos*" [depending on the will of the mathematicians]. See WICKI, José. "Duas relações sobre a situação da Índia Portuguesa nos anos de 1568 e 1569. In: *Separata de Stvdia*, N. 8, July 1961. Lisbon: Centro de Estudos Históricos Ultramarinos, 1961, p. 154.

³⁸⁸ DHMPPO, Vol. 10, p. 9.

³⁸⁹ DHMPPO, Vol. 10, pp. 24-5.

³⁹⁰ DHMPPO, Vol. 10, p. 196.

example, father Barreto promoted sessions of public shaming in 1567, a few months before the council took place. One black woman was covered in honey and feathers, after having been accused of owning a brothel. A Portuguese man had his alcoholism exposed publicly at the church's door – a bottle hanging from his neck left no doubt about his vice to those passing by. From local slaves to Portuguese *cristãos-velhos* [old-Christians], the number of individuals targeted for adultery, blasphemy, perjury, and other crimes was high. Most received public sentences or pecuniary fines, and a few were even condemned to exile. Everything was done out of a single purpose – establish the gravity of the council and set good examples for local Christians, both Asians and Portuguese³⁹¹. Trent would have a heavy impact on the *Estado da Índia*.

Distorted mores among Christians and new codes of conduct were being discussed by the clergymen in Goa since at least mid-1560s. At that time, the Archbishop Dom Gaspar de Leão had started drafting his *Constituições do Arcebispado de Goa* [Constitutions of the Archbishopric of Goa]. These were to become the first diocesan constitutions of Catholic Christianity in the Portuguese *padroado*, gathering legal, disciplinary, liturgical and doctrinal dispositions, based on canon law, traditions of the Church and local consuetudinary practices, imposed by the prelates on clerics and laymen³⁹².

His method to write the first draft was to visit three times each prelate in India, where there were no valid Constitutions, and each vicar used his own laws. The First Provincial Council was convoked after these visits. According to Leão, the convocation was prompted by the Council of Trent – “*o principal sol humano, que a Igreja na terra tem, com o qual he alumada, & reformada, & gloriosa*” [the main sun of humankind, that the Church has on Earth, with which it [the Church] is enlightened, reformed and glorified]³⁹³. The Tridentine text had been concluded in 1563, approved and confirmed by the Pope in the following year, and arrived in India between 1565 and 1567³⁹⁴. In Lisbon, the crown readily adopted the decrees, and required its prelates to discuss as

³⁹¹ DHMPPO, Vol. 10, pp. 196-7.

³⁹² The definition of diocesan constitutions is given by Paiva. PAIVA, José Pedro. “Constituições Diocesanas”. In: AZEVEDO, Carlos Moreira (dir.). *Dicionário de História Religiosa de Portugal C-I*. Lisbon: Círculo de Leitores; Centro de Estudos de História Religiosa da Universidade Católica Portuguesa, 2000, p. 9

³⁹³ LEÃO, Gaspar de; and ASENSIO, Eugenio (ed.). *Desengano de Perdidos*. Coimbra: Universidade de Coimbra, 1958, p. 67.

³⁹⁴ XAVIER, Ângela Barreto. “Gaspar de Leão e a Recepção do Concílio de Trento no Estado da Índia”. In: GOUVEIA, Antonio Camões; BARBOSA, David Sampaio; PAIVA, José Pedro (eds.). *O Concílio de Trento em Portugal e nas suas conquistas: olhares novos*. Lisbon: Universidade Católica Portuguesa, Centro de Estudos de História Religiosa, 2014, p. 145; FARIA, Patricia Souza de. Os concílios provinciais de Goa: reflexões sobre o impacto da “Reforma Tridentina” no centro do império asiático português (1567-1606). *Topoi* (Rio J.) [online]. 2013, vol.14, n.27 [cited 2015-09-04], pp. 218-238. Available from: <http://www.scielo.br/scielo.php?script=sci_arttext&pid=S2237-101X2013000200218&lng=en&nrm=iso>. ISSN 2237-101X. <http://dx.doi.org/10.1590/2237-101X014027002>, p. 221.

swiftly as possible the introduction of the new rules in Portugal and their overseas territories³⁹⁵. Goa prelates readily decided to gather religious authorities for the First Provincial Synod, also known as the First Goa Council. The discussions on the Tridentine Council's determinations resulted in a review of Leão's Constitutions and new guidelines for ecclesiastical justices in Asia. It was the discussions during the First Goa Council that established what Ângela Barreto Xavier has called the dialogue the Tridentine text had to have with unexpected social and cultural situations, beyond those geographies that constituted traditional Christianity³⁹⁶. Nonetheless, Trent was not the only motivation behind such changes – Leão's initiative aimed to address the enormous variety of Catholic practices that took place in the Asian missions. Priests and missionaries under the Portuguese crown jurisdiction were used to decide alone what suited best their cases, creating disparities not only in liturgy but also in religious definitions and contexts as well. Leão and the other priests' efforts aimed at introducing unified religious practices in all parts where the Portuguese "*padroado*" made its presence felt³⁹⁷.

The First Provincial Synod was officially opened by the archbishop Dom Gaspar de Leão after Easter, in 1567.³⁹⁸ Attending the event were high-ranking ecclesiastical authorities, heavy weights such as Dom Jorge Themudo, bishop of Kochi; Manoel Coutinho, administrator of Mozambique; and Vicente Viegas, representing the bishop of Malacca, Dom Jorge de Santa Luzia. Superiors from the Society of Jesus, the Dominicans, Franciscans, as well as doctors of Theology, Canon and Secular Law also attended the meetings³⁹⁹. In September, with the arrival of the fleet from Lisbon, Archbishop Dom Gaspar de Leão received authorization to resign office, which was handed over to Jorge Dom Themudo, declared new Archbishop of India. After more than 7 months of debates the Synod ended on All Saints Day, November 1st. Jesuit priest Francisco Rodrigues was chosen to make the sermon when the Council was declared officially closed⁴⁰⁰.

The Jesuits participation in the Council was extensive. Fathers Antonio de Quadros, Jesuit Provincial, Francisco Rodrigues, rector of the Jesuit Goa College, and Melchior Nunes Barreto, actively took part in the meetings. The latter, writing in 1568, complained to the General of the order that they became responsible for most of the hard work. Not only they discussed issues and drafted decrees, they also ended up having to write and compile the official manuscripts. In the end, the Jesuit Provincial, father

³⁹⁵ CRUZ, Maria Augusta Lima. *D. Sebastião*. Lisbon: Círculo de Leitores e Centro de Estudos dos Povos e Culturas de Expressão Portuguesa, 2009, p. 126.

³⁹⁶ XAVIER, Ângela Barreto. *Op. cit.*, p. 133.

³⁹⁷ FARIA, Patrícia Souza de. *Op. cit.*, pp. 225-6; DHMPPO Vol. X, p. 484.

³⁹⁸ DI VII, p. 488. In 1567, Easter was March 30th.

³⁹⁹ SOUSA, Francisco de. *Oriente Conquistado a Jesu Christo pelos padres da Companhia de Jesu da Provincia de Goa, Segunda Parte*. Lisbon: Officina de Valentim da Costa Deslandes, 1710, p. 29; GONÇALVES, Sebastião; and WICKI, José (ed.). *Primeira Parte da Historia dos Religiosos da Companhia de Jesus*. Coimbra: Atlantida, 1962, p. 196; and XAVIER, Ângela Barreto. *Op. cit.*, p. 146.

⁴⁰⁰ DI VII, p. 381.

Antonio de Quadros, fell ill from fatigue⁴⁰¹. The effort allowed the Society of Jesus to greatly influence all the texts related to the conversion of Asians, included in the second act of the decrees, accordingly to their plans⁴⁰². Nevertheless, there was concern among the Jesuits, because of ambiguities and setbacks that could result from how the decisions were to be put into practice⁴⁰³.

The minutes of the Provincial Council, as well as the revised text of the Constitutions, were finally sent to the presses in 1568⁴⁰⁴. Among the many themes discussed, slavery was high in the agenda of the priests⁴⁰⁵. By analyzing the decisions and decrees of the First Goa Council we may have a glimpse of the challenges faced by missionaries when dealing with the various issues related to slavery and related practices in India and other parts of Asia.

Baptism and slavery

The Goa decrees of 1567 are divided in 4 parts, or Acts, in the following order: Profession of Faith and Presentation; Conversion of the Infidels and new-converts; Reform of the Church; and Reform of the Mores. Mentions to enslavement and related practices are spread throughout the decrees. The theme appears early in Act number 2, on the 3rd decree. This section offers guidelines related to the theme of conversion and treatment dispensed to new-converts. The 3rd decree deals with the problem posed by

⁴⁰¹ DI VII, p. 488.

⁴⁰² DI VII, p. 380.

⁴⁰³ Melchior Nunes Barreto to Jacobo Miron, Kochi, 25 January 1568. DI VII, p. 496.

⁴⁰⁴ The First Province Council decrees were published the first time in Goa, June 21st of 1568: *O Primeiro Concílio Prouinçal celebrado em Goa, no anno de 1567*. Goa: João de Endem, 1568. Extant copies can be located in the following institutions: the Public Library of Évora, Portugal; the Collection of Dom Manuel II, in Vila Viçosa, Portugal; the Lilly Library, at the University of Indiana Bloomington; and the library of the Lincoln Cathedral, in the United Kingdom. The decrees would be printed again three times after that, along the Constitutions of the Archbishopric of Goa: *Constitvic,oes [sic] do Arcebispado de Goa Aprovadas pello primeiro Prouinçal*. Lisbon: [printer unknown], 1592; *Constituições do Arcebispado de Goa Aprovadas pelo primeiro Concilio Provincial*. Goa: Collégio de S. Paulo Novo da Companhia de Jesus, 1643; and *Constitviçoens do Arcebispado de Goa Aprovadas pello Primeiro Prouinçal*. Goa: Collégio de Sam Paulo Nouo da Companhia de Iesvs, 1649 (apparently, the only known extant copy is in the Rio de Janeiro National Library). For more information, see: LIMA, Manuel de. "Prefácio" in: MASTRILLI, Marcelo Francisco. *Relacam de Hvm Prodigioso Milagre*. Lisbon: Biblioteca Nacional, 1989, p. XIII; FERNANDES, Leão Cristóstomo. "O Livro e o Jornal em Goa" in: *Boletim do Instituto Vasco da Gama*, N. 33. Goa: Tipografia Rangel, 1937, pp. 95-6; and FERNANDES, Leão Cristóstomo. "Ainda a Monografia 'O Livro e o Jornal em Goa'" in: *Boletim do Instituto Vasco da Gama*, N. 39. Goa: Tipografia Rangel, 1938, pp. 64-8. Modern transcriptions and prints of the text are available in: APO Fasc. 4; *Bullarium...*; and DHMPPO, Vol. 10.

⁴⁰⁵ FARIA, Patricia Souza de. *Op. cit.*, p. 223, for a table with the themes for each of the six editions of the Provincial Council, from 1567 to 1606.

fathers and masters who impede the conversion of their children or slaves. The text reads as follows:

“Tãobem determina, que aos pays ou senhores infieis, não se tomem contra sua vontade os filhos, ou escravos, antes do tempo da discipção pera serem baptizados, mas chegando o tal tempo (querendo elles ser Christãos) se baptizarão contra a vontade de seus pays, ou senhores infieis; os quaes se tirarão logo do seu poder, pera se porem em caza de pessoas virtuosas e tementes a Deos, que os possam instruir na fé; e o tempo da discipção pera poder receber o Baptismo, he o em que o menino pode peccar. Porque impia couza seria dizer que se podem entregar ao demonio, e condenar, e que não se podem entregar a Christo persa se salvar. E se ouvesse duvida, se o menino em o tempo de discipção, então se baptizará sempre em favor da fé, do que conhecerão o Vigairo ou Cura.”⁴⁰⁶

[The Synod] also determines that, children or slaves of infidel fathers or masters must not be taken away against their [parents or masters’] will before the proper time for baptism. But when the time is arrived (them [children or slaves] willing to become Christians) they shall be baptized against their infidel fathers or masters’ will. They [children or slaves] will readily be taken away from their [fathers or masters] power to be put in houses of God fearing and virtuous peoples that may instruct them in the faith. And the proper time for the baptism is when the boy may sin. Because it would be an ungodly thing to say that they may be given to the Devil, and condemned, [rather than] given to Christ to be saved. And if there is doubt, if the boy [is] in the age of reason, then one shall always favor the faith and baptize [him], which shall be decided by the Vicar or Priest.]

The first thing we may notice here is that young children and slaves, whether young or not, were dealt in the text as a single legal entity. That can be explained by how political power and dominance was organized in the colonial societies. Fathers were central for the most basic organizational unity of a society, the family. They had power over members of their group, but especially over their children. This relationship is recreated between the master and his or her slave – the master (*dominus*) assumes control (*dominium*) over his slave⁴⁰⁷. The most basic notion of dominance over a slave comes from the Roman *ius gentium* (law of nations), used to explain that the winning part in a just war had the right to kill subjugated enemies. The winner also could choose, instead, a less drastic punishment, by enslaving the defeated. In that sense, victory in a just war

⁴⁰⁶ DHMPPO, Vol. 10, p. 343.

⁴⁰⁷ To Aquinas, a master’s dominance over his slave, or *dominium*, is what defines slavery. EISENBERG, José. “A escravidão voluntária dos índios do Brasil e o pensamento político moderno”. In: *Análise Social*, vol. XXXIX (170), 2004, p. 15.

conferred the winner real control over life and death of defeated individuals⁴⁰⁸. This right could be sold by the winner, who would also surrender his dominance over the slave to the buyer, even if the buyer had not been the original winner in the just war.

The issue of dominium over a slave is further complicated by the religious dynamics of the slave-master relations existent in Portuguese Asia. The prelates were giving their opinion in regard to a long-standing dilemma that tormented canonists and theologians since at least the twelfth century – were baptized Christian servants held by pagans and Jews superior to their masters? “*To assert he is, constitutes a challenge to the divinely instituted authority, yet to deny superiority questions the efficacy of baptism.*”⁴⁰⁹ Here, they reiterate the preeminence of Christian and ecclesiastical authority, by confirming the power of Christians to detract infidel masters and fathers of their slaves and children. The only problem is timing – when could the *dominium* of infidels over their children and slaves be subverted? The answer given by the Council was what has been referred to as “*tempo de discrição*” [age of reason, age of discretion, or years of discretion], a term originated in the canons of the Fourth Lateran Council of 1215. According to the Canon XXI *Omnius utriusque sexus*, every faithful of both sexes, “*who has attained the age of reason is bound to confess his sins at least once a year to his own parish pastor with his permission to another, and to receive the Eucharist at least at Easter*”⁴¹⁰. The idea is reiterated by the Tridentine Council, in their 13th session, of 11 October 1551⁴¹¹. The prelates and priests understood that the age of reason was 14 years-old for males and 12 years-old for females⁴¹². The decision thus allowed sons and

⁴⁰⁸ EISENBERG, José. *Op. cit.*, p. 9; BUCKLAND, William Warwick. *The Roman Law of Slavery – The condition of the slave in private law from Augustus to Justinian*. Cambridge: Cambridge University Press, 1908, p. 420. In Roman law, the phrase “*vitae necisque potestas*” (Power over life and death) is used in respect to three relationships: master and slave, ruler and subject, and father and son or daughter. See WESTBROOK, Raymond. “*Vitae Necisque Potestas*”. In: *Historia: Zeitschrift für Alte Geschichte*, Bd. 48, H. 2 (2nd tr., 1999). Stuttgart: Franz Steiner Verlag, 1999, pp. 203.

⁴⁰⁹ GILCHRIST, John. “The Medieval Canon Law on unfree persons: Gratian and the decretist doctrines c. 1141-1234”. In: *Studia Gratiana XIX*. Rome: University of Bologna, 1976, p. 282.

⁴¹⁰ Translation available at *Medieval Sourcebook: Twelfth Ecumenical Council: Lateran IV 1215* <<http://legacy.fordham.edu/halsall/basis/lateran4.asp>>, accessed on September 13, 2015.

⁴¹¹ Canon IX, “*Si quis negaverit omnes et singulos christifideles utriusque sexus cum ad annos discretionis pervenerint teneri singulis annis saltem in paschate ad communicandum iuxta praeceptum sanctae matris Ecclesiae: an[nathema] s[it]*” [If any one denieth, that all and each of Christ's faithful of both sexes are bound, when they have attained to years of discretion, to communicate every year, at least at Easter, in accordance with the precept of holy Mother Church: let him be anathema.] Original text available at <http://www.documentacatholicaomnia.eu/03d/1545-1563-, Concilium Tridentinum, Canones et Decreta, LT.pdf>, translation available at <http://www.documentacatholicaomnia.eu/03d/1545-1545, Concilium Tridentinum, Canons And Decrees, EN.pdf>, both accessed on September 13, 2015.

⁴¹² This was a development on the classical definition given by Aquinas in his sermon “*Puer Iesus*”. Aquinas states: “*(...) Christus primum manifestavit sapientiam suam, scilicet cum esset annorum duodecim*” [Christ first revealed his wisdom at that age when wise judgement usually first appears in a person, namely, when he was twelve years old], the *Constituições do Arcebispo de Goa*, however, following other diocesan constitutions of the sixteenth century, clearly defines the age of reason as fourteen years-old for males

daughters, as well as male and female slaves, to be taken away from their fathers and masters, subverting then the *dominium* rules. That was possible when the child or slave was older than 14 or 12 years-old – if there was any doubt about the child or slave’s real age, the missionaries should evaluate the situation and decide whether it was appropriate or not to baptize the individual. The justification given is that, if it worked for the benefit of the Christian faith, that is to say, to the expansion of the religion and the Christian community, then this subversion of authority would be allowed.

After conversion, the child or slave would be put under tutelage of a recognized Christian individual, to receive instruction and be properly educated as a faithful convert. The necessity to instruct and indoctrinate properly an orphan had been stated before, by the *Ordenações Manuelinas*. The legal code determined that those who were not Christians should receive indoctrination in the Christian faith, be well educated and taught “*bons costumes*” [good customs], accordingly to their qualities (that is to say, according to their faith) and inherited properties. Those who worked for the well-being of such orphans would be recognized by royal authority as good servants to the king and God⁴¹³. In practice, however, the level of dedication to the instruction of these individuals could vary, and the knowledge one had to acquire to be considered a proper baptized convert was very different if we compare slaves to children of certain important local families⁴¹⁴.

“(…) e os que d’outra qualidade forem, se sam doutrinados, e postos ao ensino, e bons costumes que deuem teer, segundo as qualidades de que forem, e as fazendas que teuerem; porque fazendo-o assi bem, como se delles espera, aalem do seruiço que a Nosso Senhor faram, e o merecimento que ante elle por isso terem, Nós os Receberemos delles em seruiço.”⁴¹⁵

[And to those who are of a different quality, if they are indoctrinated, and put to study, and learn the good manners they ought to have, according to the qualities they have, and the properties they have. Because doing good to them this way, as we may expect from them as well, besides Our Lord’s mercy, and

and twelve for females. See DHMPPO Vol. 10, p. 526. For Aquinas’s text and translation, see <http://www.dhspriority.org/thomas/Serm08Puerlesus.htm>, accessed on September 13th 2015

⁴¹³ *Ordenações Manuelinas*, Book 2, Title XXXV, § 39.

⁴¹⁴ The issue was even more complicated regarding infidel orphans, whose *dominium* was unclear. A royal decree determined that orphans could be taken by missionaries until they achieved the age of reason, that is to say, 12 years-old. In 1559, a law enacted by the Vice-Roy determined that such measures should be allowed until the children were 14 years-old. The 2nd Act, 13th decree, of the First Provincial Council asks the Portuguese king to confirm the Vice-Roy’s law, as well as to extend the jurisdiction to include orphans until 25 years-old, following the definition of orphan given by the Portuguese law. See DHMPPO Vol. X, p. 350; the Vice-Roy’s law is in APO Fasc. 5, parte 1, p. 385-6; the definition of orphan can be found in *Ordenações Manuelinas*, Livro I, Título LXVII, par. 3. See also GONÇALVES, Sebastião; and WICKI, Josef (ed.). *Primeira Parte da História dos Religiosos da Companhia de Jesus, Vol. II*. Coimbra: Atlântida, 1960, p. 357-8.

⁴¹⁵ *Ordenações Manuelinas*, Book 2, Title XXXV, § 39.

whatever they deserve in front of Him, we must receive from them in [the form of] services.]

The following mention of slaves in the minutes of the Goa synod is on decree number 16, on the same act. The text reads:

“Conformando-se esta Synodo com os Canones antigos, ordena que nenhum infiel possa ter escravo fiel, e comprando-o ou avendo-o de qualquer maneira, fique forro. E se algum escravo de qualquer infiel se vier fazer christão, da mesma maneira ficará forro, sem por elle lhe darem preço algum, salvo se o trazer para vender: porque então pello melhor lhe darão doze cruzados, e pello somenos soldo á livra. O que se ordena pera tirar o escandalo dos mercadores, que os trazem a vender, e os que se converterem mais facilmente, poderem conseguir liberdade; e isto se estenderá pondo-os a vender dentro de tres mezes, que se começarão do dia que chegarem as nossas terras, e não os pondo dentro do dito termo, se se converterem, ficarão forros, sem lhe darem preço algum; e desta maneira ficará tambem forro o escravo do judeo, ou mouro, que não sendo da sua seyta o circuncidaram, se se quizer fazer Christão ainda que seja dentro dos tres mezes. Quando das terras dos infieis nossos comarcãos vierem seus escravos a nossas terras fazerse Christãos, se guardarão os concertos, que nesta parte estão feitos entre nós, e elles, e assy o costume, que entre nós, e elles se guarda, porque se elles costumão darnos nossos escravos, ou o preço delles, quando se vão pera suas terras, rezão he, que quando seus escravos se vierem fazer Christãos ás nossas, lhos paguemos, como elles nos pagam, pois os escravos se lhes não podem tornar.”⁴¹⁶”

[In conformance to old Canons, the Synod commands that no infidel shall have any Christian slave, and if bought or had in any form, [the slave] shall be freed. And if any infidel’s slave comes to become Christian, [the slave] shall be freed the same way, without any payment, unless he is brought to be sold: because then it shall be paid at best twelve cruzados⁴¹⁷, and at worst a fair price. This is determined so merchants that bring them [slaves] to be sold are not scandalized, and those who easily convert may become free; and this shall be extended for three months, while the slaves are sold, which shall be counted from the day they arrive at our lands, and if they [slaves] are not put [to sell] during said period, if they convert, they shall be freed, without any payment. In the same way, the Jew or Moor’s slave shall be freed, and not being from their sect he [the slave] was circumcised. And if he [the slave] wants to become Christian, that it shall be during the three months [period]. When from the land of infidels our neighbors come to our lands, [and] their slaves [come] to become Christians, the agreements

⁴¹⁶ DHMPPO, Vol. 10, p. 351-2.

⁴¹⁷ One cruzado was worth 480 reis.

between us and them firmed in this parts shall be respected, as shall be respected the customs, that between us and them are respected, because as they use to give us our slaves, or pay their prices, when they [slaves] go to their lands, that is [enough] reason for when their slaves come to our [lands] to become Christians, we shall pay, as they pay us, for the slaves we cannot take⁴¹⁸ from them.]

This decree addresses a series of issues created by regal provisions and laws ruling the manumission of baptized slaves. The first disposition is that no infidel shall have a Christian slave, that is to say, no Christian shall be enslaved by any infidel. When collated to a wider context, this had to be the first rule regarding religion and slavery. Christian Portuguese were captured by Muslims and others in wars not only in Northern Africa, but also in India and elsewhere, prompting huge efforts by Trinitarians, Mercedarians and other religions, as well as brotherhoods and other laymen societies, such as the *Misericórdias*, to recover these captives. By making this principle clear, the decree can go on to issues specific to Asian slaves in the *Estado da Índia* and its surrounding areas.

The text thus states that if a slave converts to Christianity, he shall be freed as well – however, if he is brought to be sold in Portuguese-controlled areas, things are different. This is the main issue addressed by the decree: what should be done with converted slaves or slaves willing to convert brought by traders to Portuguese fortresses and settlements? The text determines that slaves should thus be bought, at most by the price of 12 *cruzados* (5760 *reis*), or at least by a price considered fair to whatever the slave was worth⁴¹⁹. The purpose here was, as stated in the decree, to avoid any issues with foreign slave traders or to scare them away from Portuguese ports, as well as to bring the faith in Christ to slaves who could be more easily converted, even though it was the Portuguese side who were to define which slaves could be easier converted or not. Furthermore, it sets a period of three months for the slave to be sold in the Portuguese area, starting from the day the ship was arrived in the port. If they were not bought by anyone, and if they converted, then, and only then, they had to be freed, without any monetary compensation for the trader.

Moors and Jewish merchants were a special case. Slaves owned by Moors and Jewish people could be freed, and like happened to infidel's servants it was without any

⁴¹⁸ We believe that the original Portuguese phrasing must be “... Ihe não podem tomar”, which would make more sense, rather than “... Ihe não podem tornar”, as it appears written on the published copies available.

⁴¹⁹ The expression used in the law was “soldo a livra”. According to Bluteau, soldo was the name given to a small currency coined in Portugal before 1395. Twenty *soldos* summed up to one *livra*, which was worth 36 *reis*. However, in the sixteenth century, the expression assumed a proverbial meaning. According to Viterbo, it indicated an absolutely equal value, or proportional to what each individual had. BLUTEAU, Raphael. *Vocabulario Portuguez & Latino: aulico, anatomico, architectonico... vol. 7*. Coimbra: Collegio das Artes da Companhia de Jesus, 1728, p. 703; VITERBO, Joaquim de Santa Rosa de. *Elucidario das Palavras, Termos, e Frases que em Portugal antigamente se usárão. Tomo Segundo, G-Z*. Lisbon: Typographia Regia Silviana, 1799, p. 329.

compensation – however, there were a few conditions necessary for the emancipation to take place. First, the slaves had to have been forcibly circumcised by their masters, even though the enslaved individuals were not Jewish or Muslims themselves, and they had to wish to become Christians. Furthermore, the emancipation could happen despite the three months period. This clause guarantees preeminence of Christian interests over Moors and Jewish ones, even though they were not mandatory. The closing statement here defines the non-binding nature of this decision – determinations of the Council regarding slave trading should not be taken over any other agreement or customs that had been enforced since before between the Portuguese and other merchants. That is to say, any other legal treaty, or local custom and practices should not be overwhelmed by this decree. The Council has to be understood, thus, as a set of Christian principles that should be used as reference in disputes and conflicts, not a compulsory set of rules and laws for Christians in Asia. After all, Portuguese needed slaves, and their participation in local slave trading networks and practices was essential to answer to their needs for manpower.

This decree is also significant as it presents a practical solution – as well as recognizes local solutions – for issues raised from the conflict of local practices with royal laws related to converted slaves. The issue first came up in the 1530s, when local merchants in Ormuz complained about how their slaves would be converted to Christianity and bought by Christian Portuguese. The king Dom João III, after discussing with theologians, ruled that slaves in the Arab port wishing to be baptized were to be instructed and evaluated by clergymen, and if properly converted, should then be set free and sent to Goa, to have their emancipation recognized. The ruling was written in 1533, arrived in India in 1536 and, after a petition sent by the Misericórdia of Kochi, it was reenacted in 1551⁴²⁰. By the end of the 1550s, critics of the reenacted law raised their voice loud enough so the king in Lisbon had to listen to their complaints. A few months before passing away, Dom João III reversed his decision – the king ruled that baptized slaves owned by Muslims or non-Christians should be sold to Christians, but not be freed. Rather, they were to be kept as slaves by their new masters⁴²¹. The only real obligation was that converted slaves had to be sold to Christians. Dom Constantino de Bragança, vice-roy between 1558 and 1561, offered a supplementary law on the first year of his administration. The decision ruled that, however slaves owned by infidels should be freed upon baptism, converted slaves brought by infidels to be sold should then be auctioned, and after being bought by Christians, the pay had to be delivered to its former owner. At the same time, it forbade infidels to buy Christian slaves in Portuguese-controlled areas⁴²². In practice, the vice-roy established political control over the way slaves would be traded in Portuguese fortresses and other settlements, by restricting the way these negotiations

⁴²⁰ APO Fasc. 5, parte I, p. 153-4; WICKI, José. (ed.). *O Livro do "Pai dos Cristãos"*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1969, p. 86-9.

⁴²¹ APO Fasc. 5, parte I, p. 311.

⁴²² APO Fasc. 5, parte I, p. 374.

should take place. Nevertheless, the issue became more complicated when in 1559 then regent Dona Catarina, ruling in name of her grandson, Dom Sebastião, penned a new letters patent regarding slaves brought by Muslims, Jews and other infidel merchants to Goa and other parts of Portuguese Asia. According to the text, these merchants were required to sell their converted slaves to Christians before leaving these ports and fortresses. However, it made clear that, according to “divine and canonic law”, slaves who converted to the Catholic faith were not to obtain temporal freedom. If non-Christian merchants wished to leave the port without selling their converted slaves, they could do so only if their intention was to sell these slaves in another Christian port. Either way, baptized slaves should be sold to Christians by a fair price. If the merchants wished to stay for a long period in town, then judges and other “good people” should decide how long these non-Christians had to sell their slaves to Christian masters. Moors and Jews, nevertheless, were a separate case – they would have their slaves taken away if they were not able to sell them during the period given⁴²³. In conclusion, the Goa decree was, in practice, confirming the law of 1559 and simultaneously offering general guidelines about how it should be applied in face of local practices and agreements that could conflict with the letter of the law⁴²⁴. Still, the case of slaves in Malacca was an exception to this decree, as we will see on decree number 18.

Decree number 17 deals with the opposite problem – slaves becoming Muslims. The text reads:

Muytos mercadores infieis (specialmente mouros) nesta Provincia comprão grande numero de escravos gentios em as partes onde vão a tratar, pera em suas terras os fazerem mouros: do que se segue dilatarse muyto a seita de Maçamede, e fazeremse com tam grande numero de escravos mais fortes contra os Christãos. Pelo que manda a sancta Synodo que por nossas terras se nam deixem passar os taes escravos, e em virtude de obediencia encarrega aos Capitães das fortalezas, e aos mais officiaes da justiça, que os não consintão passar, e aos passageiros Christãos que vierem em as embarcações em que vem os ditos escravos, o denunciem ao Prelado ou Vigairo, tanto que chegarem, e manda sob pena de excomunhão, e de sincoenta pardãos ao capitão, piloto, mestre do dito navio que não consinta desembarcar algum dos ditos escravos, até o fazer a saber ao Prelado ou Vigairo, e lhe dar rol delles com a declaração dos nomes dos mouros que os trazem; e pede a S.A. mande que em os cartazes, per que se lhes dá licença pera navegarem, entre as cousas que lhes prohibem em que não tratem, sejam escravos, salvo se sendo cativos de justo titulo os trouxerem às suas fortalezas, com obrigação de os venderem a Christãos, e não se achando

⁴²³ APO Fasc. 5, parte I, p. 390-2.

⁴²⁴ This issue would come back again during the 1590s, when Vice-Roy Mathias de Albuquerque ruled on baptized slaves owned by infidels who were not freed. See WICKI, José (ed.). *O Livro do “Pai dos Cristãos”*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1969, p. 235-6.

*Christãos que os compreem, a infieis vassallos de S.A. e não a outros. E assi que os infieis vassallos nam mandem vender seus escravos a outras partes de infieis, do que se seguem os inconvenientes ditos: e querendoos vender, sejam obrigados vendellos a Christãos, e não se achando Christãos, a outros infieis subditos de S.A.*⁴²⁵”

[Many infidel merchants (specially Moors) in this Province buy great numbers of gentile slaves in the parts where they go to trade, to make them Moors in their [merchants’] lands. Out of which Mohammad’s sect becomes larger, and with great numbers of slaves they [Muslims] become stronger than Christians. For that reason, the Synod commands that these slaves shall not pass through our lands, and by virtue of obedience fortresses’ captains and other justice officials must not allow them to pass, and Christian passengers of such ships where slaves are must report it [the situation] to the Prelate or Vicar where they arrive, and [the Synod] commands that under penalty of excommunication, and fifty pardaos to the captain, pilot, and master of the ship that does not agrees to disembark any of the said slaves, until the Prelate or Vicar is informed, and a list of the name of those Moors that bring them [slaves] must be submitted to them [Prelate or Vicar]; it [the Synod] asks Your Highness to, in the licenses [*cartaz*] given so they [Moors] may navigate, among other forbidden trading products may be included slaves, unless they [slaves], having been captured with legitimate titles, are brought to their [Portuguese] fortresses, to be sold to Christians. If there are no Christians to buy them [slaves], infidels vassals of Your Highness [may buy them], but anyone else. And thus, infidels vassals must not send their slaves to be sold to other parts of infidels, out of what said inconveniences would arise. If they [infidels vassals] wish to sell [the slaves], they must sell them to Christians, and if there are no Christians, then to other infidels vassals of Your Highness.]

Slave trading had very real consequences in terms of military power and capability – more slaves meant more manpower in conflicts. Given the long history up to the 1560s of battles between Muslims and Christians in Asia, unsurprisingly the clergymen at the Council were also concerned about the issue of military power derived from the slave trade. Reaching beyond slave trading networks which nodes ended in Portuguese ports, prelates wished to use the maritime jurisdiction exerted by the Portuguese crown to curtail slave traders who fed markets in adversary areas, namely Muslim ports. Effectively, this decree requests a change of policies in relation to foreign ships navigating in Portuguese-controlled waters, requiring that slaves should not be sent to Muslim areas. Monitoring should be entrusted to Portuguese captains and justice officials, while whatever Christians embarked in these ships should denounce human cargo addressed to ports other than Portuguese settlements. Moreover, it confirms the previous disposition, by determining

⁴²⁵ APO Fasc. 4, p. 18-9; *Bullarium...* p. 10; DHMPPPO, Vol. 10, p. 352-3.

that slaves sold in Portuguese fortresses and ports must be bought by Christians, and whenever it was not possible, by infidels loyal to the Portuguese crown. But, under no circumstances, slaves should be allowed to pass to areas where they could contribute to strengthen ranks of Muslim armies.

The following decree, number 18, refers to the specific case of slaves in Malacca, which posed a challenge for Catholic theologians in Asia.

“Em Malaca se tem visto, que muitos dos escravos infieis, que se vem fazer Christãos, se vão pera os mouros depois de baptizados, do que se segue descredito da nossa fé, e parece não virem os taes com recta intenção a receber o baptismo; pello que ordenamos que as mulheres, e moços de pouca idade (em que comumente não ha perigo de se baptizar com intenção de fugirem) fiquem forros; e os homens, em que pode aver o dito perigo, examinará o Bispo de Malaca, e vendo, que são pessoas, de que se espera perseverança na fé, os fará libertar, e em os que não vir sinaes do sobredito, mandará vender a pessoa virtuosas que tenham delles cuidado, e os doutrinem em a fé, e bons costumes, e não se darão os ditos escravos aquelles Christãos, a quem os senhores infieis os doarem, senão quando parecer ao Bispo, que são pessoas, que os tratarão bem. Porque se tem por informação, que por se vingarem de seus escravos convertidos, e fazerem que os outros se não convertão, os dão a pessoas que lhes dêem má vida.⁴²⁶”

[In Malacca, we have seen that many infidel slaves that come to become Christians, go back to the Moors after receiving the baptism, which entails much discredit of our faith. It seems they [slaves] do not come with right intention of receiving the baptism. For this reason, we command that all women and man of young age (to which normally there is no risk of receiving baptism [just] wishing to flee) be freed; and the men, to which there is such danger, will be examined by the Bishop of Malacca, upon seeing [in them signs of] being people who may persevere in the faith, will make them be freed, and upon those who do not show such signs, will order for them to be sold to virtuous people who may care for them, and indoctrinate them in the faith, and good customs. And said slaves will not be even to those Christians, to whom infidel masters may donate, unless it seems to the Bishop that they [Christians] are people who will treat them [slaves] well. Because we have been informed that, in order to take revenge on their converted slaves, and avoid others to convert, they [infidels] donate them [slaves] to people who give them [slaves] a bad life.]

⁴²⁶ DHMPPO, Vol. 10, p. 353-4.

As a field for conversions, the priests in Malacca preferred to focus on the conversion of slaves, not natives⁴²⁷. Father Jeronimo Fernandes, writing from the Malay port, says that in the period the Malays, who originally inhabited the Sultanate of Malacca, were barbarians, who lived entrenched in “uninhabitable woods”. Still, slaves were abundant. They used to be brought from a great number of nations, such as Java, Borneo, Siam, Pegu, Bengal, China, Sunda, Macassar, Timor, Solor and others. This, according to the missionaries, was proof of the enclave’s potential – Malacca could serve as an entrance door for the conversion of all these kingdoms, “some larger than Europe itself”⁴²⁸. An Augustinian chronicler writing at the end of the sixteenth century confirms that their brothers heard confessions, preached and converted many Malays, but especially “those bought by the Portuguese from the Islands of Java, Malacca and Moluccas”⁴²⁹.

Even so, the sheer number of different customs and social practices posed a huge challenge for the missionaries and their capabilities. The Jesuits would eventually require a theologian for the Malay port, in order to help solving cases of conscience and doubts related to contracts that could infringe religious and moral dogmas, although they seemed concerned more with unfair trading than evangelization⁴³⁰. Not only the variety of ethnic

⁴²⁷ Paulo Pinto attributes this to the fact that as Malacca was surrounded by Muslim sultanates the missionary penetration was difficult, rather being preferable to focus on continental kingdoms. PINTO, Paulo Jorge de Sousa. *Portugueses e Malaaios: Malaca e os Sultanatos de Johor e Achém 1575-1619*. Lisbon: Sociedade Histórica da Independência de Portugal, 1997, p. 148-9.

⁴²⁸ “*Esta terra quasi toda será de christãos; tem alguns jentios e mouros mercadores forasteiros. Não há nela converção de jente natural, por ser de matos inhabitavêis. Negros e jente cativa se faz muita christãa. Vem aqui muitos navios carregados deles da Jaoa, Borneo, Cião, Pegu, Bengala, China, Sunda, Macasá, Timor, Solor e outros muitos regnos, maiores algus deles que toda Europa. Por aqui poderão os charisimos [Padres e] Irmãos entender ser Malaqua porta pera as mais grosas misões e empresas que há na India, pois confina con todos estes regnos. Dalguns deles mandarão algus senhores pedir a esta casa Padres pera lhe ensinarem a lei de Deus e, por os não aver aqui nem em Goa, lhos não mandarão, dando-lhe algumas esperanças pera o ano.*” Jeronimo Fernandez to the Society of Jesus in Europe, Malacca, 2 december 1561, DI V, p. 312.

⁴²⁹ “*principalmente os que comprados pellos Portugueses das Ilhas de Jaoa, Malaca, e Maluco no q se fas m^{to} seruiço a Nosso S^{or}*”. JESUS. Félix de. *Primeira Parte da Chronica e Relação do Princípio que teve a Congregação da Ordem de Santo Agostinho nas Índias Orientais e da honra e gloria q seus primeiros fundadores naquellas p^{tes} cõ continuos trabalhos ganharão pera Deos nosso snõr na conuersão das almas..* Arquivo Nacional da Torre do Tombo, Manuscritos da Livraria, n. 731, f. 18v. Paulo Pinto also makes mention of this passage. PINTO, Paulo Jorge de Sousa. *Portugueses e Malaaios: Malaca e os Sultanatos de Johor e Achém 1575-1619*. Lisbon: Sociedade Histórica da Independência de Portugal, 1997, p. 148.

⁴³⁰ “*La cosa más necessaria en esta tierra es un Padre docto en los casos de conscientia, el qual supiesse no solamente responder a las dubdas, mas aun decidir y diffinir muchos casos nuevos, porque como a esta ciudad vengan de muchas regiones naves, como de la China, Japam, Maluco, Amboyno, Jaoa, Patane, Zunda, Bengala, Pegu y de la Yndia e de otras muchas partes, hállanse muy nuevos casos y contractos, y en los determinar se haria mucho fructo*” and “*Y ultra destas confiéssasse toda manera de jente que aquí viene para se confessar dessos chatines y tractantes y otros que lo no son, y a todos se procura sathazer y embiar consolados. Y como esta Malaca es una escala y puerto muy comum, que a todos los que para estas partes navegan les es necessario demandarle, porque de aquí van para la Sunda, Syón, Maluco, Anboyno, para la China, para Japom, y por ser hazia estas partes toda la fuerça de los tractos y lo más grueso dellos, occurren en las confessions, casos y dudas muchas y mui difficultosas que no se hallan puestos en particular por los doctores, ni se dexan fácilmente decidir e ynferir de las reglas communes,*

origins was an issue, but also the number of practices Portuguese merchants would adopt when trading in these waters.

At the time of the Goa Synod, the missionary approach based on slave conversion was failing⁴³¹. Slaves who regained their freedom at the baptismal font would seize the opportunity and run away to Muslim areas, discrediting Christian baptism – the efforts of missionaries translated as a strategy employed by captured Asians to gain freedom. The above decree represents the conclusion given during the Synod's discussions to the issue, which has to be read in comparison to the determinations of decree 16. While the earlier text determined the possibility of freedom for all converted slaves, decree number 18 determines that, for Malacca, there should be made a distinction between female and children, and male slaves.

As seen before, even when conceded, baptism was not a guarantee of automatic manumission. It could be a way to reclaim freedom, but only if the enslaved individual was considered a proper Christian. The fate of these baptized slaves, however, was usually enslavement under a Christian household. Decree number 18 reminds us of this reality in the last sentence – infidel merchants would sell converted slaves to bad Christian masters, in order to discourage new conversions among their human merchandise. Properly converted women and young males were freed, but adult males had to be evaluated by the Bishop of Malacca. Those who lacked qualities necessary to be a good Christian were to be sold to good Christian masters that could indoctrinate slaves and raise faithful, loyal converts. The need for a prelate to exam each case of slavery created a situation that would be solved only in 1585, when the Third Goa Council nulled this exceptional situation and unified practices regarding manumission of converted slaves – all properly converted slaves should be then freed⁴³². Considering the case of the 1567 Council, it is hard to accept that slaves recently arrived in Malacca could be evaluated fit for conversion, so we tend to believe that most of the enslaved individuals would have been put under the tutelage of Portuguese residents in the fortress⁴³³. After all,

porque, aunque los doctores tuvieron scientia, faltóles la experientia, ni podieron adivinar tantas adinvenciones en las cosas, como la malicia de los hombres cada día inventa." Christóvão da Costa to Diego Lainez, Malacca, 12 December 1562, DI V, p. 664 and 669.

⁴³¹ Even though this would keep being the approach assumed at least until the end of the sixteenth century: *"de los esclavos que de varias partes traen los portugueses a Malaca, por ser tan grande escala de la India y más partes deste Oriente, se baptizarán todos los años más de dos mil almas, con la doctrina y instrucción de los quales tienen los Padres bien que hazer, por la variedad de las lenguas que hablan."* Annual Letter of the Province of India, written by Pedro Martins in Goa, end of 1590. DI XV, p. 573.

⁴³² APO Fasc. 4, p. 135.

⁴³³ According to Valignano in 1577, the Portuguese population of the city was about 70 to 80 Portuguese households, plus two suburbs of native residents. By the end of the century, there were about 250 Portuguese *casados* and over 2000 slaves. MARINHO, Maria de Fátima; SOUSA, Ivo Carneiro de; TAVARES, Pedro; SILVA, Lurdes Marques da. *Coleção Gâmica III. Miscelânea – O Fascínio da Índia; Comércio e Ética Económica em Malaca; Prelados de Goa e Macau; Descolonização e Nacionalismo no Sudeste Asiático*. Porto: Faculdade de Letras do Porto, 1999, p. 135. Sobre população Portuguesa de Malaca, ver PINTO,

manumission could not mean instant economic independence. A freed slave could be still dependent on its former master's household, which leads us to believe that a change in the slave's status could have very limited practical effects for many of these individuals.

Slavery appears twice more in the 2nd Act of the Goa Council. Decree 38 deals with the problem of slave tutelage. The text reads as follows:

“Os Prelados e pessoas religiosas a que he encomendado receber os infieis, que vem pedir o baptismo pera os doutrinarem, alguns recolhem em suas cazas, outros por não poderem sustentar tantos o tempo em que se hão cathecizar, poem em cazas de pessoas virtuozas, para os sustentarem e doutrinarem, e em algumas partes as justiças seculares (a requerimento dos parentes ou senhores dos que se vem a fazer christãos) perturbão as taes pessoas, mandando-lhes que os não tenham, ou pedindo-lhes fiança, que em todo o tempo darão conta delles, e pagarão os escravos se lhes fugirem, donde se segue não os quererem aceitar; pelo que não são doutrinados, como convem. E porque isto redundá muyto em detrimento da fé, ordena a sancta Synodo que em tal caso as justiças seculares se não entremetão, e se algum se entremeter, os Prelados procesão contra elle com censuras ecclesiasticas, e outras penas que lhes parecer⁴³⁴.

[Prelates and religious people to whom infidels are commissioned, who come [to us] to be baptized and indoctrinated, some receive [infidels] in their houses, others, because they have no way to support so many during the time needed for conversion, they put [the infidels] in houses of virtuous people, to be supported and indoctrinated. But in some parts secular justices, at the request of relatives [of infidels] or masters of those [slaves] who come to become Christians, disturb said people, telling them to not receive them [the infidels], or asking them for guarantees, that they will care for them [infidels] during the whole time [needed for conversion], and will pay if the slaves run away, making many [Christian people] unwilling to accept them [infidels]. Because of it many are not indoctrinated, as they should be. And because it harms the faith, the holy Synod commands that in such cases secular justices do not interfere, and if any do interfere, the Prelates will enact ecclesiastical condemnations against them, and other punishments that may seem appropriate.]

The very concrete issue here addressed is how clergymen's interests would conflict with slaves' masters and infidels' relatives who did not wish for their bondmen and kin to be converted. When priests and missionaries could not support aspiring converts they would entrust them to other Christians, but the problem was that original

Paulo Jorge de Sousa. *Portugueses e Malaiois: Malaca e os Sultanatos de Johor e Achém 1575-1619*. Lisbon: Sociedade Histórica da Independência de Portugal, 1997, p. 230.

⁴³⁴ DHMPPO, Vol. 10, p. 363.

owners of such slaves or family members of these individuals would use legal means to be compensated. Having a slave out of one's household or a relative taken away impelled these people to search for Portuguese secular justice in order to intervene and obtain guarantees. The Council decides that no secular justice should interfere with their business, and those who did would face ecclesiastical justice and all the social and political consequences that a punishment given by a Bishop or Archbishop could entail.

The last mention to slavery on this section of the Council's minutes is decree number 40. It states the following:

“Porque alguns infieis trazem aos portos e terras deste Estado, e de sua conquista e comercio, muytos escravos, dos quaes alguns christãos, injustamente cativos, como são Abexins, Charqueses, Jorgins⁴³⁵, Armenios, e doutras nações, e os fazem mouros, e delles vendem assy a fieis como a infieis, do que se segue muito desserviço de Deos, e detrimento de nossa sancta fê; ordena a Sancta Synodo que os prelados e Vigarios tenham muyto cuidado de examinar os ditos escravos, que se acharem em nossas terras, ou entre nós, nos lugares em que temos comercio; e, achando entre elles alguns christãos, os tirem de poder de seus senhores, ainda que fieis, e os mandem instruir na fê, conforme a necessidade que disto tiverem, e procurem que as justiças seculares os restituão a sua antiga liberdade.⁴³⁶”

[For many infidels come to ports and lands of this *Estado [da Índia]*, and its conquests and commerce⁴³⁷, and bring some Christians, unfairly enslaved, such as Abyssinians, Carcassians, Georgians, Armenians, and people from other nations, and make them Moors, out of what there is much disservice to God, and in detriment of our holy faith. The Holy Synod commands Prelates and Vicar to be very careful when examining said slaves that come to our lands, or [are] among us, in the places where we have commerce. And if any Christian is found among them [slaves], they must be taken away from their masters, even if they are Christians, and command that they [slaves] may be instructed in the faith, according to the need they may have, and search for secular justices to restore their freedom.]

The issue of non-Catholic Christians in Asia was a complex one. The First Goa Synod decided that, if any of these schismatic was to be found among slaves, they should be freed, and put under supervision of a Christian tutor (as decree 38 indicates, this could

⁴³⁵ Christians from Georgia. See WICKI, José (ed.). *O Livro do “Pai dos Cristãos.”* Lisbon: Centro de Estudos Históricos Ultramarinos, 1969, p. 23.

⁴³⁶ DHMPPO, Vol. 10, p. 364.

⁴³⁷ That is to say, territories and waters controlled by the political institution that was the *Estado da Índia*.

be the Prelate's house or a laymen's residence). This was a temporary solution for an issue that would be recurrent in following synods in Goa.

The issues dealt in this section of the Goa Council's minutes are a strong reminder of slavery as a temporary status. According to the indications presented by the missionaries and prelates in India, slavery can thus be understood as a stage in the process of transformation from infidel to Christian. Captured infidels, brought to Portuguese-controlled territories and fortresses, had conversion as a possibility to change their situation. Furthermore, clergymen envisioned and designed it as a stage before Christianization and social assimilation. This is what Stephen Greenblatt referred as "liberating enslavement", that is to say, enslavement with a human face, undertaken in the interests of the enslaved⁴³⁸. But looking from the perspective of the enslaved individual, it was not only the possibility to free oneself from enslavement – it was a chance to acquire stability as a converted individual, a loyal subject to God and the Portuguese crown, in comparison to the instability represented by life as an infidel outside of the *Estado da Índia*. Conversion, in this sense, must not be understood as a simple change of religious practices and beliefs – it represented a personal rearrangement, certainly social and political, maybe economically speaking.⁴³⁹ One could reconstruct – or refashion – himself not only religiously, but morally and politically following one's insertion into Portuguese colonial societies via tutelage received in Christian households, thus acquiring new political and social skills. If one considers slaves as victims, this process can be seen as involuntary or imposed refashioning. However, if we consider their human capabilities to survive, this was most certainly an example of strategical refashioning. These were not victims resisting overwhelming authority, but people struggling against imposed odds, who saw in conversion a possibility to adapt to the circumstances.

Reforming the Church and mores

After discussing the relation between conversion and slavery, the prelates and missionaries had a wide range of other challenges to deliberate on – mistreatment of enslaved individuals was one of them. The 3rd Act of the First Goa Council, which deals

⁴³⁸ GREENBLATT, Stephen. "Marvelous Possessions". In: PAYNE, Michael (ed). *The Greenblatt Reader – Stephen Greenblatt*. Oxford and Malden, MA: Blackwell Publishing, 2005, p. 96.

⁴³⁹ Patrícia de Souza Faria also draws attention to the importance of life experiences and external elements in the formation of slave identities. See FARIA, Patrícia de Souza. "Cativos asiáticos nas malhas da Inquisição: mobilidades culturais entre o Índico e Portugal (séculos XVI e XVII)." In: *Mestiçagens e globalização. Japão: identidades que se cruzam. Passado, Presente e Futuro, 2015, Tóquio, vol. 1*. Tokyo: Tokyo University of Foreign Studies, 2015.

with the reformation of Catholic Churches' affairs in Asia, mentions slavery only once. Decree number 32 states that:

“Sendo informado o Concilio que alguns senhores descuidados em ajudar as almas de seus escravos defunctos, conforme a sua obrigação, os não mandão enterrar como convem, nem dizer por elles algumas missas: manda que todo o senhor, a quem morrer algum escravo, lhe mande dizer tres missas, e o faça saber ao cura de sua freguezia, pera que o acompanhe, e enterre conforme aos custume dos fieis; isto todavia não haverá lugar, quando os senhores forem tão pobres, que o não possam fazer.”⁴⁴⁰”

[Being the Council informed that some masters careless in helping the souls of their deceased slaves, to which they are obligated, do not order burials as they be, nor messes in their [slaves] names. [The Council] commands that every master whose slave dies shall order three messes [in the name of the deceased slave], and inform our parish's priest to accompany him [the body], and bury him according to the faithful's custom. However, this shall not be the case when masters are so poor that they cannot do so.]

Regulating burials to follow the Church's dogmas was crucial for the Synod, and slaves were included in the discussions here as well. The Council, however, understood that not every master was able to order messes for their slaves or proper burials, so exceptions were possible, making it a non-binding decree.

Act 4's decisions represent the most significant material for our research. Dedicated to the reformation of customs, the 4th and last part of the Goa decrees of 1567 presented the main issue of legitimacy regarding enslaving practices and determined how it should be addressed by the clergy before the holding of the second edition of the gathering, schedule for 1571. The first mention to slavery is on the 4th decree, and it reads as follows:

“Por se ter por informação que algumas pessoas, com pouco temor de Deos, vendem os moços da terra forros que lhes dão pera se servirem delles: ordena o Concilio que o Pae dos christãos tenha hum livro, em que escreva os nomes dos taes moços, e das pessoas a quem se dão, e o tempo em que lhes forão dados, pera sempre se saber delles: e manda a toda a pessoa que souber quem commette este delicto, o denuncie ao Prelado pera nisso prover, e reserva aos ordinarios a absolvição deste peccado.”⁴⁴¹”

[We have being informed that some people, with little fear of God, sell freed native young men [moços da terra forros] that are received to be their

⁴⁴⁰ DHMPPO, Vol. 10, p. 380.

⁴⁴¹ DHMPPO, Vol. 10, p. 384.

servants. The Council commands the Father of Christians [Pai dos Cristãos] to have a book, where he will write the name of such young men, and those who receive these young men, and the time when they were given, to always be aware of their fates. And [the Council] also commands that every person who knows who commits such offense, to report [them] for the Prelate to act, and [the Council] reserves to the ordinary the absolution of this sin.]

Among the many ecclesiastical offices in the Portuguese territories, one of the most distinguished was the so-called Pai dos Cristãos [Father of Christians]⁴⁴². Priests nominated for such office were responsible for looking for newly-converted Christians and aspiring candidates to conversion, as well as settle small claims. Their privileges were many, even though they varied greatly among different Portuguese settlements. The present decree refers to converted Asians. They were given to Christian households, who could enjoy their services as retainers and domestic servants. However, as pointed by the decretal text, many of these household would sell the converts as slaves, even though they were free individuals. If this was a situation of re-enslavement, it is possible that these were former slaves who had regained their freedom through conversion and put under tutelage of Christian households. The Council determined that the *Pai dos Cristãos* would be responsible with listing and keeping track of such converts. The prelates also exhorted those who knew of such cases to denounce the households. The text attests to one of the many enslavement practices that were not considered legitimate and resulted in prejudice to the evangelization.

The next decree, on the other hand, refers to excessive corporal punishment dispensed by masters to their slaves. Decree number 5's text is as follows:

“Algumas pessoas castigão nesta Provincia tão cruelmente seus escravos que os matão, e uzão com elles de outras injustiças: manda que nenhum daquy por diante os castigue com fogo, nem com rota, ou com outros castigos extraordinarios, polo perigo que nestes castigos ha, e assy manda a toda a pessoa que souber de outrem que os castiga excessivamente, o denuncie ao Prelado, e que nenhum mande trabalhar seus escravos aos Domingos e sanctos, nem recebão delles preço em os taes dias, nem lhes mande pagar as couzas que lhes perdem, ou em caza lhe quebrão, porque com isto lhes dão grande occasião de peccados, e encomenda aos senhores que adoecendo-lhes seus escravos os curem bem corporalmente, e fação com que tomen os sacramentos que devem tomar,

⁴⁴² The *Pai dos Cristãos* was originally a secular office created in 1530 that ultimately was expropriated by the clergy. See ŽUPANOV, Ines G. *O Império Oriental, 1458-1665 – A religião e as religiões*. Unpublished, available at <http://www.ineszupanov.com/publications/HIST%D3RIA%20DA%20EXPANS%C3%20PORTUGUESA%202001.pdf>, accessed in 25 August 2017, p. 16. Sebastião Dalgado suggests that, in Goa, the office was exclusive to the Society of Jesus. DALGADO, Sebastião Rodolfo. *Glossário Luso-Asiático Volume 2*. Coimbra: Imprensa da Universidade, 1921, pp. 139-40

*lembrando-se de sua obrigação, e da conta que a Deos hão-de dar, fazendo o contrario.*⁴⁴³”

[Some people in this Province punish so cruelly their slaves that they are killed, and inflict on them [slaves] other injustices [as well]. [The Council] commands that from now on no [person] shall punish with fire, nor club, nor any extraordinary punishments, because of the danger there is, and so commands every person that knows of others who punish excessively, to denounce [them] to the Prelate, and [commands also] that no one shall send your slaves to work on Sundays and Holy Days, nor receive from them money on said days, nor ordering them to pay for things that they lose, or break in the house, because these give them great opportunities to sin. And [the Council] asks the masters that when your slaves are sick, they must be well healed, and make them take the sacraments they must take, remembering of your obligation, and the explanations you shall give to God, if you do the opposite.]

Cruelty towards slaves was a constantly debated issue in the colonial societies. Even though our contemporary image of slavery is of a permanent state of cruelty towards enslaved individuals, it seems that the reality may have been a little different. Corporal punishment was definitely accepted and internalized, but excessive cruelty was passive of condemnation, be it as a moral issue or a political one. This decree is a reminder to masters of the obligations they had towards the slave, in other words, slavery itself was envisioned by the clergymen as a relationship where the master should take care of the slave, in benefit of the enslaved individual⁴⁴⁴. According to ideals of evangelization in Asia, they were supposed to be tutors, mentors to potential Christians, especially in the case of Asia, where slavery was usually limited by a number of servitude years. The decree also gives us details not only on methods of punishment (fire and clubs), but it also indicates when slaves should rest. Resting on Sundays and Holy Days should comprise not only of an exemption from work in the master’s house, but also in a general form. The Synod alerts that masters who insisted on putting their slaves to work would have to explain themselves to God in the afterlife.

Decree number 6 deals with last wills and testaments. The text reads as follows:

“Porquanto alguns testadores deixão em seus testamentos escravos forros em parte, e por as pessoas que nelles tambem tem dominio não consentirem na tal aforria [sic], se não põem logo em sua liberdade: o que não pode ser sem peccado, por ser contra direito, e contra a intenção dos testadores, os quaes

⁴⁴³ DHMPPO, Vol. 10, pp. 384-5.

⁴⁴⁴ EISENBERG, José. *Op. cit.*, p. 16. Aquinas’ idea of *dominium* included the power exerted by fathers toward their children, a relationship under which the father was supposed to look for the child and his or her well-being.

*commumente os deixão forros, pela probabilidade que tem não serem captivos de bom titulos: declara o Concilio que os taes devem logo ser postos em sua liberdade conforme a derecho.*⁴⁴⁵”

[As some testators declare in their wills slaves to be freed in part, and because people who also have dominance over them do not agree on said manumission, they are not immediately freed. And that cannot be without sin, for it is against the Law, and against the testators’ will, that usually leave them [slaves] free, because of the possibility that they were not enslaved legitimately. The Council declares that said [slaves] must be freed according to the Law.]

The issue of *dominium*, or possession of the slave as a property, is once more brought to the discussion table. By freeing the slave on their wills, dying Christians could resolve their set things up on Earth before facing God’s judgement. That was specially a deep concern for Portuguese in Asia, who faced the constant problem of illegitimate slavery – how could they be really sure about the legitimacy of the slaves they held home? To solve the issue, it was usual for many to set free their slaves on their wills, a practice that was, as indicated by this decree, met with contempt by some of the inheritors. Relatives who could inherit the slaves would refuse to let them free, so the Council decided to reiterate the need of manumission on the master’s deathbed.

The next decree, the 9th of the 4th act, is not directly related to slavery, although slaves are mentioned. The decree reads:

*“Dezendo o Concilio dar remedio a muitos que, por proveitos temporaes, com grande detrimento das suas almas, se vão a terras de infieis, como a Cambaya, Bisnaga, Bengala, e outros lugares e portos, e lá andão muitos annos, sem receberem os Sacramentos, nem ouvirem os officios divinos; encomenda muyto aos Prelados, dem ordem, como os taes tornem ás suas freguezias, pera receberem os Sacramentos, e pera isso os constringão com penas que be lhes parecer, e tragão seus criados e escravos consigo, limitando-lhes tempo conveniente, em que devão tornar, conforme as partes em que andão, e qualidades das pessoas, como em o Senhor lhes parecer mais conveniente; e a ordem, que nisto derem, tragão ao futuro Concilio, pera se tomar a ultima rezolução neste caso.*⁴⁴⁶”

[Wishing to bring remedy to many who, searching for temporal gains and in great detriment of their souls, go to infidels’ lands, such as Cambay, Vijayanagara, Bengal, and other places and ports, and spend there many years, without receiving Sacraments, nor listening to divine offices, the Council strongly

⁴⁴⁵ DHMPPO, Vol. 10, p. 385.

⁴⁴⁶ DHMPPO, Vol. 10, p. 386.

recommends the Prelates to order such [people] to come back to their parishes, to receive the Sacraments, and for such they must compel them with punishments deemed best, and [these people] shall bring their servants and slaves with them, setting them enough time, that they should be back, in accordance to the places where they are, and the qualities of said people, as it is most convenient to the Lord. And the order given [by the Prelates] must be brought to the future Council, so a last solution may be given to this case.]

Portuguese merchants, soldiers, former officials and other who would be absent of territories controlled by the Portuguese crown in Asia for long periods were among one of the concerns of the Council regarding the state of Christianity in the *Estado da Índia*. The 9th decree here cited offers a solution to the issue: Prelates would threaten those who would not come back to their parishes, from Northern India, Bengal and other areas, with ecclesiastical punishments. The mention of servants and slaves accompanying these Portuguese is an interesting point – given the Council’s concern with enslavement legitimacy, the goal must have been to evaluate slaves’ statuses. This concern is made clear when reading decree number 9 with the next decision of the Synod.

Expanding notions of slavery

During the European expansion of commercial and territorial frontiers started, foreign conceptions of labor were measured according to European standards. Zeron is particularly precise in his reading:

*“(...) a diversidade dos povos periféricos, de seus costumes e modos de organização política são medidos e confrontados com a lei europeia-cristão, apresentada a priori como idêntica e válida para todos.”*⁴⁴⁷

[The diversity of peripheral peoples, their customs and modes of political organization, are measured and confronted against the European-Christian law, presented at first as basically identical and valid for all.]

However, the process unarguably entailed transformations concerning notions of slavery and servitude. The importance of the First Goa Synod regarding slavery resides on the fact that the gathered prelates and theologians recognized these expanded ideas and were forced by circumstances to promote changes in the original causes and norms related to the legitimacy of enslavement. It also evoked the idea that legitimate titles and proofs were needed when slaves were brought to Portuguese-controlled areas. In that

⁴⁴⁷ ZERON, Carlos Alberto de Moura Ribeiro. *Linha de Fé: A Companhia de Jesus e a Escravidão no Processo de Formação da Sociedade Colonial (Brasil, Séculos XVI e XVII)*. São Paulo: Edusp, 2011, p. 191.

sense, decree number 10 of the 4th Act is probably the most important passage from the First Goa Council's records for our purposes in this thesis. Slave legitimacy and the need for legitimate titles of enslavement are discussed and defined by this decree. The text reads as follows:

“Por se entender que nesta Provincia ha muitos escravos mal captivos, com grande detrimento das almas, assim dos que os trazem de suas terras, como dos que os possuem; querendo o Concilio dar-lhe remedio, se informou dos modos com que os captivão, e achou por informação de muytas pessoas, das que commumente os trazem de suas terras, serem quasi todos os escravos destas partes (principalmente das que estão desta cidade de Goa pera o Sul) mal captivos, em tanto que das vinte partes, duvidão serem as quatro de bom captiveiro: e pera que os senhores se não percão por ignorancia (deixados outros modos, per que alguma pessoa pode ser bem captiva) declara conforme a informação que se tomou, que nestas partes, por cinco casos somente, pode haver captivos. O primeiro quando alguma pessoa he filho de escrava: o segundo, sendo tomada em justa guerrra por seus inimigos: o terceiro, quando algum, sendo livre, se vendeo, concorrendo as condições declaradas em dereito, as que são conforme a ley natural: o quarto, quando o pae, estando em extrema necessidade, vendeo o filho: o quinto, se em terra do tal captivo, houvesse alguma ley justa, que mandasse captivar, por razão de algum delicto, a seus transgressores.

E constando ser algum dos escravos captivos por qualquer destes titulos, com boa consciencia [o] podera seu senhor possuir; e pelo contrario, constando não ser captivo por algu delles, he o senhor obrigado po-lo em sua liberdade; e não sabendo de que maneira foi captivo, ora [o] ouvesse da mão da pessoa que o trouxe de sua terra, ora de qualquer outra, ainda que fosse português, pela muita probabilidade que ha de quasi todos serem mal captivos, conforme a informação dita, encomenda aos senhores muito, que os possuem, examinem com diligencia o principio do captiveiro de seus escravos, e o mesmo exame encomenda aos confessores que fação com seus penitentes, e não alcançando de que titulo forão captivos, assy polo favor que (in dubiis) á liberdade se deve, como pela probabilidade que ha de pela maior parte serem furtados, e mal captivos, e que os senhores estão em perigo provavel de suas consciencias (quoniam qui amat periculum peribit in illo), lhes encomenda se inclinem a favor da liberdade, conforme a informação que do caso acharem: e manda que nenhuma pessoa, daqui por diante, traga os taes escravos de suas terras, não sabendo que são captivos por algum dos ditos titulos.⁴⁴⁸”

⁴⁴⁸ DHMPPO, Vol. 10, pp. 386-8.

[Understanding that in this Province there are many badly enslaved [mal captivos] slaves, in great detriment of souls, both of those who bring them [slaves] from their lands, as of those who own them [slaves]. Wishing to remedy this [situation], the Council was informed of how they [slaves] are captured, and found out from information given by many people, who normally bring them [slaves] from their lands, that almost all slaves of these parts (especially those that are from the city of Goa to the South) badly enslaved, so many that out of 20 parts, there is doubt that four may be of good enslavement. And in order that masters do not lose themselves because of ignorance (aside other ways, in which a person can be benignly captured), [the Council] declares according to the consults taken, that in these parts, there are only five cases under which one can have slaves [captivos]. First, when some person is born to a female slave; second, being taken in a just war by one's enemies; third, when someone, being free, sells oneself, following conditions declared by law, according to natural law; fourth, when a father, being in extreme necessity, sells his son; fifth, if in the land of said slave, there is a just law that commands its transgressors, because of some offense, must be enslaved.

And by confirming that some of the slaves enslaved for any of these reasons [títulos], with good conscience may his master own [him]. On the other hand, if it is not enslaved by any of these reasons, the master is obliged to set him free, were [the slave] obtained from the person that brought him from his land, were in any other way, even if [the trader] was Portuguese, because of the great probability that almost all [of the slaves] are badly enslaved, according to said consultation. [The Council] strongly recommends masters, that own them [these slaves], to exam diligently the principle of their slaves' captivity, and the same exam is recommended to confessors with their penitents, and if the captivity's reason is not found, given that, in doubt, the inclination one must have towards freedom, as by the probability that for most of them they must be kidnapped, and badly enslaved, and that their masters are in possible danger of their consciences, [the Council] recommends to favor freedom, according to the information that may be found in said case. And [the Council] commands that no person, from now on, bring slaves from their lands, without knowing if they are captives by any of said titles.]

One of the greatest concerns of the Council towards slavery was how these individuals became slaves. It was a very delicate issue, filled with ambiguities that could have greater political implications that go beyond the realm of rhetoric. Religion, as the language of politics, was essential for social recognition and status. Thus, distinguishing acceptable ways under which individuals could or could not be enslaved was fundamental to understand some of the politics of colonial societies, as well as to allow legitimate prestige and gain of status by individuals who inflated their groups of retainers by the acquisition of enslaved men and women. The first assertion of the Council regarding

enslavement practices is that almost all slaves in India and surrounding areas of the Portuguese-controlled territories were not enslaved under acceptable conditions. The text suggests that out of every 20 slaves, only four, if any at all, were legitimate slaves.⁴⁴⁹ That would be particularly true for slaves brought from those areas known collectively as “the South”, which in Portuguese India corresponded to all regions from Malacca to the East, including China, Japan, Timor, and Moluccas, among others.

Here, it is interesting to notice the language used by the text. When it states that there was a greater probability of those enslaved being illegitimate slaves, it is in fact ruling that between the two available options, legitimate and illegitimate slaves, the latter was the safest to choose. As it was common in this period, ecclesiastical authorities were in fact reiterating the preeminence of the principle of Tutorism, that is to say, between two choices, the safest alternative should be chosen.⁴⁵⁰ Thus, any doubt regarding the legitimacy of slaves in Asia was to be judged from the principle that the chances of them being illegitimate slaves were far greater than the opposite. As a result, they were to be assumed to be, at first, illegitimate. This presumption of illegitimacy is key to understand how the First Goa Council would adopt and enforce the practice of examinations and the need for documentation certifying the legitimacy of one’s slave.

Next, the Council defines five ways under which individuals could be properly enslaved: heredity; just war; volunteer servitude; transferred dominance from father to master; and, last, punishment by local just laws. These were definitions given as a first assessment of the issue, since slavery remained an unresolved question for the next Synod.

Heredity was not a new item on the list of accepted enslavement methods. Portuguese colonial societies observed the Roman legal principle *partus sequitur ventrem*, that is to say, social status would be inherited by a child from its mother. If the mother was a slave, the child would also be a slave. That was the most basic form of identifying a legitimate slave. Nevertheless, it also meant a new question: the legitimacy of the mother’s enslavement. If there were difficulties identifying single men and women as legitimate slaves, correctly pointing a legitimately enslaved woman could have multiple effects regarding the female slave’s progeny. García-Añoveros explains that not only civil law, but all the contemporary authors accepted unanimously this norm⁴⁵¹.

⁴⁴⁹ This number was repeated by Francisco de Sousa, who adds: “*pareceme demasiado rigor entre outros, que nas terras, onde reyna a Ley de Christo, nação cativos os filhos dos Christãos, particularmente sendo tão incertos os titulos dos cativeiros dos seus pays, que se bem examinarem, apenas as quatro partes das vinte serão de titulo justo, como diz o primeiro Concilio Provincial de Goa, Acção quarta, Decreto dez.*” SOUSA, Francisco de. *Op. cit.*, pp. 117-8.

⁴⁵⁰ KIRK, Kenneth E. *Some Principles of Moral Theology and their application*. London: Longmans, 1920, p. 197.

⁴⁵¹ GARCÍA-AÑOVEROS, Jesús. *Los argumentos de la esclavitud*. Digital document available at <<http://www.larramendi.es/es/consulta/registro.cmd?id=1137>>, 2000, p. 18 and 85 [accessed in 21 October 2013].

The second way an individual could be legitimately enslaved was just war. The different notions and ideas regarding justice of war have been discussed by us before. For the First Goa Council, when referring to Portuguese captains in Bengal, wars were not to be declared without license from the vice-roy. If utterly necessary, captains should consult most of the merchants in the region before declaring war⁴⁵². The reason was the danger that captains and officials were not able to evaluate properly only by themselves the justice of war, and that the assistance of higher instance was crucial for these matters. For the prelates, justice in wars was defensible only if the promoted conflict was aimed at defending Catholic faith and to curb enemies of Christianity. However, as pointed by António Vasconcelos de Saldanha, during the sixteenth century Portuguese kings and ecclesiastical authorities ignored the call of jurist Alberico Gentili, who exhorted Theologians to not interfere with questions such as the justice of war. The issue of just war was constantly debated between these specialists and laymen politicians in the Portugal of the 1500s⁴⁵³.

The third enslavement method recognized by the Synod was volunteer servitude, that is to say, when an individual sold himself into slavery. According to the decree, this was to be recognized as far as legal conditions were fulfilled. Even though the text do not clarifies which conditions they were, we can recur to historical legislation for a view of what was required for an individual to sell himself into slavery. This kind of transaction was defined by *Las Siete Partidas* [The Seven Parts], the legal code compiled during the reign of Castilian King Alfonso X. According to the fourth *Partida*, anyone could sell him or herself into slavery if: 1) he or she freely agreed with being enslaved; 2) he or she received part of the agreed price; 3) the individual was aware of his or her own freedom; 4) the buyer believed the servile condition of the enslaved individual; and 5) the sold person was 20 or more years old⁴⁵⁴. Even though the code was compiled in Castile, these fluid notions influenced Portuguese ideas of slavery and servitude. Silvestro Mazzolini also defined similar conditions for these transactions⁴⁵⁵. Also, as pointed by García-Añoveros, the idea that someone could sell himself to slavery was admitted also by the Old Testament, as well as Common Law. Furthermore, authors of the period such as

⁴⁵² Act 4, Decree 24, in DHMPPO, Vol. 10, p. 393. D. Gaspar de Leão, in his religious dialogue *Desengano de Perdidos*, points out that the process of waging war demanded long consideration according to reason and law, and it was to be regarded a last resort when laws and sentences were not enough to convince one of the parties. See SALDANHA, António Vasconcelos de. *Iustum Imperium – Dos Tratados como Fundamento do Império dos Portugueses do Oriente*. Lisbon: Universidade Técnica de Lisboa, Instituto Superior de Ciências Sociais e Políticas, 2005, p. 183.

⁴⁵³ SALDANHA, António Vasconcelos de. *Op. Cit.*, pp. 183-4.

⁴⁵⁴ GARCÍA-AÑOVEROS, Jesús. *Op. cit.*, p. 85. See also Partida 4, 21, 1. Luis de Molina would add another condition for these negotiations – that the individual agrees to be sold by a third party. MOLINA, Luis de. *De iustitia et iure... t. I, tract. II, disp. 33, nn. 15-20*.

⁴⁵⁵ *Summa Silvestrina*, verbo *De servitate, et servo*, 3.

Bishop Antonini of Florence, Fernando Vázquez de Menchaca, Domingo de Soto⁴⁵⁶ and Pedro de Sotomayor also recognized these transactions⁴⁵⁷.

The fourth enslavement method declared legitimate by the Synod in Goa was when a father who, forced by extreme necessity, had to sell his children as slaves. This meant in practice that the father, who had control of life and death (*ius vitae necisque*) over his children, could in effect transfer this power to a third party via a commercial transaction. This issue was not a problem exclusive to the prelates and vicars in India. Almost at the same time of the Council in Goa, Manuel da Nóbrega and Quirício Caxa, two Jesuit missionaries in Brazil, were debating on the legitimacy of volunteer servitude among natives in the Portuguese part of South America. When the two missionaries debated whether cases of volunteer slavery in Brazil were really the result of extreme necessity, they went into further analysis of concepts such as “extreme necessity” against “great necessity”, how it related to the cases of poverty witnessed in South America and decisions taken by the Board of Conscience and Orders in Portugal⁴⁵⁸. However, there is no documental evidence of priests in India that went through such deliberations – apparently, the Council preferred rather to favor simple solutions and general guidelines in face of the enormous challenge posed by the huge variety of social practices and laws in Asia. This kind of transaction was also present in the Bible, although the passage in Exodus 21:7 refers to a father selling a daughter, not a son. Roman law condemned it at first, although it was later accepted to sell newborns and even older children in cases of

⁴⁵⁶ Domingo de Soto (1494-1560) was born in Segovia and became one of the most prominent figures of the juridical and philosophical thought of the sixteenth century. Disciple of Francisco de Vitoria, Soto studied in Alcalá de Henares and Paris, and became one of the most influential figures of the University of Salamanca. Dominican, he also participated in the Council of Trent as imperial theologian in the name of Carlos V. Was responsible among others for the renewal of medieval scholastic, revisiting authors such as Aristotle and Aquinas to approach modern questions. His most influential work is certainly *De iustitia et iure*, first published in 1557, which inaugurated a new genre of moral theology, consisting of an independent exposition on problems related to justice, departing from the tradition of commentaries to Aquinas. HILL, Benjamin. “Domingo de Soto”. In: LAGERLUND, Henrik (ed.). *Encyclopedia of Medieval Philosophy: Philosophy between 500 and 1500*. London and New York: Springer, 2001, pp. 271-4; DÍAZ, Gonzalo Díaz. *Hombres y Documentos de la Filosofía Española VII S-Z*. Madrid: Consejo Superior de Investigaciones Científicas, 2003, pp. 363-371; ALONSO-LASHERAS, Diego. *Luis de Molina’s De Iustitia et Iure: Justice as Virtue in an Economic Context*. Leiden, Brill, 2011, p. 33.

⁴⁵⁷ ANTONINI. *Summae sacrae theologiae, iuris pontifici, & Cesarei, pars prima [-quarta]..* Venice: Bernardum Iuntam & Socios, 1571; SOTO, Domingo de. *De iustitia et iure libri decem*. Salamanca: Andrea de Portonariis, 1553, Lib. IV, q. 2, art. 2, p. 280-1; VÁZ UEZ DE MENCHACA, Fernando. *Controversium illustrium libri tres*. Venice: , 1564, lib. I, cap. 9, n. 10, f. 36v; SOTOMAYOR, Pedro de. *Utrum homo homini Dominus esse possit*. in PEÑA, Juan de la. *De bello contra insulanos. Intervención de España en América*. Madrid: Consejo Superior de Investigaciones Científicas, 1982, Vol. IX, pp. 606-9. Sotomayor’s original manuscript is in the Vatican Library, Ottob. Lat. 397, ff. 70v-73. Pedro de Sotomayor (1511-1564) succeeded Domingo de Soto in the University of Salamanca and left many manuscripts on Theology. On Pedro de Sotomayor, see DÍAZ, Gonzalo Díaz. *Hombres y Documentos de la Filosofía Española VII S-Z*. Madrid: Consejo Superior de Investigaciones Científicas, 2003, p. 375.

⁴⁵⁸ EISENBERG, José. *Op. cit.*, pp. 12-33.

extreme poverty, as far as it was well documented and a proper price paid⁴⁵⁹. As García-Añoveros indicates, civil law also admits that, in cases of extreme necessity, fathers could sell their children. These transactions could, in fact, be reverted, by returning the same amount paid when the child was sold or by delivering another slave in place of the enslaved child⁴⁶⁰. Authors of the period also commented on this enslavement method. The Dominican Tomás de Mercado, in his *Suma de tratos y contratos* (published the first time in 1571), condemns such acts in his work when referring to the slave trade carried by the Portuguese in Africa, classifying it as brutal and “beast-like”. Mercado also reminds that such practice was unheard of in the Christian world⁴⁶¹. Bartolomé Frías de Albornoz also had condemned it. However, Mercado defended that in cases of extreme need, the sell and subsequent enslavement could be legitimate. Frías de Albornoz in turn considered it always unfair and illicit. The licentiate from Talavera, who would also live in Mexico for a period, could not understand how such practice could be admitted in Africa, while it was already forbidden in the Christian world⁴⁶².

The last enslavement method approved by the Council was captivity as resulting from a punishment according to a local just law. There is no clear definition in the text of the synod concerning what criteria were used to define as just local legislation, and which laws should be respected by Portuguese laymen and clergymen in territories out of the crown’s jurisdiction. There are some indications, however. For example, on Act 2, decree number 19, the prelates mention that infidel kings used to take away goods and properties of vassals who wished to convert to Christianity, which was seen as “*grande impedimento a conversão*” [great impediment to conversion]. The laws used by these local kings to do so were classified by the Council as “*injustos títulos*” [unjust titles]⁴⁶³. Therefore, it would be safe to assume that, as far as it concerned the authorities at the Synod, all local legislation put in place by Asian rulers which represented an impediment to the evangelization or menaced converted individuals in any measure were to be seen as unjust. By simple opposition, legislation enacted by those who favored Christianity, regardless they were themselves converts or not, should be seen as just and fair.

Thusly, justice regarding local legislation depended strictly on the relationship established between the ruler and Christianity. The relationship could be established on

⁴⁵⁹ BUCKLAND, William Warwick. *Op. cit.*, pp. 420-2. Also, as noted by Guilherme Braga da Cruz, when a child sold by the father and enslaved regained freedom, he or she would automatically return to the father’s *dominium*. See CRUZ, Guilherme Braga da. *Obras Esparsas Volume I Estudos de História do Direito, Direito Antigo 1ª parte*. Coimbra: Universidade de Coimbra, 1979, p. 150.

⁴⁶⁰ GARCÍA-AÑOVEROS, Jesús. *Op. cit.*, p. 85.

⁴⁶¹ MERCADO, Tomás de. *Summa de tratos y contratos*. Seville: Casa de Fernando Díaz, 1587, Lib. 2, cap. XX, ff. 103-4.

⁴⁶² MERCADO, Tomás de. *Idem*; and FRÍAS DE ALBORNOZ, Bartolomé. *Arte de los contractos*. Valencia: Casa de Pedro de Huete, 1573, f. 130v.

⁴⁶³ The decree reads: “*Custumão nestas partes os Reis infieis tomar as fazendas a seus vassallos, ou demandar-lhes com injustos títulos, tanto que sabem querem-se converter; o que he grande impedimento a conversão.*” DHMPPPO, Vol. 10, p. 354.

three forms: first, how the ruler treated missionaries that would be eventually present in his or her domains; second, how said ruler treated local converts or candidates for the baptism, as in the issue dealt by the decree aforementioned; and last, how said ruler's acts and policies were interpreted in light of Christian values, which would eventually refer to the first and second forms of relationship.

Regarding this period, the education of the young king Dom Sebastião was also imbued with these notions of justice. The monarch, known as the awaited and desired king [*O Desejado*], was since his birth invested with all good intentions that the Portuguese nobility and legal specialists could dedicate to his education. Gonçalo Dias de Carvalho is one of the most exponent examples of the period. Canonist and associate judge to the king⁴⁶⁴, Dias de Carvalho dedicated a large letter written to the king when Dom Sebastião was only three years old. Later published, the text mentions that justice was the most important quality in a good king, second only to virtuosity⁴⁶⁵. Good administration required good laws – there was no need for too many laws, but a few, good, exemplars, and well executed were enough. Furthermore, the king's role was to administer the Justice received from God⁴⁶⁶. By virtue of conversion or by eventually benefitting Christian communities and evangelization, kings who were allies of the Christian religion and the missions and their legislation were taken as just and fair. Thus, individuals who by punishment under these laws were enslaved were considered legitimate slaves according to the Synod's text.

The reasoning of this principle can be understood by referencing Codex 805 of the collection *Manuscritos da Livraria*, deposited at the Torre do Tombo National Archives in Lisbon. One of the participating priests of the Goa synod, Francisco Rodrigues, left among his writings a technical definition for just laws that is considerably helpful with the issues here in place. Although the theologian could from time to time consider unjust all laws that went against divine and natural law, and consequently against Christianity⁴⁶⁷, he also developed a personal method to evaluate foreign legislation in his study on Vice-Royal provisions and captains that interfered with the right of non-subjects of the Portuguese crown to trade in Portuguese-controlled ports. Here, his purpose is to address the question whether unjust laws enacted by the Vice-Roy were to be observed or not, without provoking any trouble to the good Christian's conscience: “(...) *acõtece alguã uezes em as leis humanas acharêse deffeitos pellos quais se duuida se obrigã em cõsiencia ou não, se ha de saber que todas as leis justas obrigam cõforme a materia de*

⁴⁶⁴ MENDONÇA, Manuela. “The Regulation of the Royal Higher Court of Appeals. The first regulatory instrument of justice in Portugal.” In: *História [online]*. 2015, vol.34, n.1, pp. 35-59.

⁴⁶⁵ CARVALHO, Gonçalo Dias de. *Carta a ElRei Dom Sebastião*. Lisbon: Biblioteca Nacional, 1986, p. XI.

⁴⁶⁶ CARVALHO, Gonçalo Dias de. *Carta Dirigida a ElRei Dom Sebastiam Nosso Senhor*. Lisbon: Francisco Correia, 1557, ff. 9v and 10v.

⁴⁶⁷ Such is the case on his discussion concerning matrimony among infidels in Codex 805, f. 137v.

*que tratam e pelo cõtraíro as iniustas não obrigam (...)*⁴⁶⁸ [It happens sometimes that flaws can be found in human laws, whereby one questions if they are binding to the conscience or not; it is important to know that all just laws are binding according to the matter they deal with and, conversely, unjust laws are not binding]. Departing from an Aristotelian method based on four causes, as well as writings by Alfonso de Castro⁴⁶⁹, Domingo de Soto, Aquinas, Silvestro Mazzolini, Navarro⁴⁷⁰, Nicolò Tedeschi and canon law, Rodrigues defines that only laws that attend all of the four types of causes, that is to say, efficient, formal, final, and material, are to be considered just⁴⁷¹.

According to the Jesuit, the efficient cause of just laws is to be found in the respect and observance of the ruling power's own jurisdiction, that is to say, “(...) *o q faz a lei tenha poder p^{ra} a fazer e não a estenda aos q não são seus subditos, p[or] que estendendoa seria iniusta (...)*”⁴⁷² [the one who makes the law has to have the power to make it and

⁴⁶⁸ Codex 805, f. 64. This notion is present in Alfonso de Castro: “*Nulla lex humana iniusta potest aliquem in consciencia obligare.*” [No unjust human law can obligate anyone in [good] conscience]. CASTRO, Alfonso de. *De potestate legis poenalis, libri duo, nunc recens editi...* Lyon: Sebastianum Barptolomei Honorati, 1561, p. 71. Castro develops the issue further in pages 70 through 80. See also Navarro's *Manual de Confessores*, cap. 23, n. 39.

⁴⁶⁹ Alfonso de Castro (1495-1558) was a Franciscan theologian and jurist part of the so-called School of Salamanca. Castro studied in Alcalá and Salamanca. His most important work was a list and condemnation of all heresies, which starts on the days of the Apostles (*Adversus omnes haereses*, first published in Cologne in 1539). He authored works on penal law, homilies on psalms and others. DONOVAN, Stephen. "Alphonsus de Castro." In: *The Catholic Encyclopedia*. Vol. 3. New York: Robert Appleton Company, 1908. Available at <http://www.newadvent.org/cathen/03415a.htm>, retrieved in 20th February 2016.

⁴⁷⁰ Navarro, also known as Martín de Azpilcueta Jaureguizar (1491-1586) or Doctor Navarrus, was born in Navarra and studied in Alcalá de Henares, as well as both laws in the University of Toulouse. Upon finishing his studies, he taught in the same institution, as well as in Cahors, Salamanca and Coimbra. Navarro authored numerous works on moral theology and canon law, with over 300 editions in France, Italy, Portugal, Spain and Germany. Among his works, the most well-known is the so-called *Enchiridion o Manual de confesores y penitentes* (first published in Portuguese in 1552, with revisions in 1556 and numerous editions). Rodrigues could be using one of the four Portuguese editions available until the end of the 1560s, (Coimbra 1549, 1552, 1553, and 1560, published by João de Barreira and João Álvares). Navarro's complete works were first published in Rome in 1590. BELDA PLANS, Juan. *Martín de Azpilcueta Jaureguizar <<El Doctor Navarro>> [Barasoain (Navarra) 1492 – Roma 1585]*. Madrid: Biblioteca Virtual Ignacio Larramendi de Polígrafos, 2015, pp. 3-21.

⁴⁷¹ Although the original Aristotelian method was intended to answer why things are how they are, Rodrigues uses the same method to evaluate the justice of laws enacted by European powers (in this case, Portugal's Vice-Roy in Goa), and how they relate to local populations and states. Rodrigues method is a development of the definitions given by the authors mentioned, more specifically, Alfonso de Castro's *De potestate legis poenalis, libri duo*, p. 70-80; Silvestro Mazzolini's *Summa Silvestrina*, Causa Legalis et Iudiciali; Aquinas' *De principiis naturae*, cap. 3, and *Summa Theologiae* II^a-II^ae quaestione 27 articulus 3; and Navarro's *Manual de Confessores*, cap. 23, n. 39-41, and cap. 27, n. 219, as well as his *De Finibus Humanorum Actuum Commentarius*, num. 3. Also, although he does not mention the author, Rodrigues is clearly using Cajetan's method for identifying unjust laws, as defined by Thomas de Vio in his *Summa Caetana*, verbo *Lex iniusta*. For the Aristotelian method, see BARNES, Jonathan (ed.). *The Cambridge Companion to Aristotle*. Cambridge: Cambridge University Press, 1995, p. 120-1; for Aquinas and Aristotle's four causes, see FESER, Edward. *Aquinas: A Beginner's Guide*. Oxford: Oneworld Book, 2009, pp. 16-23.

⁴⁷² Codex 805, f. 64.

shall not extend it to those who are not his subjects, because by doing so it would be unjust]. The formal cause refers to the proportion of its legislative power, regarding the qualities and social status of the judged person. In his words, “(...) *a lei igoalm^{te} se ponha a todos segu[n]do a deuida p[ro]porsãõ asi em as honras como em os trabalhos, seruicos, tributos, ou peticõis (...)*”⁴⁷³ [the law shall equally be applied to all following due proportion as is the case for duties, services, tributes, or petitions]. His reasoning is that, just like honors and offices are to be distributed among each individual according to their qualities, duties and legal obligations ought to follow the same logic of proportional distribution. The final cause is related to the purpose of the law, that must be the common good of the state: “(...) *q a lei seia feita pera comũ utiljdade do reino ou dos lugares pr^a q for feita e de nhuã man^a pera partjcular proueito do principe q a fez e m^{to} menos pera proueito de qalquer outra p^a particular.*”⁴⁷⁴ [that the law must be made for the common utility of the kingdom or the place for which it is made, and in no way to the particular benefit of the prince, let alone to the benefit of any other particular person]. Finally, the material cause is understood in two ways by Rodrigues: first, it reflects the idea that a law had to be made just according to the needs of its time and place (“(...) *q lei se fasa de couzas iustas segundo os tempos e lugares en q se faz (...)*”⁴⁷⁵ [that the law must be made out of fair things according to the times and places in which it is made]) and, second, that the prince’s power must not overcome divine and natural law (“(...) *nem de couzas a que o poder do principe se não estende quaes são as de dr^o diuino e natural(...)*” [the law shall not be made] of things which the power of the prince does not reach, that are of divine and natural law]). This last idea maintains the religious sovereignty over secular affairs and in the Asian case guarantees that no ruler shall impede the progression of Christian missions and evangelization.

In conclusion, according to Rodrigues, laws considered just were, first, those that oblige only subjects to the power that created said laws; second, those that follow the logic of proportional distribution according to each individual’s qualities; third, those that seek common good; and last, those that do not interfere with the power of God and attend contemporary needs⁴⁷⁶. The rector of the Goa College adapted not only canon laws and

⁴⁷³ Codex 805, f. 64v.

⁴⁷⁴ Codex 805, f. 64v.

⁴⁷⁵ Codex 805, f. 64v. The need for a law, its necessity, is discussed by Alfonso de Castro. Based on Aristotle and Isidoro of Seville, Castro defines that a just law is not only a needed law, but also a useful law. See CASTRO, Alfonso de. *De potestate legis poenalis, libri duo, nunc recens editi...* Lion: Sebastianum Barptolomei Honorati, 1561, p. 11.

⁴⁷⁶ Apparently, the merit of Rodrigues was to take the definitions given by Navarro and ordinate them in an Aristotelian formula, thus elaborating a method to identify just and unjust legislation. On unjust laws, Navarro writes: “*Añadimos justas, porq las injustas no obligã: qual es la hecha sin poder para ello bastãte, o principlalmête para biê priuado y no publico, o cõtra la diuina natural, o sobrenatural, y la q es desigual para los subditos.*” [We say just, because the unjust [laws] do not oblige: which is the one [unjust law] made without the power needed for it, or specially in private benefit and no public, or against divine [and] natural [laws], or supernatural, or unequal for the subjects]. Navarro, *Manual dos Confessores*, cap. 23, n. 39. The five items necessary for a just law according to Navarro (respect for jurisdictional limits, common

doctors of the church's writings to the reality of the Portuguese presence in Asia, but also to the internal needs of the missionaries in their struggle to maintain a certain level of autonomy and hegemony over the colonial societies. This Aristotelian method was designed to help the Jesuits to criticize and intervene on internal trading affairs regarding the behavior of Portuguese captains and the Vice-Roy, but it also could work on informing the basis to understand and interpret legal codes and practices alien to the Portuguese *Estado da Índia*, as well as to resolve problems and issues derived from situations where Portuguese and local laws would conflict.⁴⁷⁷

The five ways by which one could be enslaved, recognized as legitimate by the prelates in Goa, represented an expansion on the classic notion of legitimate slavery in itself. Comparing this decree to *Las Siete Partidas*, for example, we can understand the changes regulated by the Council. The Castilian code recognizes three legitimate enslaving processes: individuals who were captured in just wars, children of female slaves, and those who sold their own freedom for slavery⁴⁷⁸. The Goa Council, however, included two new enslavement methods as legitimate: individuals who were sold by their fathers out of need; and individuals enslaved as a punishment by local justice.

As the council believed that the slaves were to be examined from the assumption of illegitimacy, the identification of any of these titles when analyzing an enslavement case allowed, thus, legitimate ownership of the individual. If the man or woman became a slave by any means other than these five cases, then the master had the moral obligation to set the slave free. Analysis of how slaves were captured and enslaved was crucial for the Council. There should be no doubt about how these people became slaves, and this is the Council's decree that will generate the bigger wave of results in Portuguese legislation towards Asian slaves in the period, as we will see. The examination was, however, on principle, an issue regarding the buyer of the slave. He or she was to be the one who, compelled by a moral sense of responsibility, should evaluate the conditions under which said enslavement happened when acquiring the slave, and declare in confession whether he or she owned illegitimate slaves.

In case of doubt, the recommendation was to always decide in favor of freedom. Starting from the assumption of illegitimacy, prelates defended they could not recommend the opposite – the risk of sin was too high, according to the information they

good, respect to divine and natural law, accordance to time and place (in opposition to unnatural or supernatural laws), equal to the subjects) are divided by Rodrigues in a four step pattern easy to use. It is interesting to note though the difference of the sixteenth century idea of equality when compared to our contemporary perception.

⁴⁷⁷ These conflict situations and standoffs were specifically addressed by Rodrigues in his text. According to the priest, when two different laws conflict, the Christian must choose the strongest and most important one, that is to say, the one that protects and benefits human life the most. From this principle, according to the Jesuit, are derived dispensations, slavery, prescriptions and so on. Codex 805, ff. 61-61v. This notion is apparently developed from Navarro, see *Manual de Confessores*, cap. 7, n. 1.

⁴⁷⁸ Partida 4, 21, 1.

could gather about the proportion of legitimate slaves against illegitimate slaves in the *Estado da Índia*. Observing strictly the letter of the law, according to the principles of Tutorism, the synod attempted to unify and standardize the religious practices and the enforcement of ecclesiastical justice in Asia.

The greater danger was not only to the individuals that could be unfairly turned into servants, but it involved the risks posed by such practices to Portuguese and other Christians's consciences. The Portuguese original text includes a Latin quote: *quoniam qui amat periculum peribit in illo*. Taken from Ecclesiastes 3, 27, this passage was also commented by Aquinas, who explained that "if one exposes himself voluntarily to danger or do not avoid it, then God abandons us"⁴⁷⁹. The risk of losing one's soul because of a doubtful enslavement was enough for the prelates to recommend that, in case of doubt, setting the slave free was the right choice.⁴⁸⁰ Nevertheless, it is important to remember that this idea was, as all the decisions of the decrees, a temporary solution for a situation that still demanded further analysis.

As they assumed any slave was, in principle, illegitimate, the last recommendation of the decree was that, from that point on, every slave brought to Portuguese-controlled territories should bear with him or her a certificate of legitimate enslavement. Issues related to the production of such certificate, such as who had the power to do so, formats and language, were not answered by the Council. The decisions taken by the clergymen in Goa in 1567 were, by no means, meant to be permanent or definitive. The Goa Council was to be reopened in 1571, even though in reality the priests had to wait until 1575 for the second edition of the Synod. Issues regarding slavery did not have their definitive solutions presented as well, so Prelates and Vicar were all instructed to explore these questions furthermore and gather relevant data for the next Council.

Last instructions and synodic outcomes

On November 1st of 1567, when the rector of the Jesuit College of Goa, Francisco Rodrigues, went up the pulpit of the See Church of Goa to deliver his sermon, prelates and priests representing all parishes in the Portuguese-controlled territories in the *Estado da Índia* were gathered to make official the end of the First Provincial Synod. The minutes would be delivered to secular justices for assessment, and decisions and decrees enacted by the ecclesiastical Council were to be observed by Catholic priests in all of the churches and Christian communities subjected to the Portuguese *Padroado* wherever it was

⁴⁷⁹ As pointed in LIGUORI, Alfonso Maria de. *Opere Ascetiche vol. III*. Turin: Giacinto Marietti, 1880, p. 293.

⁴⁸⁰ KIRK, Kenneth E. *Some Principles of Moral Theology and their application*. London: Longmans, 1920, p. 197.

possible. On the closing statements of the Synod's text, slavery is prominently displayed. Decree number 32, which offers last instructions for the clergymen, reads as follows.

“O futuro Concilio Provincial se celebrará, em a Cidade de Goa, no anno de 1571, e pera que os Prelados estem absentes de suas dioceses o menos tempo que for possivel, lhes encomenda muito a sanct Synodo trabalhem por se acharem presentes em a dita cidade, athé quinze de Fevereiro do dito anno, para que, podendo-se acabar athé a monção de Abril, se tornem logo as suas prelazias, e quando se não puder acabar, se poderão ir na monção de Septembro seguinte; e assy lhes encomenda tragão de suas dioceses anotadas todas as couzas que julgarem deverem-se tratar em o Concilio, para proveito das almas, e bom ser desta Provincia: e em special tragão, por publicos instramentos, a informação do modo com que se captivão os escravos em todas as partes de suas dioceses.”⁴⁸¹

[The future Provincial Council will be celebrated in the City of Goa in the year of 1571, and in order for the Prelates to be absent from their dioceses the shortest period of time as possible, until February 15th of said year, so we can finish until April's monsoon, and they can go back to their prelacies, and if we cannot finish, then they will go in the September's monsoon. So [the Council] requires them to bring from their dioceses notes about all the things that they judge should be discussed by the Council, for the benefit of souls, and well-being of this Province. And in special, they shall bring, by public instruments, information on how slaves are captured in all parts of their dioceses.]

As we mentioned before, the second Council was scheduled to be opened in 1571. However, when the time came, Goa was assailed by the plague and sieged by Ali Adil Shah I for over six months. Archbishop Dom Jorge Themudo, following the agreed schedule, gathered all the necessary prelates and priests and opened a new Synod. However, the prelate fell sick and died two months later, in April⁴⁸². The clergymen were dismissed and the archbishopric office remained unoccupied for more than two years, thus making impossible the organization of a new Provincial Council.

After the Council ended, the participants were instructed to gather information regarding things that they thought should be discussed by the Council when back to their dioceses. Overall, the order was vague. However, the Portuguese clergymen had a specific instruction - they should research how slaves were captured in their respective dioceses. Even though other themes remained unresolved by the decrees, such as marriages⁴⁸³, which demanded new appraisals after assessing further developments, it

⁴⁸¹ DHMPPO, Vol. 10, p. 395-6.

⁴⁸² *Bullarium*... p. 41.

⁴⁸³ Dionisio Vazquez wrote to Melchior Nunes Barreto mentioning that marriage and other issues were to be discussed with the Pope. Rome, 7 January 1569, DI VII, pp. 619-20. Francisco Borgia also mentions the issue to Antonio de Quadros in another letter. Rome, 8 January 1569, DI VII, pp. 631-2.

seems that slavery was of vital importance for the evangelization and the well-being of Christian communities at the time.

The first secular reaction to the decisions of the First Goa Synod came from the Vice-Roy Dom Antão de Noronha. Dom Jorge Themudo, Archbishop of Goa and chairman responsible for concluding the Synod, authorized the texts to be printed in Goa in 1568⁴⁸⁴. Among the appendices included in said volume, the last few pages bring a law enacted by the Vice-Roy for the benefit of the Council's decisions and confirming those who needed the secular justice to be enforced⁴⁸⁵.

After the decisions were announced on November 1st, Dom Antão de Noronha received the minutes of the Council, most probably during the following month. The Vice-Roy proceeded to review the text with his assisting judges, deputies and other justices in Goa. As underlined by the Archbishop Dom Jorge Themudo in the authorization for the publication, many of the decisions went beyond ecclesiastical jurisdiction and related to issues of secular justice, thus requiring support from the king and his justices to be put into force⁴⁸⁶. In the name of the Portuguese king, Dom Antão de Noronha, by the pen of official scrivener Gaspar Pereira, writes a letters patent in December 4th of 1567, confirming the decrees of the Synod.

Slavery is mentioned a few times in the Vice-Royal law. The first mention confirms decree number 17 of the 2nd Act, which petitions for changes on navigation licenses issued by the Portuguese administration to local merchants, allowing them to navigate on Portuguese-controlled waters. The Vice-Roy confirms that, from that point on, all licenses should forbid non-Christian (the law specifically mentions Moors) merchants to carry non-Christian slaves. All those who do so should sell these slaves in Portuguese fortresses to Christian buyers. If these Christians could not buy the slaves, then non-Christians subjected to the Portuguese crown could buy them. It also stipulated a fine of 10 pardaos for transgressors. It also forbade infidel vassals to the Portuguese king to sell slaves to other areas controlled by non-Christian rulers, instead demanding that the slaves should be sold to Christians⁴⁸⁷.

⁴⁸⁴ *Bullarium...*, pp. 4-5; APO Fasc. 4, pp. 1-2; DHMPPO Vol. 10, pp. 334-6.

⁴⁸⁵ Said letter is included in *Bullarium...* pp. 32-4; APO Fasc. 4, pp. 68-75; and DHMPPO Vol. 10, pp. 405-13.

⁴⁸⁶ *Bullarium...*, p. 3; APO Fasc. 4, p. 2; DHMPPO Vol. 10, p. 335. “*E porque entre os ditos decretos vão algumas petições que o Concilio fez a S. A. em materias que não são da jurisdição ecclesiastica: declaramos que os prelados, priores, vigairos, e curas e mais pessoas ecclesiasticas não podem uzar dellas, como de decreto do Concilio, porque o não são, e somente se pede a S. A. proveja no conteúdo nellas, e poderão uzar no que a ellas toca conforme a ley que o senhor viso-rey fez sobre as ditas petições, que vão juntas ao Concilio.*”

⁴⁸⁷ *Bullarium...*, p. 33; APO Fasc. 4, p. 71-2; DHMPPO Vol. 10, p. 408-9. “*E assy hey por bem e mando que os cartazes que se passarem para os mouros navegarem, sejam com declaração que não tragão escravos gentios e, trazendo-os, os venderão nas minhas fortalezas, onde chegarem, a christãos, e não lhos*

The second decision declared in the law refers to the question of subverting *dominium* in the name of evangelization. The 3rd decree of the 2nd Act of the Synod, determined that slaves and children under 12 years-old could be taken away from their masters and fathers if they wished to receive the Christian baptism. However, as indicated by the Vice-Roy's text, these practices sparked much controversy among non-Christians, who would present complaints to Portuguese secular justice against the ecclesiastical authorities. According to these complaints, slaves and children were being forced against their own will by the priests to convert to Christianity. The Vice-Roy, intervening in the situation with the power invested in him by the king, institutes new procedures for such conversions. According to the decisions, secular justices who received these complaints had to inform the prelate responsible for the area where the case took place. The prelate would then indicate a priest to, along with the secular justice official, ask personally said slave or child if they wished to become Christians. If the answer was positive, then they could be legitimately taken away from their master or father and convert to Christianity. If it was a negative, then the missionary should leave the slave or child where it originally belonged, that is to say, his or her original infidel master or father⁴⁸⁸. The Vice-Royal decision shows us that political and social *dominium* over a slave or a child, who was under an infidel master or father, could be legally subverted. However, ecclesiastical authority was not enough – the secular arm of justice had to be present, as said slaves and children were under control of infidels who had sworn loyalty to the Portuguese crown.

The last mention to slavery in the text rules on decree number 10 of the 4th Act, which defines legitimate ways under which one could be enslaved. Albeit short, the Vice-Royal law determined that no foreign slave should be brought to Portuguese-controlled territories without confirmation that they had been properly enslaved. Observing such prohibition was considered, according to the text, a service not only to God but also to the king⁴⁸⁹. In the mindset of the Portuguese colonial societies, this meant that combating illegitimate slavery could result in rewards from the royal power, under the form of “*mercês*”, that is to say, privileges and benefits. The law in effect institutionalized the practice of certification of legitimate enslavement. It also aimed at impeding the physical entrance of illegitimate slaves into Portuguese ports and fortresses.

comprando a gentios meus vassallos, sob pena de dez paraos, e assy os infieis meus vassallos não mandem vender seus escravos a outras partes de infieis, mas vende-los-hão em minhas terras na maneira sobredita.”

⁴⁸⁸ Bullarium..., p. 34; APO Fasc. 4, p. 75; DHMPPO Vol. 10, p. 412. “Porquanto muitas vezes se queixão alguns infieis as minhas justiças, dizendo que lhe tem forçado seus filhos ou escravos, ou pessoas de sua obrigação, dizendo que os querem fazer christãos por força: mando que quando tal cazo acontecer, o julgador quem for requerido, mande recado ao Prelado da terra, para mandar, se quizer, hum sacerdote com o ministerio (sic) da justiça, que o tal julgador ordenar, a lhe fazer pergunta se quer ser christão ou não; e dizendo que sim, o deixará estar, e dizendo que está contra sua vontade, por não querer ser christão, o mandará ir livremente pera onde lhe bem vier.”

⁴⁸⁹ Bullarium..., p. 34; APO Fasc. 4, p. 75; DHMPPO Vol. 10, p. 412. “E assim hey por serviço de Deos e meu que se não tragão escravos estrangeiros a minhas terras, sem certez de serem bem captivos.”

After the decrees were published by Goa-residing printer João de Endem in 21 June of 1568⁴⁹⁰, both decrees and the Constitutions were submitted to the king the next year⁴⁹¹. Their effects were immediately felt across the Christian communities in the *Estado da Índia*, as witnessed by father Gonçalo Álvares. On the batch of letters received by Jesuit missionaries in 1568, one epistle from the general of the order, Francisco Borgia, written in October of the previous year presented a large series of recommendations for the Society of Jesus in India and other parts of Asia. Among the many requirements, Borgia exhorted his subordinates to abolish liturgical practices from churches located in areas under Portuguese ecclesiastical jurisdiction, in order to conform those to practices adopted in European Jesuit churches⁴⁹². Father Gonçalo Álvares, who lived in Kochi at the time, replied to the general in December of 1568:

“Acerca das dalmaticas e solemnidade no culto divino, ainda que hé parte mui principal para a devação nestas partes, e agora o hé particularmente em nossa igreja por outros rigores que cá guardarão os nossos com a gente acerca de não absolverem os que tem escravos que não são de guerra justa, e com não entrarem homens na capella ao tempo do officio divino⁴⁹³, conforme ao Concilio Provincial, que os outros religiosos nom gardão, irei vendo ho que sem escandalo se pode, como V. P. ordena.⁴⁹⁴”

[Regarding the dalmatics and solemnity of the divine cult, even though it is a very important part for devotees in these parts, and now it is particularly so in our church, because of other diligences observed here by ours regarding the people, on not absolving those who own slaves which are not from just war, and not allowing men to enter the chapel when it is time of divine offices, according to [what] the Provincial Council [determined], which other religions do not observe, I will see what can be done without disturbances, as ordered by Your Paternity.]

Gonçalo Álvares testimony reveals us which issues most concerned clergymen (in his case, the Jesuits) during the period immediately posterior to the publication of the Provincial decrees in 1568. Even though the *Praepositu Generalis* commanded that unnecessary elements of the liturgy ought to be extirpated from the Jesuit practices in the

⁴⁹⁰ *Bullarium...*, p. 3; APO Fasc. 4, p. 2; DHMPPPO Vol. 10, p. 336.

⁴⁹¹ As reported in a letter written in 1569 by the Archbishop of Goa, Dom Jorge Themudo. WICKI, José. “Duas relações sobre a situação da Índia Portuguesa nos anos de 1568 e 1569.” In: *Separata de Stvdia*, N. 8, July 1961. Lisbon: Centro de Estudos Históricos Ultramarinos, 1961, p. 186.

⁴⁹² DI VII, p. 309; and *Sanctus Franciscus Borgia Quartus Gandiae Dux et Societas Jesu Praepositu Generalis Tertius IV 1565-1568*. Madrid: Typis Gabrielis Lopez del Horno, 1910, p. 532. “*Algunas cosas se usan en la India, que acá se desea se escusasen, para que más se acomoden al Instituto y uniformidad en todo. Entre ellas es usar dalmáticas, incensarios, etc. Donde buenamente sin escándalo se pudiere quitar, hágase. Parécenos acá que en Goa y otras partes, donde ay iglesias que en esta parte satisfagan a esta solenidad del culto divino, la Compañia lo puede dexar y acomodarse a la llaneza que acá usamos.*”

⁴⁹³ Ação Terceira Decreto 15, DHMPPPO Vol. 10, p. 374.

⁴⁹⁴ Gonçalo Álvares to Francisco Borgia, Kochi, [December?] 1568. DI VII, p. 580.

East, Álvares responds that these would be essential to keep converts interested in the religion, especially during this period. The two decisions enacted by the Synod in 1568 that apparently had greater influence on everyday exercise of the Christian faith were, according to Álvares, the prohibition restricting access for laymen to some areas inside the churches during periods of divine celebrations, and the recommendation to not absolve sinners who owned illegitimate slaves. The earlier corresponds to the 15th decree of the 3rd act of the minutes, which specifically forbids any person to sit on churches' stairs and enter chapels, churches' crossings and choir areas when the ministers are busy with divine offices. It also determines that messes and other ceremonies should start on time, without necessity to wait for captains and other officials. This decree addresses the relationship between spatiality and power, by stating restrictions and reinforcing the preeminence of religion rather than secular power⁴⁹⁵. The second decision referred by Álvares is the 10th decree of the 4th act, which specifies not only how slaves could be legitimately owned, but also the necessity for priests to take into consideration the very issue of legitimacy of enslaved individuals upon hearing confessions from Christian masters.⁴⁹⁶ The Jesuit's letter shows us that, while the order was occupied attempting to adopt the decisions in their ceremonial routine, they accuse other religious men to ignore the decisions. Introducing the new practices determined in the Synod represented a risk to the Jesuits. They were faced then with two alternatives: to obey superiors' orders and eliminate unnecessary visual elements, thus abolishing features attractive to local Christians; or adopt the Council's decisions, introducing new rigorous moral and religious practices, while keeping visual elements in order to maintain their communities' numbers. Apparently, they were prone to choose the latter.

As a result, in 1568, illegitimate slavery was to be dealt on three grounds: the secular justice, which was supposed to not allow slaves without proper certification, nor their trade or disembarkement in Portuguese-areas; the ecclesiastical power, which was

⁴⁹⁵ DHMPPO Vol. 10, pp. 374-5. *"Porque he muito conveniente que nos templos constituidos pera oração e culto divino, estem os fieis com a humildade e reverencia que estas cousas requerem, e o direito tem ordenado que nas igrejas aja lugares separados pera os ministros dellas, em os quaes não he licito estarem os leigos enquanto celebram os divinos officios: manda a sancta Synodo que nas igrejas (ora sejam parochiaes, ora de religiosos, ou outras quaesquer) nenhuma pessoa se assente em cadeira de espaldas, e de nenhuma maneira ás portas, e cruzeiros que estiverem cerrados, ou choros, excepto se for para receber o Sanctissimo Sacramento, ou ajudar a administrar os officios divinos. E poderão estar em os ditos lugares governadores, e pessoas que tiverem officio ecclesiastico, e nelles os administradores, e capitaens, nas igrejas que estiverem nas terras de sua jurisdição, poderão ter cadeiras de espaldas, sem nenhum outro apparatus; e assy manda que quando os capitães entrarem em suas fortalezas, se não recebam com a cruz, nem nas igrejas lhes fação cerimonias algumas, tirando a da paz, a qual lhe não dará sacerdote, e que os reitores das igrejas comecem suas missas e horas ao tempo costumado, conforme as constituições, sem esperarem por capitão nem outras pessoas."*

⁴⁹⁶ It could also be reference to the *Constituições do Arcebispado de Goa's Título 3, Constituição IV*, which determines the listing of parishioners and slaves in each Christian parish every year, at the time of confession and communion. See DHMPPO Vol. 10, pp. 513-8.

not allowed to provide absolutions for sinners who owned illegitimate slaves; and laymen Christians, who should be sure about the legitimacy of the slave when acquiring enslaved men and women. Secular justice was expected to use its powers to physically suppress and punish these practices, while prelates and priests used those curbing powers available to them, here represented by the power to absolve sins, to reinforce the prohibition and curtail illegitimate enslavement. As for individual Christians, moral restrictions and the dangers represented the possibility of sin, resulting in condemnation on the eyes of God, were reiterated by ecclesiastical authorities.

The legitimacy of slavery was an unfinished matter for the Council, but slavery itself had other issues which were resolved and finished. These were presented by the Constitutions of the Archbishopric of Goa, printed on the same volume as the decrees of the Synod. The next sections will analyze these issues and identify the framework created by the text, in order to allow us to find its effects and outcomes on later policies and practices.

Constitutions for the Christianity of Goa

The decrees enacted by the Provincial Synod were printed at the same time another legal corpus for the ecclesiastical authorities was coming out of the Goa presses – the Constitutions of the Archbishopric of Goa. The published code was a revised version of the first draft presented by then Archbishop Dom Gaspar de Leão before the Synod of 1567⁴⁹⁷. The main purpose of the Constitutions was to create a single code, which reflected the decisions taken by Trent, thus eliminating the necessity to refer to multiple codes for simple cases of ecclesiastical justice.

⁴⁹⁷ The revised text was published the first time in April 8th 1568, the same year the First Provincial Council decrees were printed: *Constitvicones [sic] do arcebispado de Goa. Aprovadas pello primeiro cõcilio prouincial*. Goa: João de Endem, 1568. According to the *Iberian Books* catalogue, all known extant copies of this edition are in the National Library in Lisbon. The Constitutions would be printed again three other times, in single volumes along the decrees of the First Provincial Council: *Constitvicoes [sic] do Arcebispado de Goa Aprovadas pello primeiro Prouincial*. Lisbon: [printer unknown], 1592; *Constituições do Arcebispado de Goa Aprovadas pelo primeiro Concilio Provincial*. Goa: Collégio de S. Paulo Novo da Companhia de Jesus, 1643; and *Constitvçoens do Arcebispado de Goa Aprovadas pello Primeiro Prouincial*. Goa: Collégio de Sam Paulo Nouo da Companhia de Iesvs, 1649 (only known copy in the Rio de Janeiro National Library). For more information, see: *Iberian Books* catalogue: <<http://ustc.ac.uk/index.php/record/346186>> accessed in September 17, 2015; FERNANDES, Leão Cristóstomo. “O Livro e o Jornal em Goa” in: *Boletim do Instituto Vasco da Gama*, N. 33. Goa: Tipografia Rangel, 1937, pp. 95-6; and FERNANDES, Leão Cristóstomo. “Ainda a Monografia ‘O Livro e o Jornal em Goa’” in: *Boletim do Instituto Vasco da Gama*, N. 39. Goa: Tipografia Rangel, 1938, pp. 64-8. The text was reproduced only once by one modern editor: DHMPPO, Vol. 10, pp. 481-800.

It seems, however, that the prelates and priests present at the First Provincial Council were not the only responsible for the format of the Constitutions. As pointed by Mario Martins, there are distinctively similar passages of the Goa text with the Constitutions of the Archbishopric of Évora, published two years before the Synod took place in Goa⁴⁹⁸. This may indicate that the Goa Constitutions were based on the text from Évora or, at least, as put by Martins, both “*derive from a single trunk*”⁴⁹⁹. Nevertheless, there are some remarkable differences on general structure. For example, while the Constitutions of Évora open with the Sacraments and their rules, the Goa text starts with one title divided in three parts defining faith, the preeminence of the Roman Church’s dogmas, and how one should denounce those who professed beliefs contrary to the Catholic Church⁵⁰⁰. This was probably an answer to the existence of other Christian faiths in India, such as Nestorians, Armenians, Georgians, and others, in an attempt to present a single conception of faith and obedience to the Roman papal authority. Also commenting on structure, Xavier suggests similitude of the Goa text with the “*Constituições synodaes do bispado de Miranda*” [Synodic Constitutions of the Bishopric of Miranda], published in 1565, given that the Goa Constitutions combine doctrinal concerns with disciplinary concerns (norms and punishments)⁵⁰¹. In our opinion, the trunk suggested by Martins would be first, the Council of Trent, in regard to contents and phrasing, and second, older Portuguese diocesan constitutions, which influenced general framing of the Goa constitutions.

The text that arguably bears the strongest resemblance to the Goa Constitutions is the “*Cõstituições sinodaes do Bispado Dangra*” [Synodic Constitutions of the Bishopric of Angra]⁵⁰². Printed in 1560, it was probably the first synodic constitution dedicated to an overseas Portuguese diocese. The text was elaborated during a synod in 1559 in the city of Angra do Heroísmo, the main diocese responsible for all the islands of the Azores archipelago. The gathering was chaired by Bishop Dom Jorge de Santiago, a Dominican who for the previous six years had made visitations throughout the islands and confirmed the necessity of specific provisions for the area. According to the bishop, until the 1559 synod the Bishopric was governed by the rules of the Bishopric of Funchal, in the Isle of Madeira, which were “*very few or almost none, besides being very old and brief*” and considered incomplete regarding “*the changes and variety of [our] times*”⁵⁰³.

⁴⁹⁸ *Constituições do arcebispado Deuora nouamente feitas por mandado do illustrissimo & reuerendissimo señor dom loam de Mello arcebispo do dito arcebispado & c* [sic]. Évora: Casa de André de Burgos, 1565.

⁴⁹⁹ MARTINS, Mario. “Teatro uinhentista da Paixão” in: *Lusitania Sacra*, 10. Lisbon: Universidade Católica Portuguesa, 1978, pp. 20-1.

⁵⁰⁰ DHMPPO Vol 10, pp. 487-9.

⁵⁰¹ XAVIER, Ângela Barreto. *Op. Cit.*, p. 146; *Constituições synodaes do bispado de Miranda*. Lisbon: Francisco Correa, 1565.

⁵⁰² *Cõstituições sinodaes do Bispado Dangra*. Lisbon: João Blavio de Colonia, 1560.

⁵⁰³ There is, however, no indication of that these rules were synodical constitutions enacted by the Bishopric of Funchal before this date. Bishop Santiago is probably making reference to isolated diocesan

Angra had been promoted to bishopric in 1532, and Dom Jorge de Santiago was its third bishop. He had been one of the three Portuguese theologians sent by the king Dom João III to take part in the Council of Trent, present during the first ten sessions of the synod, between 1546 and 1549. When the gathering in Angra was opened, not only a prelate imbued with the reformist ideas of Trent was present, but the decisions taken during the second phase of the Tridentine synod were also available for the reunion⁵⁰⁴. According to the bishop, the textual structure was developed based on older Portuguese diocesan constitutions, especially the 1537 *Constituicoens do arcebispado de Lixboa*⁵⁰⁵. But its contents reflect ideas elaborated during the Tridentine council, such as, for example, the confirmation of the preeminence of seven sacraments on the second title, “*Dos Sacramentos em geral*”⁵⁰⁶.

The similarities between the Goa text and the Angra text are remarkable. “*Constituições*” [Constitutions], here, is the name for each law, and the whole Goa set is divided in 39 parts, or “*títulos*” [titles], while the Angra text is divided in 35 parts. The Constitutions of Angra start with a definition of Catholic faith and a reaffirmation of the preeminence of the Roman Church over the life of Christians, mentioning the papal bull *In cena domini* and its power to excommunicate whoever declares anything against the Catholic faith – arguments which were first given by the Constitutions of Coimbra. In the Goa text, they are repeated almost *ipsis literis*⁵⁰⁷. The marked difference in doctrinal definitions when compared to older texts and the fact that a bishop who personally took part of the Council of Trent was responsible for the elaboration of the material made the Angra constitutions a very valuable asset and reference source for the prelates in Goa. The following table compares the structure presented in both Angra and Goa Constitutions, with abridged titles.

rules issued by various bishops up to 1560. *Cõstituições sinodales do Bispado Dangra. Op. cit.*, Prologo; Also, Paiva dates the first synod in Funchal as held in 1578, which decisions were published in 1585. PAIVA, José Pedro. *Op. cit.*, p. 11.

⁵⁰⁴ MENDES, João Maria de Sousa. “As Constituições Sinodais do Bispado de Angra”. in: *Boletim do Instituto Histórico da Ilha Terceira*, LX, 2002, pp. 241-259. Text available at <<http://www.ihit.pt/new/boletim.php?area=boletins&id=73>>, accessed in September 20, 2015.

⁵⁰⁵ *Cõstituições sinodales do Bispado Dangra. Op. cit.*, 1560, Prologo; *Constituicoens do arcebispado de Lixboa*. Lisbon: Germam Galharde, 1537.

⁵⁰⁶ *Cõstituições sinodales do Bispado Dangra. Op. cit.*, ff. 1v-2.

⁵⁰⁷ See *Cõstituições sinodales do Bispado Dangra. Op. cit.*, ff. 1-1v; *Constituições synodales do Bispado de Coimbra. Op. cit.*, f. 2; DHMPPO Vol. 10, p. 487-9. The additions made by the prelates in Goa seemingly reflect their concern with heretic Christians and apostate Portuguese. For example, on the Constitution III, while the Angra text makes mention of the dangers posed to the Christian community by their distance from the kingdom, the Goa text indicates that these dangers were derived from the fact that their communities were among infidels. *Cõstituições sinodales do Bispado Dangra. Op. cit.*, f. 1v; DHMPPO Vol. 10, p. 488.

Title Number	Angra Constitutions 1560	Goa Constitutions 1568
1	Of the Catholic faith	Of the Catholic faith
2	Of the Sacraments in General	Of the Sacraments in General
3	Sacrament of Baptism	Sacrament of Baptism
4	Sacrament of Confirmation	Sacrament of Confirmation
5	Sacrament of Penance	Sacrament of Penance
6	Sacrament of Communion	Sacrament of Communion
7	Sacrament of Anointing of the Sick	Sacrament of Anointing of the Sick
8	Of Holy Oils	Of Holy Oils
9	Sacrament of Holy Orders	Sacrament of Holy Orders
10	Sacrament of Matrimony	Sacrament of Matrimony
11	Festivities of the year	Sacraments must be given without interest
12	Vicars, Curates and Benefitted	Festivities of the year
13	Benefits and how they should be distributed	Clerical life and honesty
14	Usage of churches and their services during the interdict	Priories, Rectors, Curates, and Benefitted
15	Processions	Benefices and purpose of churches
16	Clerical life and honesty	Time for divine offices
17	Church immunities and exemptions for clergymen	Processions
18	Altar ornaments	Burials
19	Church silverware and properties	Brotherhoods
20	Burials	Church immunities and exemptions for clergymen
21	Tithes, church properties' rentals and proceedings	Altar ornaments
22	Wills	Church silverware and properties
23	Wills and execution	Church properties' rentals and proceedings
24	Excommunication	Tithes
25	Sacrileges	Wills
26	Unlicensed preachers	Wills and execution
27	Sorcerers, healers, and other public sinners	Excommunication
28	Profiteers	Challenges
29	Adulterers	Sacrileges

30	Of those who give false testimony	Unlicensed preachers
31	Claims and insurances	Sorcerers, healers, blasphemous, adulterers, and other public sinners
32	Insults to prelates	Claims
33	Officials (<i>ouvidores</i>)	Insurances
34	Instructions to officials	Insults to prelates
35	Publication of the Constitutions	Justice officials
36	- None -	Fortresses vicars
37	- None -	Prohibition on pacts
38	- None -	Obligated people
39	- None -	Visitors

Both Constitutions follow a general pattern: articles on the defense of the Catholic faith, Sacraments, calendar, clerical life, public services, properties, and ecclesiastical justice, plus an addendum of canons regarding excommunications and penalties to infracting Christians. This comparison may help us to highlight traits and needs specific to the church in Portuguese Asia, such as special rules for brotherhoods, or vicars residing in fortresses⁵⁰⁸. Although few differences of ordering and grouping issues under different titles can be noticed, the similarities are not limited to structure – word choices also suggest that the Goa Constitutions were based on the Angra Constitutions. Rather, paraphrasing Martins’ conclusion, both derived from a single trunk: the Constitutions of the Archbishopric of Lisbon, which were apparently the first diocesan constitutional text in Portugal to separate themes such as the Sacraments under separate titles⁵⁰⁹.

As for function, Ângela Barreto Xavier considers that the Constitutions of the Archbishopric of Goa and the First Provincial Council’s decrees played similar roles in Asia. The Portuguese historian considers the Synod’s decisions sort of “co-Constitutions”, as they were contemporary to the constitutional text. According to Xavier, the decrees reproduced not only some structural aspects of the Council of Trent, but also some of the obligations determined by the Tridentine text. She also indicates that the Synod’s decrees “co-produced” the Constitutions, giving them an anchor in the Asian reality⁵¹⁰. As we understand it, however, the Goa decrees were, just like Trent, part of a process, to discuss

⁵⁰⁸ This comparative exercise was based on the proposition made by Paiva: “*O estudo exclusivamente centrado sobre constituições diocesanas concretas tem um alcance limitado. Todavia, analisadas comparativamente, têm um valor inestimável, permitindo perceber intenções pontuais dos prelados e deixando aflorar problemas regionais concretos.*” PAIVA, José Pedro. *Op. cit.*, p. 9.

⁵⁰⁹ *Constituicoens do arcebispado de Lixboa. Op. cit.*; COSTA, Avelino de Jesus da. A Santíssima Eucaristia nas Constituições Diocesanas Portuguesas. In: *Lusitania Sacra*, 2a série, 1. Lisbon: Centro de Estudos de História Religiosa, Universidade Católica Portuguesa, 1989, p. 199. If we were to put the Goa Constitutions in a timeline according to the texts on which its structuring was based on, the line would start with the Lisbon Constitutions of 1537, followed by 1548 Coimbra’s, 1560 Angra’s and then the 1568 Goa text.

⁵¹⁰ XAVIER, Ângela Barreto. *Op. cit.*, pp. 145-9.

and deliberate on issues that could not be answered without consultation and visitations of various parts of the Portuguese Padroado. The guidelines defined by the decrees were to be considered for later revision, as well as for orientation on common practical issues. The Constitutions, on the other hand, were a legal code for ecclesiastical justices. Even though some themes coincide, both texts differ in purpose and use. Comparing the Constitutions of the Archbishopric of Goa to the decrees of the First Provincial Council of 1567, the differences are numerous. The decrees guidelines were to be reassessed in 1571 – but the Constitutional text was intended to serve as legal basis for the resolution of disputes and claims related to ecclesiastical justice. These were permanent decisions promulgated by the Archbishopric authority in Goa to be followed by all the prelates and priests in the *Estado da Índia* and related parishes. For our purpose of investigation on slavery and related issues, these dynamic differences are fundamental in understanding how they were seen by prelates and priests.

As one would expect, issues regarding slavery are present in various passages throughout the text. The list of issues discussed is vast: baptism, penance, communion, holy services, processions, laymen's brotherhoods, churches' properties, wills, disputes, ecclesiastical justices, visitors, and so on. Even though there is no chapter fully dedicated to discussing slavery as a theme in itself, the subject is mentioned throughout the constitutional text. Issues are addressed concerning the relation between slaves and the Christian faith in the area of the *Padroado*.

Mysterious remedies

The first titles of the Constitutions define and offer solutions to issues regarding the Seven Sacraments of the Catholic Church, that is to say, Baptism, Confirmation, Eucharist, Penance, Anointing of the Sick, Holy Orders and Matrimony⁵¹¹. As indicated by Costa, differently than medieval codes, the sixteenth century diocesan constitutions were organized systems listing norms related to each issue, and there is a greater emphasis in developing the discipline of Sacraments⁵¹².

Furthermore, in face of negation by Protestant Reformers, the Council of Trent had defined the number of Sacraments as seven, confirming what had been stated by the Council of Lyons three centuries before, when the tendency was “*to identify a multitude of rituals as sacraments*”, such as, for example, the rosary. Thus, other devotions were named *sacramentals*, as to distinction and reiterate the centrality of the Seven

⁵¹¹ Peter Lombard was the first Catholic writer to identify the number of Seven Sacraments in his twelfth century writings. BUCKLEY, Theodore Alois. *A History of the Council of Trent*. London: George Routledge and Co., 1852, p. 163.

⁵¹² COSTA, Avelino de Jesus da. *Op. cit.*, p. 199.

Sacraments⁵¹³. The Tridentine decrees also instituted detailed rubric mandates, which would be later codified in 1570 by the Missal of Pope Pius V⁵¹⁴. However, as noted by Zimmerman, the main concern of the Council of Trent was not to offer a “*systematic theology of sacrament, but rather its statements dealt with contemporary sixteenth-century challenges and practice*”⁵¹⁵. Thus, the Tridentine texts were ultimately aimed at unifying practices and codifying rites in order to clarify the limits between Catholic faith and heresy. It was through confirmation via practice that the Sacraments were to be understood, under the mysterious shroud that invests them with power⁵¹⁶, instead of theological counter-argumentation towards Protestant critics.

According to the Goa Constitutions, the Sacraments were “*huns misteriosos remedios, ordenados por nosso Deus, como canaes & fontes do Salvador, de cuja morte & paixão por elles nos vem & mana a salvação de nosas almas*” [some mysterious remedies ordained by our God, as channels and sources of the Savior, from whose death and Passion come to us through them, and emanate the salvation of our souls]⁵¹⁷. The function of the Sacraments was to remind the Christians of the redemption of Christ, as well as the glory of eternal life as a result of them. Out of the seven listed, Baptism and Penance were obligatory for all Christians (“*sam de necessidade*”), while the other five were made available at will for the Christian community⁵¹⁸.

The first topic to discuss slavery is Baptism – on Title 3, “*Do sacramento do Baptismo*” [Of the Sacrament of Baptism], Constitution III, entitled “*Que ninguem seja baptizado duas vezes: & o que se deve fazer em caso que aja duvida*” [No one shall be baptized twice: & what ought to be done in case of doubt]⁵¹⁹. As pointed in the title, this section reiterates that the sacrament of Baptism must be given only once to an individual. Violators were to be excommunicated if they knew a person was already baptized when giving baptism again. In case of doubt, it was recommended for the priest to repeat the ceremonial with all the required features for a valid baptism. However, there should be

⁵¹³ STOUTZENBERGER, Joseph. *Celebrating Sacraments*. Winona (USA): Saint Mary’s Press, 2000, p. 112.

⁵¹⁴ ZIMMERMAN, J. A. “Sacraments, Sacramentality”. In DYRNESS, William A., KÄRKKÄINEN, Veli-Matti, et al. *Global Dictionary of Theology: A Resource for the Worldwide Church*. Downers Grove (USA) and Nottingham (UK): InterVarsity Press, 2008, p. 774.

⁵¹⁵ ZIMMERMAN, J. A. *Op. cit.*, p. 774.

⁵¹⁶ About the role played by mystery in empowering Christian definitions and explanations, see GREENBLATT, Stephen. “Marvelous Possessions” In: GREENBLATT, Stephen; and PAYNE, Michael (ed.). *The Greenblatt Reader*. Hoboken: Wiley-Blackwell, 2005, p. 94.

⁵¹⁷ DHMPPO Vol. 10, p. 489.

⁵¹⁸ DHMPPO Vol. 10, p. 490. Timothy Ware reminds us that there is also a hierarchy between the Seven Sacraments in the Orthodox Church as well: “*Among the seven, Baptism and Eucharist occupy a special position: (...) these two sacraments are pre-eminent among the divine mysteries*”. WARE, Timothy. *The Orthodox Church: An Introduction to Eastern Christianity*. London: Penguin UK, 1993, p. 275. Although the Goa text follows closely the Angra Constitutions, the latter states that out of seven, five Sacraments are of necessity (Baptism, Confirmation, Penance, Communion, Anointing of the Sick), and only two out of will (Holy Orders and Matrimony). *Cõstituições sinodaes do Bispado Dangra. Op. cit.*, ff. 1v-2.

⁵¹⁹ DHMPPO Vol. 10, p. 493-5.

added an oral disclaimer in Latin to secure that it was a first and fully valid baptism. The phrasing reads as follows:

“*Si tu es baptizado ou baptizada, eu não te rebaptizo: & se baptizado ou baptizada não es, Eu te baptizo em nome do padre & do filho & do spiritu sancto Amen*”⁵²⁰.

[If thou art [already] baptized, I do not baptize thou again: & if thou art not baptized, [then] I baptize thou in the name of the Father & the Son & the Holy Ghost Amen.]

Slaves were to be baptized using the same disclaimer, if there was any doubt regarding their condition as converts or the way the baptism was conducted before⁵²¹. Priests who did not follow these orders were to be fined 2 *pardaos*, to be paid to the See Church and the ecclesiastical bailiff. Masters of said slaves also were, by this Constitution, obligated to bring their slaves to the church if they were not baptized properly by a priest before. The text determines that slave-owners who did not do so were to be fined in 5 *pardaos*, to be paid for the church, and half of the same amount for whoever accused the infracting master. The text adds also the following: “& o cura fara bom exame neste caso” [and the priest will make good examination in this case]⁵²². Here the text refers to the examination of the slave’s capabilities as a convert Christian: whether he was able to say prayers, knew basic liturgy and so on⁵²³.

As we explained before, slaves and children were to be treated with similar measures by both ecclesiastical and secular justices⁵²⁴. Here too, the issue of doubt over a child or slave’s baptism was dealt the same way, given that the similitude of their legal

⁵²⁰ DHMPPO Vol. 10, p. 494.

⁵²¹ This disclaimer was an old practice, as proven by its inclusion in older texts such as the Lisbon Constitutions of 1537, the Coimbra Constitutions of 1548 and the Angra Constitutions of 1560. See *Constituicoens do arcebispado de Lixboa*. Lisbon: Germam Galharde, 1537, f. 2v; *Constituições synodaes do Bispado de Coimbra*. Op. cit., f. 3v; *Cōstituições sinodaes do Bispado Dangra*. Op. cit., f. 3.

⁵²² DHMPPO Vol. 10, p. 495.

⁵²³ On the requirements to consider slaves properly indoctrinated Christians, see FARIA, Patrícia de Souza. “Cativos asiáticos nas malhas da Inquisição: mobilidades culturais entre o Índico e Portugal (séculos XVI e XVII).” In: *Mestiçagens e globalização. Japão: identidades que se cruzam. Passado, Presente e Futuro, 2015, Tóquio, vol. 1*. Tokyo: Tokyo University of Foreign Studies, 2015, pp. 123-132. In this sense, the Coimbra Constitutions were clearer, as they list specific topics new converts should know before receiving the Baptism.

⁵²⁴ Additionally, as noted by Robinson, according to Roman law, a *paterfamilias*, or father of a household, had power (or *potestas*) over his slaves and children as a master (or *dominus*), due to the fact that both were passive members of the household. However, both powers are legally different – power over his slaves was called *dominica potestas*, while the power over his children was called *patria potestas*. See ROBINSON, James J. *Selections from the Public and Private Law of the Romans with Commentary to Serve as an Introduction to the Subject*. New York, Cincinnati, Chicago: American Book Company, 1905, pp. 88-9. It is not clear, though, the implications of these legal differences on how colonial societies understood these similitudes.

situation as dominated people. From the constitutional text we can understand that when slaves were acquired, if declared Christians or already baptized, there should be clear proof or witnesses that could prove the way by which the baptism was taken, and if it followed all the rituals necessary for the ceremony to be fully validated. In case of doubt, the slave was to be taken again to the church for a new baptism, as well as examined by the clergymen. This is again one instance where the church was guaranteeing its preeminence over laymen's lives, as well as securing a way to interfere whenever they could consider necessary into slave-master's relationships.

There are remarkable similarities between the Goa text and the Angra Constitutions of 1560 in this section. The 1560 Constitutions for the Bishopric of Angra were the first synodic constitutions to deal with the issue of baptism of infidels coming not only from India, but also Guiné (Africa) and Brazil. The Azorean synod thus reiterated the need for proper instruction of new converts before their official baptism, a notion that was borrowed by the Goa text, in a citation adapted to the needs of the prelates in India. Among these adaptations, for example, the Constitutions of Goa mention that not only the infidels needed instruction according to their "*qualidade, discricção & habilidades*" [quality, discretion and abilities, that is to say, religion, intelligence and competences], but also the baptism had to be volunteer. Furthermore, the Goa prelates affirm that many converts would abandon their former crafts, claiming they did not need to work because they had become Christians and could then survive from the charity of other members of the parish. The Goa synod reiterates that officials and justices had to keep the new-converts on their former crafts, so they would not become a burden for the republic and *Misericórdias*⁵²⁵.

The next mention to slavery is made in regard of penance and absolution. Title 5, of the Sacrament of Penance, Constitution VI – "*De como & em quanto tempo os priores & curas amostrarão os fregueses pera a confissam, & da idade em que se se devem confessar huma vez no anno. E como se procedera contra os que não se confessarem*" [How and when prelates and priests shall admonish parishioners to confess, & the age they must confess once a year. And how one shall proceed against those who do not confess]⁵²⁶. Penance or Reconciliation is one of the most important Sacraments to the Church, along Communion, given that it represents the constant reminder of the obligations of the parishioner to his or her parish, and to the religion itself. Through Penance the faithful is able to reconcile with his or her community. The Goa Constitutions

⁵²⁵ *Cõstituições sinodales do Bispado Danga. Op. cit.*, f. 5v; DHMPPO Vol. 10, pp. 499-500. Both are very different from the Constitutions of Coimbra, printed in 1548, which states that adult needed to know not only the doctrine, but also the Portuguese language, how to pray, to repent of infidelity, and the meaning of mortal sins. The instruction should have taken place for at least 20 days in a Christian household, certificated by a general vicar. *Constituições synodales do Bispado de Coimbra. Op. cit.*, ff. 4v-5. These requirements were not present in the Lisbon Constitutions of 1537.

⁵²⁶ DHMPPO Vol. 10, pp. 513-8.

determined that confession should be done between the ninth Sunday before Easter (*Dominica in Septuagesima*) and the first Sunday after Easter (*dominica in albis*, or Low Sunday), as it was usual in other parts of Christendom. Every year, the priests were to make a list of all the parishioners under their jurisdiction, with their names and surnames, addresses, number of family members, and their qualities (natural children or slaves). Each household was to be listed first with the name of the father, including if he was Portuguese or locally-born; then wife, followed by children, and older men, subjected to the household, who were legally able to communicate already, if they were slaves or freemen, and lastly minors, who should only confess. During three Sundays, the Christian community should prepare itself for confession, and every individual, who was older than seven years-old, had the obligation, according to the Tridentine Council, to confess at least once a year, during Lent. If the person was fourteen years-old or older, he or she should also communicate during Easter⁵²⁷. The Constitutions suggest, however, that the priests should encourage their parishioners to confess more than once a year, for example, the Sundays before Christmas, Holy Ghost in May 31st, and Assumption of Mary in the 15th of August⁵²⁸.

The text also determines that every Christian father should admonish his subjects, that is to say, members of his household, to confess. Those who failed to do their confessions during the period allowed by the priest, were to be excommunicated – this punishment was not to be dispensed though to those under 14 years-old or local converts, unless the priest judged that the convert had enough understanding (“*discrissão*”). If the Christians failed to confess or communicate, according to their obligations, the priests were to expose their names publicly to the whole parish. Even if then they failed to confess or communicate, they should pay 1 *tanga* for each week after the declaration made by the priest.

After that, the lists of confessed and communicated parishioners were to be submitted to the prelaties, to be formally registered by the archbishopric. The lists would be checked and signed by the higher authority, to be taken back to the original parish to be kept in case a visitor demanded to see the books. At the end of the book, there were to be registered the total of Portuguese parishioners, how many people each had in their household, as well as a total of locally-converted parishioners and their subjects. Excommunicated Christians were to pay fines for their absolution, and if enslaved individuals were excommunicated, their masters had to pay 2 *tangas* if the excommunication was not publicly declared. If it was, the fine was raised to 3 *tangas*. And if the excommunicated individual did not look for absolution even after the list was sent to the prelate, then a letter enacted by the authority made the fine even higher: 1 *pardao* for each slave.

⁵²⁷ DHMPPO Vol. 10, p. 513.

⁵²⁸ DHMPPO Vol. 10, p. 517.

It is unclear how these determinations were to be enforced in parishes located in areas away from India, such as Japan and China. The time given for the lists to be delivered to the Archbishop, two weeks after the last confessions, is unthinkable for priests in any region out of Portuguese-controlled Indian fortresses. The constitutional text indicates time frames for parishes in Goa and its surrounding areas, such as Bardez and Salcete, but makes no mention of areas away from the capital city of the *Estado da Índia*. That meant that priests in Japan were to respond, before 1568, to the superior of the mission in the archipelago, Cosme de Torres, or the Bishop of Malacca. After that year, the superior would be the ecclesiastical administrator in Macao, Dom Melchior Carneiro. However, one of the Jesuits present in the First Goa Council, Francisco Rodrigues, points out that this obligation was not applied in Japan, given that, at least until 1570, there were no Constitutions published in that prelacy⁵²⁹.

The level of control and supervision expected by the Archbishop that local parishes should have over converts and residing Portuguese Christians is evident by this text. Enlisting parishioners served not only to keep strict control over local Christian population numbers but, in regard to slavery, it also allowed priests to closely watch the issue of legitimacy and control slave ownership even after the enslaved individual was already included in a local Christian household.

The relation between Communion and slavery is also the theme of another section, more specifically Title 6, of the Holy Sacrament of Communion, Constitution II – “*Que todo fiel Christão comungue cada anno, sendo de ydade legitima, & que incorrem em excomunhão & seião declarados os que assi o não comprirem*” [All faithful Christian communicate every year, being of legitimate age, & incur in excommunication & will be declared [publicly] those who fail to do so]⁵³⁰. “*Mais excelente de todos os sacramentos*” [the most excellent of all Sacraments]⁵³¹, Communion, or Eucharist, was dispensed only to those who were baptized and had confessed already, and were already of the called “*annos de discricão*” –age of reason – that is to say, 14 years-old for males and 12 years-old for females. As mentioned in the text above, the time for Communion was eight days before or after Easter’s Sunday, or during Lent. Those who failed to receive Communion were to be excommunicated, as determined in the aforementioned text.

At this point, the section approaches the issue of slavery. “*Scravos, & moços*” [slaves and servants] were gathered under the moniker “ignorant people”, and consisted in a special case in regard to the Sacrament of Eucharist. Given these individuals were

⁵²⁹ Codex 805, f. 115v; FERNANDES PINTO, Ana; REMÉDIO PIRES, Silvana. The “resposta que alguns padres de japão mandaram perguntar”: a clash of strategies?” in: *Bulletin of Portuguese-Japanese Studies*, vol. 10-11, june-december. Lisbon: Universidade Nova de Lisboa, 2005, p. 38. This note, by the way, makes it clear that although the Goa Constitutions were in principle to be applied in all of the areas of the Portuguese *Padroado*, they were not enforced in Japan right after their publication in India.

⁵³⁰ DHMPPO Vol. 10, pp. 526-7.

⁵³¹ DHMPPO Vol. 10, p. 526.

already in the age of reason, slaves and servants were to be evaluated by the priest in charge, to determine if they were able or not to receive Communion. A positive assessment meant fully integration of the enslaved person in the Christian community. However, this also involved the delicate question of manumission through conversion. As discussed before, in principle converted slaves were to be freed, but many legal decisions made the path to liberty a hard road. Allowing Communion to slaves was, in this sense, a progress on said road, and there were certainly issues of local politics who must have played a larger role in these cases. The issue would later on become one of the problems addressed in mid-1570s by the Jesuits in Goa⁵³².

The next Sacrament discussed in relation to slavery was the Extreme Unction or Anointing of the Sick. Title 7, Constitution II, entitled “*A quem se ha de administrar este sacramento & pena dos que por desprezo o deixão de receber*” [To whom this Sacrament must be administered & punishment for those who by disdain do not receive it], includes slaves in the debate, developing the theme around who would be entitled to receive said Sacrament. The unction was to be given only to adults in the brink of death, be it because of sickness or old age. As for slaves, negligent owners who failed in providing the Sacrament to dying slaves were fined in 4 *pardaos* – half for the church, and the other half for whoever discovers it. On the other hand, a priest who refused to go where the needing slave was would pay the same amount. This article confirms one of the responsibilities the master was supposed to have towards his or her slave.

There is mention also of slavery in the section dealing with the Sacrament of Holy Orders, which is given to those who wish to become clergymen themselves. Title 9, Constitution II, states that any child under 7 years-old, or young man older than 15 years-old, were not to be accepted without special license for the first tonsure, which was the entry door for sacerdotal life. It also fully excluded married men, bigamists, and slaves, which were forbidden to become priests by law⁵³³.

The next subject demands closer attention: the Sacrament of Matrimony. Title 10, Constitution VII, entitled “*Dos casamentos dos cativos*” [Of the marriage of captives]⁵³⁴, warns that visiting priests in Christian communities in of the *Padroado* had found out that many slave owners would not allow their slaves to marry, arguing the very condition of slavery was prohibitive, that it hindered them from getting married. The issue of slave marriage was new one, and the Goa prelates were apparently the first in the Portuguese territories to address the issue – in the Angra Constitutions, which were extensively used

⁵³² This was one of the subjects addressed during the so-called *Consulta de Chorão*, which took place in December of 1575 in the Portuguese fortress of Chorão. See DI X, p. 289 for the decision regarding Communion of slaves.

⁵³³ DHMPPO Vol. 10, p. 546.

⁵³⁴ DHMPPO Vol. 10, p. 563.

during the elaboration of the Goa text, there is no specific mention to slave marriages⁵³⁵. This was also the state of things in Portugal, as shown by Saunders, where registers show very low numbers of marriages celebrated in comparison to the total numbers of slaves in the parishes. Furthermore, the overwhelming majority of slave children were born out of wedlock⁵³⁶. Similar investigation by the Archbishop in Lisbon also had shown that, while some slave couples were simply unaware that official marriage was available to them, “*most had been forbidden to do so by their masters*”⁵³⁷. Phillips affirms that, in the case of women, owners would lose sexual access to the slave and control over her offspring if marriage was allowed; they could even lose the female slave entirely, because women often died giving birth. Furthermore, slaves lost market value when married⁵³⁸. Certainly, it was no different in India and most of the Portuguese-controlled areas in Asia.

The prelates’ response was that, according to the law, slaves were able to marry. Not only that, enslaved individuals could marry former slaves, as long as the latter knew about the condition of his or her partner. Furthermore, the Council suggests that those who were living together as married couples but without having received official confirmation via this Sacrament, were to be actively taken to the church by their owners to become formally married. The master should also consent on giving time for the slave so he or she could meet their obligations as husband and wife. The idea was similar to what happened in Brazil: marriage was a “*remedy for mundane ills such as desire among those who found abstinence impossible*”; according to the Church, “*a settled married life (...) offered the way to spread order through a scattered, inherently disorderly and unruly population*”⁵³⁹.

On the other side of the spectrum, vagabonds and wanderers were accused of “*living ‘licentiously in the vice of lust and concubinage’, feigning marriage with women whom they brought with them and many times leaving behind their legitimate wives (or husbands)*”⁵⁴⁰. Nevertheless, it is important to make a distinction here about the use of this terminology in the Portuguese case. As noticed by Ângela Barreto Xavier, mobility

⁵³⁵ See “Título X. Do Sacramento do Matrimônio” [Title X. Of the Sacrament of Matrimony] in *Cōstituições sinodales do Bispado Danga*. Lisbon: João Blavio de Colonia, 1560, ff. 26-30v.

⁵³⁶ SAUNDERS, A.C. de C.M. *A social history of black slaves and freedmen in Portugal 1441-1555*. Cambridge: Cambridge University Press, 1982, p. 111.

⁵³⁷ SAUNDERS, A.C. de C.M. *Idem*, p. 104.

⁵³⁸ Phillips also explains that this was a very old custom in the Iberian Peninsula: “*Visigothic masters had much to say about the marriages of their slaves, who had to obtain prior permission from their owners. Such marriages were prohibited without the master’s permission, and children born to a slave couple belonging to different masters were to be divided equally between the masters, with a monetary payment compensating for an odd number of offspring. Marriages between slave and free required the couple to secure the master’s permission.*” PHILLIPS, William D. *Slavery in Medieval and Early Modern Iberia*. Philadelphia: University of Pennsylvania Press, 2014, p. 90.

⁵³⁹ MILLS, Kenneth; TAYLOR, William B.; GRAHAM, Sandra Lauderdale. *Colonial Latin America: A Documentary History*. Lanham (USA): Scholarly Resources Books, 2002, p. 372.

⁵⁴⁰ *Idem*.

created suspicion – the Tridentine text dedicates special attention to the so-called “vagabonds”⁵⁴¹. Xavier explains that, however, this was a structuring aspect of the Portuguese empire, making it difficult to differentiate the typical “vagabond” from other itinerant subjects, such as soldiers, merchants, *casados*, and so on – for this reason, the expression “vagabond” was substituted for “*estrangeiro*” [foreigner] in two Constitutions published in the few years after the Tridentine decrees were introduced in Portugal – Évora⁵⁴² and Goa⁵⁴³. Nevertheless, we also identified the same reference to foreigners in constitutions enacted before the Council of Trent, as well as other texts published between the Tridentine confirmation and the Goa text: the 1537 *Constituicoens do arcebispado de Lixboa* [Constitutions of the Archbishopric of Lisbon]⁵⁴⁴, the 1538 *Constituições do arcebispado de Braga* [Constitutions of the Archbishopric of Braga]⁵⁴⁵, the 1548 *Constituições synodales do Bispado de Coimbra* [Synodic Constitutions of the Bishopric of Coimbra]⁵⁴⁶, the 1554 *Constituicoens do bispado do Algarue* [Constitutions of the Bishopric of Algarve]⁵⁴⁷, the 1560 *Cõstituições sinodales do Bispado Dangra* [Synodic Constitutions of the Bishopric of Angra]⁵⁴⁸, the 1565 “*Constitvições Extrauagantes do Arcebispado de Lixboa*” [Extravagant Constitutions of the Archbishopric of Lisbon]⁵⁴⁹ and the 1565 *Constituições Synodales do Bispado de Miranda* [Synodic Constitutions of the Bishopric of Miranda], even though the latter favored a slightly different term with the same meaning, “*forasteiro*”⁵⁵⁰.

Matrimony did not mean freedom for the enslaved individual. The Goa Constitutions alert that even after marriage slaves still were obligated by law to serve their masters, thus reassuring reluctant slave owners who refused to allow their servants to get married. First, both man and woman had to be in the so-called Age of Reason, that is to

⁵⁴¹ Council of Trent, The Twenty-Fourth Session, 11th November 1563, Chapter VII, <http://www.documentacatholicaomnia.eu/03d/1545-1563-, Concilium Tridentinum, Canones et Decreta, LT.pdf>, (Latin) p. 105, <http://www.documentacatholicaomnia.eu/03d/1545-1545, Concilium Tridentinum, Canons And Decrees, EN.pdf>, (English) pp. 150-1.

⁵⁴² *Constituições do arcebispado Deuora nouamente feitas por mandado do illustrissimo & reuerendissimo señor dom Ioam de Mello arcebispo do dito arcebispado & c* [sic]. Évora: Casa de André de Burgos, 1565, ff. XXv-XXI. Even though the title does state “*estrangeiros*” [foreigners], one of the word used in the constitutional text is “*peçoas vagabundas*” [vagabond people].

⁵⁴³ DHMPPO Vol. 10, p. 363-4. For Xavier’s discussion, see XAVIER, Ângela Barreto. “‘Conformes á terra no modo de viver’. Matrimónio e império na Goa quinhentista”. in: *Cristianesimo nella Storia*, Vol. 31. Bologna: Fondazione per le scienze religiose Giovanni XXIII, 2010, pp. 419-49.

⁵⁴⁴ *Constituicoens do arcebispado de Lixboa*. Lisbon: Germam Galharde, 1537, f. 17.

⁵⁴⁵ *Constituições do arcebispado de Braga*. Lisbon: Germam Galharde, 1538, f. 22.

⁵⁴⁶ *Constituições synodales do Bispado de Coimbra*. *Op. cit.*, ff. 24v-25.

⁵⁴⁷ *Constituicoens do bispado do Algarue*. Lisbon: Germam Galharde, 1554, f. 23v.

⁵⁴⁸ *Cõstituições sinodales do Bispado Dangra*. *Op. cit.*, ff. 28v-29.

⁵⁴⁹ *Constitvições Extrauagantes do Arcebispado de Lixboa*. Lisbon: Francisco Correia, 1565, f. 5v.

⁵⁵⁰ *Constituições Synodales do Bispado de Miranda*. Lisbon: Francisco Correia, 1565, f. 69v. Both “*estrangeiro*” and “*forasteiro*” were translated as “*advenas*” or “*peregrinus*” by Jeronimo Cardoso in his sixteenth century Latin-Portuguese dictionary.

say, 14 years-old for the man, 12 or the woman⁵⁵¹. The process to get married was a strenuous one though. Even though the constitutional text protects slaves whose marriage was opposed by their masters, allowing them to seek for the Sacrament against their owners' will, the documentation needed was not easy to obtain. First, the slave had to prove that he or she was not married already in another parish – this was also the usual procedure for foreigners. They had to provide a certificate of baptism, a certification that they were examined before by a vicar (although it is unclear if this exam refers to the legitimacy of their enslavement or their capacity as a convert Christian), and proof of the time they arrived in the parish where they intended to get married. This last document could exempt them from presenting certification of non-marriage, if the slaves could prove that they were too young at their arrival in the parish. In the case there was no proof available then the priest could accept a formal oath. When the documentation was ready, then the priests would proceed to the following step: public admonitions and baths⁵⁵².

This formality had been in use since at least late fifteenth century – for example, the *Constituições e estatutos do Bispado da Guarda* [Constitutions and statutes of the Bishopric of Guarda] had determined in the year 1500 that couples who wished to marry should inform their priests, who in turn would then proceed to announce their intent to the whole parish for three Sundays, inquiring if anyone knew of anything that could prevent their matrimony. The punishment for whoever covered up relevant information was excommunication.⁵⁵³ The Tridentine Council reiterated and formalized this practice, not only for slaves but for any marrying couple. The priest would declare publicly on three continuous Sundays the names of those who wished to get married. Next, the priest would interrogate the man and the woman, hear their mutual consent, and say “I join you together in matrimony, in the name of the Father, and of the Son, and of the Holy Ghost”, or similar words according to the practice in place of each province⁵⁵⁴. These admonitions must not be confused with the admonition used against sinners of public fame, who would serve as public punishment executed by visiting ecclesiastical authorities⁵⁵⁵.

⁵⁵¹ DHMPPO Vol. 10, p. 559.

⁵⁵² “*Porem mandamos aos priores & curas que quando os escravos se quiserem casar os amoestem tres vezes á estação.*” DHMPPO Vol. 10, p. 563.

⁵⁵³ *Constituições e estatutos do Bispado da Guarda*. Salamanca: Imprensa de Nebrissensis, 1500, unnumbered folio.

⁵⁵⁴ Council of Trent, the Twenty-Fourth Session, November 11 1563, Decree on the Reformation of Marriage Chapter 1 (English text: http://www.documentacatholicaomnia.eu/03d/1545-1545_Concilium_Tridentinum_Canons_And_Decrees_EN.pdf, p. 147; Latin text: http://www.documentacatholicaomnia.eu/03d/1545-1563-,_Concilium_Tridentinum_Canones_et_Decreta_LT.pdf, p. 103. Both accessed in September 11, 2015.

⁵⁵⁵ According to a law of 1578, secular justices would try to impede public admonishing, alleging that these should be private sessions, and upon a new offense the sinner would be judged by a secular tribunal. The king then decided in favor of the public admonishing and ecclesiastical justice. Leys 1816, p. 262.

The admonition was followed by a ritual bath. The historian Maria Beatriz Nizza da Silva, in her work on Brazilian slaves in the eighteenth century, shows that a similar process took place in the Portuguese America. To certify their marital statuses, converted slaves had to take three ceremonial baths in every church he or she had lived since 14 years-old for men and 12 years-old for women. During three consecutive Sundays, the baths were taken as a guarantee that the slave would not commit the sin of bigamy. However, in many cases, vicars in Brazil would accept the testimony of capable and virtuous people who would testify in favor of the slave and confirm his or her baptism⁵⁵⁶. In Portuguese-controlled Asian territories, chances are that priests would consider local and practical solutions in a similar vein, given the distances between parishes and that it was preferable to celebrate the marriage instead of allowing slaves to keep living in sinful relationships.

Each admonition had different a meaning – according to the Constitutions, the first declaration was intended to remind the couple they had to confess and receive communion, at least three days before “*receiving each other*”, so the relation could be consummated in state of grace, not sin. The second admonition was to confirm both knew the Christian prayers, and the Ten Commandments – if they did not know the doctrine, they would face a fine of 3 *pardaos* paid for the church and 3 *pardaos* for whoever accused the couple, although this penalty wasn’t applicable to Asian converts. The third and last session was when the couple exchanged vows and the marriage was declared official⁵⁵⁷. The texts used by the priest in the admonitions were defined in the Constitutions as well, a first half declared in Portuguese, the second a blessing in Latin⁵⁵⁸.

In spite of unwilling slave owners, the Constitutions guaranteed access for slaves to almost all of the Sacraments, with the exception of Holy Orders. The relationship between slaves and the church was thus regulated by six Sacraments: Baptism, Confirmation, Eucharist, Penance, Anointing of the Sick, and Matrimony. Of these six, two were distinctively important – Baptism and Penance, considered obligatory to all Christians. These were the entrance door for slaves into the community, and the first step into fully acceptance as a convert. Reconciliation provided by the latter allowed absolution to the slave and their permanence in the Christian community. After Baptism, through campaigning for Confirmation, Eucharist and Matrimony, the slave could then obtain the recognition needed to be considered a good Christian⁵⁵⁹. The result could be freedom obtained through faith, although obstacles such as language, local politics,

⁵⁵⁶ SILVA, Maria Beatriz Nizza da. *História da Família no Brasil Colonial*. Rio de Janeiro: Nova Fronteira, 1998, p. 191. For more on slave marriage in colonial Brazil, see pp. 185-191.

⁵⁵⁷ DHMPPO Vol. 10, pp. 554-5.

⁵⁵⁸ *Idem*, pp. 556-8.

⁵⁵⁹ The same is considered by Phillips, who states that “*Conversion to the dominant religion was a necessary stage on a slave’s path to manumission*”. See PHILLIPS, William D. *Op. cit.*, p. 92.

ignorance, coercion, an unwilling owner, and many others could make it impossible for the slave to have any hope.

A series of obligations

Although the Sacraments were to be observed and followed according to the Roman Rite, the constitutional text also reinforced the constant participation of parishioners in the church's ceremonies through fine issued to those who failed to attend services. Title XII, "*Das Festas do Anno*" [Of Holidays of the Year], defines which were the Holy Days to be held in Goa and its suffragan churches by the Christian communities. After exposing the liturgical calendar on the first part⁵⁶⁰, Constitution II, "*Que os fregueses vão ouvir missa á sua freguesia, & levem consigo seus filhos & criados, & que os reveis se jao apontados, & se não consinta fregues alheo*" [That parishioners go attend mess in their parish, and take with them their children and servants, and offender shall be listed, and extraneous parishioner must not be allowed]⁵⁶¹ determined that on Sundays and Holy Days, no one should take part in corporal or servile occupations, in order to attend mess. The punishment was not light – mortal sin. The text defines that all parishioners should take part in church services during Sundays and Holy Days, and not only that, they should take with them sons, daughters, servants and slaves, who were at least seven years-old. The obligation was to listen to the mess from start to end, according to which the priest was to take note of all of those who failed to be present at the beginning, or completely skipped the service. The fine was 1 *pardao* to the ecclesiastical bailiff or whoever accused the priest who failed to list absent parishioners. Listed people were to be chastised by the priest as well, not only with a fine (3 *tangas* per service), but also as the vicar considered best (public admonition or sanctions, for example). The punishment depended greatly on the austerity of the priest, as the Constitutions suggest that persistent offenders and those whose past was reprehensible were to be punished. The penalty could be avoided – the parishioner could argue he or she was at the time attending service at the See Church, which was sovereign over all parishes, or some monastery.

The text was designed under the idea that the priest ought to know his parishioners, in order to identify those who correctly comply with divine precepts. The guidelines were made available by the Tridentine Council:

"Cum praecepto divino mandatum sit omnibus quibus animarum cura commissa est oves suas agnoscere pro his sacrificium offerre verbi que divini praedicatione sacramentorum administratione ac bonorum omnium operum

⁵⁶⁰ DHMPPO Vol. 10, pp. 571-5.

⁵⁶¹ *Idem*, pp. 575-6.

exemplo pascere pauperum aliarum que miserabilium personarum curam paternam gerere et in cetera munia pastoralia incumbere (...)”

[Whereas it is by divine precept enjoined on all, to whom the cure of souls is committed, to know their own sheep; to offer sacrifice for them; and, by the preaching of the divine word, by the administration of the sacraments, and by the example of all good works, to feed them; to have a fatherly care of the poor and of other distressed persons, and to apply themselves to all other pastoral duties (...)]⁵⁶²

Thus, members of alien parishes were not to be accepted in principle, unless they: 1) were far removed from their original parish; 2) were attending some baptism, marriage, or other service; 3) had some justified cause. The Constitutions were not directed only to the parishioners – the priest also was obliged by the law to celebrate proper mess on Sundays and Holy Days, according to the presented calendar, to allow its parishioners to attend service.

The prohibition of work on days of church service was extended to every profession. On the same Title XII, Constitution V, “*Que nos dias de guarda não trabalhem nem pesquem nem talhem carne, nem caçem nem abram tendas, & que até alçarem a Deos não vendam outras cousas, posto que sejam de mantimento*” [That on service days no one shall work nor fish nor cut meat, nor hunt nor open shops, and until God is reached no other stuff may be sold, even if they are foodstuffs], the issue of work on service days is discussed. Hunters, fishermen, butchers, bakers, millers, and others were forbidden to work, while people who sold bread, wine, fish, boiled or grilled meat, mustard, guts, fruits, spices, herbs, or any other foodstuffs could not sell their products during the time of the mess. Shopkeepers also were to maintain their doors closed, unless it was a pharmacist, who could then sell items to needed people, but keeping their doors shut. If there was need to do any work, at all, it should be done inside their residences and shops. Work was to be done only under the prelate or vicar’s authorization, and only with fair justification. A few other jobs were allowed, but their hours were strictly controlled to not coincide with mess hours. Chastisements varied from fines, to suspension, to loss of one’s license to work. Seemingly, slaves, who were normally involved with selling foodstuffs on the streets or domestic work, were greatly affected by these restrictions. If a master forced his or her slave to work during these days, he or she could face doubled fines⁵⁶³.

⁵⁶² The Council of Trent, Twenty Third Session, 15th July 1563, Decree on Reformation, Chapter 1. <http://www.documentacatholicaomnia.eu/03d/1545-1563-, Concilium Tridentinum, Canones et Decreta, LT.pdf> (Latin) pp. 91-2; <http://www.documentacatholicaomnia.eu/03d/1545-1545, Concilium Tridentinum, Canons And Decrees, EN.pdf> (English) pp. 134-6.

⁵⁶³ DHMPPO Vol. 10, pp. 579-82.

The next section presents solutions for issues regarding clerical life in the Indies. Title 13, “*Da Vida & Honestidade dos Clérigos*” [Of Life and Honesty of Clerics], analyzes issues such as beard and hair styles, vestments, weapons, games, blasphemy, personal relationships, dogs and birds’ ownership, hunting, drinking, children, and others in relation to what priests were allowed to⁵⁶⁴. This section’s ideological orientation is informed directly by the following decree of the Council of Trent:

“Nihil est quod alios magis ad pietatem et Dei cultum assiduo instruat quam eorum vita et exemplum qui se divino ministerio dedicarunt. Cum enim a rebus saeculi in altiore sublato locum conspiciantur in eos tanquam speculum reliqui oculos iniiciunt ex iis que sumunt quod imitentur. Quapropter sic decet omnino clericos in sortem domini vocatos vitam mores que suos omnes componere ut habitu gestu incessu sermone aliis que omnibus rebus nil nisi grave moderatum ac religione plenum prae se ferant. Levia etiam delicta quae in ipsis maxima essent effugiant ut eorum actiones cunctis afferant venerationem. Cum igitur quo maiore in Ecclesia Dei et utilitate et ornamento haec sunt ita etiam diligentius sint observanda: statuit sancta Synodus ut quae alias a summis pontificibus et a sacris conciliis de clericorum vita honestate cultu doctrina que retinenda ac simul de luxu commensationibus choreis aleis lusibus ac quibuscumque criminibus necnon saecularibus negotiis fugiendis copiose ac salubriter sancita fuerunt eadem in posterum eisdem poenis vel maioribus arbitrio ordinarii imponendis observentur. Nec appellatio executionem hanc quae ad morum correctionem pertinent suspendat. Si qua vero ex his in desuetudinem abiisse compererint ea quamprimum in usum revocari et ab omnibus accurate custodiri studeant. Non obstantibus consuetudinibus quibuscumque ne subditorum neglectae emendationis ipsi condignas Deo vindice poenas persolvant.”

[There is nothing that continually instructs others unto piety, and the service of God, more than the life and example of those who have dedicated themselves to the divine ministry. For as they are seen to be raised to a higher position, above the things of this world, others fix their eyes upon them as upon a mirror, and derive from them what they are to imitate. Wherefore clerics called to have the Lord for their portion, must by all means so to regulate their whole life and conversation, as that in their dress, comportment, gait, discourse, and all things else, nothing appear but what is grave, regulated, and replete with religiousness; avoiding even slight faults, which in them would be most grievous; that so their actions may impress all with veneration. Whereas, therefore, the more useful and decorous these things are for the Church of God, the more carefully also are they to be attended to; the holy Synod ordains, that those things which

⁵⁶⁴ The whole section is in *Idem*, pp. 582-99.

have been heretofore copiously and wholesomely enacted by sovereign pontiffs and sacred councils,--relative to the life, propriety of conduct, dress, and learning of clerics, and also touching the luxuriousness, feastings, dances, gambling, sports, and all sorts of crime whatever, as also the secular employments, to be by them shunned,--the same shall be henceforth observed, under the same penalties, or greater, to be imposed at the discretion of the Ordinary; nor shall any appeal [Page 163] suspend the execution hereof, as relating to the correction of manners. But if anything of the above shall be found to have fallen into desuetude, they shall make it their care that it be brought again into use as soon as possible and be accurately observed by all; any customs to the contrary notwithstanding; lest they themselves may have, God being the avenger, to pay the penalty deserved by their neglect of the correction of those subject to them.]⁵⁶⁵

Developing further on Trent's principles, the Goa text affirmed that clerics should have an impeccable lifestyle. Given that they were "*luz e espelho dos leigos*" [light and mirror for laymen], their customs ought to be exemplar in order to help with the enterprise of conversion of infidels⁵⁶⁶. One section in particular is of special interest to us: Constitution IX, "*Dos clerigos que tem mancebas ou molheres de sospeita, ou escravas*" [Of clerics who have concubines or suspect women, or female slaves]⁵⁶⁷. The constitutional text begins by reiterating the determination of the Council of Trent regarding priests who kept concubines⁵⁶⁸. The Tridentine text is categorical: "*prohibet sancta Synodus quibuscumque clericis ne concubinas aut alias mulieres de quibus possit haberi suspicio in domo vel extra detinere aut cum iis ullam consuetudinem habere audeant*" [the holy Synod forbids all clerics whatsoever to dare to keep concubines, or any other woman of whom any suspicion can exist, either in their own houses, or elsewhere, or to presume to have any intercourse with them]. Trent highlights that such behavior could scandal among the faithful, but the interpretation given by the Goa Constitutions expands the text in order to include the need to the people to have the clergymen in greater reverence. The constitutional text reiterates the prohibition of Trent, that is to say, that no cleric may have concubines or suspect women in their house or out

⁵⁶⁵ Council of Trent, the Twenty-Second Session, September 17th 1562, Decree on Reformation, Chapter I. <http://www.documentacatholicaomnia.eu/03d/1545-1563-, Concilium Tridentinum, Canones et Decreta, LT.pdf> (Latin) pp. 83-4; <http://www.documentacatholicaomnia.eu/03d/1545-1545, Concilium Tridentinum, Canons And Decrees, EN.pdf> (English) p. 125.

⁵⁶⁶ DHMPPO Vol. 10, p. 591.

⁵⁶⁷ *Idem*, pp. 595-7.

⁵⁶⁸ Session 25th, of 3rd-4th December 1563, Decree on Reformation, Chapter XIV. <http://www.documentacatholicaomnia.eu/03d/1545-1563-, Concilium Tridentinum, Canones et Decreta, LT.pdf>, p. 142, and <http://www.documentacatholicaomnia.eu/03d/1545-1545, Concilium Tridentinum, Canons And Decrees, EN.pdf>, pp. 191-2, accessed in September 11, 2015.

of it, nor they may converse with them. Admonitions were reserved for infracting priests, but if these were not effective then the superiors could private the priests of the third part of all benefices and pensions they may have. Proceedings were to be applied in the fabric of the church or any other pious work the superiors may decide worthy. Upon third infraction, all benefices and pensions were cut, and the priests were suspended. And even if after being suspended they do not put away those women, they were to be:

“privados pera sempre, de quaesquer beneficios pensões & officios ecclesiasticos que tiverem: & ficaram dahi avante inhabiles & indignos de quaesquer honras, dignidades, beneficios, & offiços, até pareceçer bem a seus prelados com causa despensarem com elles, depois que manifestamente forem emmendados na vida.”

[forever deprived of any ecclesiastical benefices, pensions, and offices they might have, and be rendered thenceforth incapable and unworthy of any honors, dignities, benefices and offices, until, after a manifest amendment of life, it shall seem good to their superiors, for a cause, to grant them a dispensation.]⁵⁶⁹

If after leaving his mistress the priest decides to go back to his old habits, then the final punishment was excommunication issued by the bishop – no appellation, no exemption. Prison was also an option, as well as other chastisements considered appropriate by the prelate given the quality of the infracting priest.

As we mentioned above, the Goa Constitutions were structurally based on the Angra Constitutions, printed in 1560. The passage regarding clerical life and honesty in the Angra text bears also great similitude to the Goa text, but the latter goes further on the theme, developing the arguments based on Trent and specificities to the colonial societies in Asia. The Archbishopric Constitutions add that clerics of sacred orders should not have women in their houses, but if necessary for domestic services, a black female or other woman could be allowed, under authorization from the prelates. Furthermore, the text determines that clerics should not live in the same street or neighborhood their former mistresses live, unless there is no other option. Bailiffs were to be strict with such cases, and negligent officials would face fines of 5 *pardaos*. If it became known that the violating priest was bribing the bailiff, then the bailiff would lose his office and be fined in 10 *pardaos* for every bribe received. The prelates in Goa were aware of the threat posed by female presence in the clerical houses around Portuguese fortresses and ports. Furthermore, retaining female slaves could contribute to deny the image of honesty and respect that clergymen should cultivate before their community and parish. The control

⁵⁶⁹ DHMPPO Vol. 10, p. 596. The text is an almost *ipsis literis* copy of the Tridentine text.

established by the prelacy over their subordinates indicates, however, that owning female slaves was difficult, but not impossible if there were justified causes⁵⁷⁰.

The next section of the Constitutions to mention slavery is Title XIV, “Dos Priores, Rectores, Curas e Beneficiados” [Of Priors, Rectors, Curates, and Benefited], Constitution IV, “*Forma do que os priores & curas á estação ham de dizer & insinar a seus fregueses*” [Form by which priors and curates must say and teach their parishioners during the station]⁵⁷¹. After discussing superiors’ housing, benefits, and how they should instruct parishioners to behave during services, this section offers a formula on how to perform the so-called “*estação*” [station], which was a practice the priest made on Sunday mornings to instruct his parishioners on the faith⁵⁷². The purpose of this text was to unify practices, as priests used to perform these in different ways. After initial blessings and admonitions, the priest would ask the parish to pray for the king and the queen, for those who were in mortal sin, for those in the Purgatory, and for the parish itself and its benefactors. Then, the priest would ask the community to be charitable to the poor, and to teach the Christian doctrine to their children, godchildren, servants, and slaves, “*pola necessidade que elles disso tem & obrigação que pera ello tendes.*” [because of the need they have of it, and the obligation ye have of it]⁵⁷³. The service would continue with the priest reminding the parishioners of services and festivities (if there were any) to be celebrated the following week, as well as public declaration of birthdays, marriages, and admonition of thieves. In the end, the priest would declare the Christian doctrine, following the formula established in the following section of the Constitutions.

Slaves were mentioned not only to remind owners of their moral and religious obligations towards their servants, but also reinforcing the idea of membership in the household following a rigid hierarchy of dominated individuals. Children occupied the top of the list, followed by grandchildren, whose family ties and relationships were established by non-biological affinities and godfathering of baptized children; next, servants, who included non-enslaved individuals but who still depended on the household or worked in exchange of payment; and, at the bottom, slaves, which even though were below all other categories, still are to be considered members of the household dominated by the male figure of the Christian father, direct heir to the Roman tradition of

⁵⁷⁰ For example, both texts state the only weapons that should be allowed to clerics were their “*tears and prayers*”, an expression already present in the older 1548 Coimbra Constitutions. *Cõstituições sinodales do Bispado Danga. Op. cit.*, f. 50v; *Constituições synodales do Bispado de Coimbra. Op. cit.*, 1548, f. 39v; DHMPPO Vol. 10, p. 586. As for slaves, differently than the Goa text, the Angra Constitutions, following the Coimbra text, do not allow any exceptions to the rule of no female slaves at clergymen’s service. However, the latter prohibits only white female slaves, making no mention of slaves from other ethnicities. *Cõstituições sinodales do Bispado Danga. Op. cit.*, f. 54; *Constituições synodales do Bispado de Coimbra. Op. cit.*, f. 43v.

⁵⁷¹ DHMPPO Vol. 10, pp. 604-6.

⁵⁷² According to Bluteau, it could also be called *Articulatorum fidei, inter missarum sollemnia, declaratio, or explicatio*.

⁵⁷³ DHMPPO Vol. 10, p. 605.

paterfamilias. The Christian doctrine, declared after the “station”, also reminded parishioners of these obligations – the text is determined by the Constitution V, “*Da doutrina christã, que todo fiel deve saber, & o que os priores & curas a seus fregueses sam obrigados a ensinar*” [Of the Christian doctrine, that every faithful must know, and the priories and curates to their parishioners are obliged to teach]⁵⁷⁴. When explaining what the obligations of the good Christian on Earth were, the priest would list the so-called “*obras de Misericordia*” [works of mercy], seven corporal and seven spiritual. On the corporal list, the fourth one referred to the rescue of captives, as for the spiritual ones, the very first was to teach the ignorant, that is to say, “*Scravos, & moços*” [slaves and servants] older than seven years-old, as the text had defined ignorant people before⁵⁷⁵.

The next Constitution, numbered VI, is entitled “*Que nas freguesias pela somana aja doutrina pera os mininos, & que os mestres de leer a ensinem a seus discipulos*” [That in the parishes during the week there must be doctrine for the boys, and reading teachers teach it to their disciples]⁵⁷⁶. This section formalizes some practices that were already in place by the Jesuits in India. According to the Constitutions, the doctrine as taught by the priests on Sundays was not enough – they needed to teach it every day in their church, admonishing parishioners to send their children to these sessions. Slaves, on the other hand, were to be taught only on Sundays and Holy Days, when they were dismissed from their obligations and services. Priests and curates could in effect excommunicate their parishioners or issue fines against those who failed to send their children and slaves to these sessions, as defined on the Constitution IX, “*Em que casos poderam os priores, rectores, & curas proceder contra seus fregueses per excomunhão ou pena pecuniaria*” [In which cases priories, rectors and curates will be able to chastise their parishioners by excommunication, or pecuniary penalties]⁵⁷⁷.

The next mention to slavery is made in Title 17, “*Das procissões*” [Of processions], Constitution II “*Que nas procissões assi solemnes como geraes, os thesoureiros levem as cruces, & da pena que se darà aos que vão palrando na procissam*” [That in solemn and general processions, treasurers must bear the crosses, and punishment for those who chatter during procession]⁵⁷⁸. As declared in this section, the cross is the ultimate flag of faithful Christians – for that reason, it was prohibited to be passed on to slaves and servants to carry during solemn and general processions. The symbol was to be taken by church treasurers in said occasions⁵⁷⁹. Apparently, this was an old issue with Portuguese Christian communities – the Constitutions of Lisbon printed more than 30

⁵⁷⁴ *Idem*, pp. 606-12.

⁵⁷⁵ DHMPPO Vol. 10, p. 608. For the definition of ignorant people, see *Idem*, p. 527.

⁵⁷⁶ *Idem*, pp 613-4.

⁵⁷⁷ *Idem*, pp 616-7.

⁵⁷⁸ *Idem*, p. 648-9.

⁵⁷⁹ The same determination is present in the Constitutions printed in Lisbon in 1537. *Constituicoens do arcebispado de Lixboa. Op. cit.*, f. 71v-72.

years before the Goa text, include a similar determination. It forbade treasurers to use their servants to carry crosses in their place – according to the Lisbon Constitutions some officials were reluctant to do so, as they considered it a shameful role⁵⁸⁰.

Solemn processions included the festivities of *Corpus Christi*⁵⁸¹, Visitation of Our Lady⁵⁸², the Custodian Angel of Portugal⁵⁸³, Saint Catherine⁵⁸⁴, and others⁵⁸⁵. As for general processions, these included the so-called “*ladainhas*” [litanies]⁵⁸⁶. In Portugal, there were other large processions considered special, that gathered local parishes in the See Church, such as Christmas, Epiphany⁵⁸⁷, Our Lady of March⁵⁸⁸, Ascension day⁵⁸⁹, Pentecost⁵⁹⁰, Trinity day⁵⁹¹, Our lady of September⁵⁹², Our Lady’s Conception⁵⁹³, All Saints Day⁵⁹⁴, and Our lady before Christmas⁵⁹⁵, which are also mentioned by the Goa Constitutions in its festive calendar⁵⁹⁶. In turn, customary public processions such as Lent’s Fridays, which were usual in Portugal, were forbidden by the Goa prelates in the decrees⁵⁹⁷. The Christian community in Goa also used to perform processions when the fleet of the so-called *Armada do Reino* – ships arriving from Portugal – entered the city

⁵⁸⁰ *Idem*, 73v.

⁵⁸¹ Celebrated 60 days after Easter Sunday.

⁵⁸² Celebrated on July 2nd, this procession was established in 1516 by Dom Manuel, who wished to promote a solemnity with the same dimensions as the procession of *Corpus Christi*. See SERRÃO, Joel; and OLIVEIRA MAR UES, A.H. *Nova História de Portugal, Volume 5 – Portugal do Renascimento à Crise Dinástica*. Lisbon: Editorial Presença, 1998, p. 446; SERRÃO, Joaquim Veríssimo. *História de Portugal Volume III – O Século de Ouro (1495-1580)*. Lisbon: Editorial Verbo, 2001, p. 336; and Ordenações Manuelinas, livro 1, título 78, pp. 566-7.

⁵⁸³ Celebrated on the third Sunday of July, this procession was established by the king Dom Manuel in 1504. OM, Lib. 1, Tit. 78; *Constituições do Arcebispado de Goa composta, e adicionadas pelo excellentissimo e reverendissimo senhor Dom Antonio Taveira da Neiva Brum, Arcebispo Metropolitano de Goa*. Lisbon: Imprensa Régia, 1810, p. 194; *Índices e summarios dos livros e documentos mais antigos e importantes do arquivo da Camara Municipal de Coimbra. Segunda Parte, Fasc. I*. Coimbra: Imprensa da Universidade, 1867, p. 96; and SERRÃO, Joel; and OLIVEIRA MAR UES, A.H. *Nova História de Portugal, Volume 5 – Portugal do Renascimento à Crise Dinástica*. Lisbon: Editorial Presença, 1998, p. 446; SERRÃO, Joaquim Veríssimo. *História de Portugal Volume III – O Século de Ouro (1495-1580)*. Lisbon: Editorial Verbo, 2001, p. 336.

⁵⁸⁴ Celebrated on November 25th. Saint Catherine was the guardian saint of the city of Goa. DHMPPO Vol. 10, p. 574.

⁵⁸⁵ *Idem*, p. 646. See also lists in *Constituições synodaes do Bispado de Coimbra. Op. cit.*, f. 54v; and *Constituicoens do arcebispado de Lixboa. Op. cit.*, f. 71v.

⁵⁸⁶ DHMPPO Vol. 10, p. 647.

⁵⁸⁷ Celebrated on January 6th. *Idem*, p. 572.

⁵⁸⁸ Celebrated on March 25th. *Idem*, p. 572.

⁵⁸⁹ Celebrated on August 15th. *Idem*, p. 573.

⁵⁹⁰ Celebrated 50 days after Easter.

⁵⁹¹ Celebrated 56 days after Easter.

⁵⁹² Celebrated on September 8th. *Idem*, p. 573.

⁵⁹³ Celebrated on December 8th. *Idem*, p. 574.

⁵⁹⁴ Celebrated on November 1st. *Idem*, p. 574.

⁵⁹⁵ Celebrated on December 18th. *Idem*, p. 574.

⁵⁹⁶ *Idem*, pp. 571-5. See also *Constituicoens do arcebispado de Lixboa. Op. cit.*, ff. 72v-73.

⁵⁹⁷ DHMPPO Vol. 10, p. 647; *Constituicoens do arcebispado de Lixboa. Op. cit.*, f. 72v.

bay, normally during September. Since the Constitutions, these public performances were to be organized as in-church messes, between the Friday after the ninth Sunday before Easter (*Dominica in Septuagesima*) and Passion Sunday. As for other smaller processions and funerals, the treasurer could in reality pass the cross for a servant, given said servant was grown-up and did not wear a surplice during said occasions. Infraction officials received fined which value went from half to 1 *tanga*⁵⁹⁸.

The next section to present issues related to slavery is Title 27, “*Da excomunhão, cartas della & excomungados, & do summario das ecomunhões*” [Of excommunication, its letters and excommunicated people, and summary of excommunications]. Excommunication was defined by the Goa prelates as spiritual weapon and punishment derived from the laws of Christ. It was more terrible than any corporal damage, thus being the greatest chastisement one could receive in earthly life. Excommunicated people were excluded from all exterior communication with Christians, both clerics and laymen, and from participation in church services and spiritual benefits. Excommunicated individuals became “*membro apartado da ygreja, & entregue ao demonio*” [a member apart from the church, and delivered to the Devil]⁵⁹⁹. There were in principle two types of excommunications: major and minor. While minor excommunications could be reversed by a parish priest, those who were condemned to major excommunication could be absolved only by the Pope. Individual who did not seek for absolution were to be reputed as gentile, “*ethenicos & publicanos*” [ethnic and public infidels]⁶⁰⁰.

In this section, Constitution II, “*De que cousas, pera quem & como se passaram as cartas de excomunhão*” [For what, to whom, and how to enact letters of excommunication], details who could be excommunicated], makes mention of slaves⁶⁰¹. First, the text defines that only bishops and prelates were allowed to issue letters of excommunication if these were preventive measures to pressure one to give information or return stolen goods. Although, the Goa Constitutions make it clear that runaway slaves, no matter how much they were worth, were not to be excommunicated. This was certainly an amendment regarding the Angra Constitutions, which had established a monetary limit for excommunications – according to the Azorean text thieves could face said spiritual punishment if stolen goods were worth 200 *réis* or more⁶⁰². We can imagine that justice officials in this period could understand that when a slave was running from his or her owner, the master would be withdrawn from its property, in this case, the slave himself.

⁵⁹⁸ DHMPPO Vol. 10, p. 648. This was not the case in 1537, when the Lisbon text determined that treasurers were to bear the crosses in any procession. See *Constituicoens do arcebispado de Lixboa. Op. cit.*, f. 73v. The same exception was made, however, in the Angra Constitutions. *Cõstituições sinodales do Bispado Dangra. Op. cit.*, f. 48v.

⁵⁹⁹ DHMPPO Vol. 10, p. 703.

⁶⁰⁰ The same phrasing is used in the Angra Constitutions. See *Cõstituições sinodales do Bispado Dangra. Op. cit.*, f. 73v; DHMPPO Vol. 10, p. 704.

⁶⁰¹ *Idem*, pp. 704-5.

⁶⁰² See *Cõstituições sinodales do Bispado Dangra. Op. cit.*, ff. 74-74v.

If the Angra text was to be followed, slaves could end up being excommunicated by, in a way, stealing themselves from their masters. Apparently, the Goa prelates decided that there would be no use in applying this principle, thus exempting runaway slaves from said penalty.

The last section to mentions to slaves is Title 31, “*Dos peccados publicos, feitiçeiros, agoueiros, blasfemos, perjuros, barrigeiros, alcoviteiros, onzeneiros, tafues & tavolagem, & do cuidado que os rectores teram sobre os ditos peccados*” [Of public sins, sorcerers, foretellers, blasphemous, perjurers, adulterers, procurers, profiteers, gamblers and gambling, and the attention rector must dedicate to said sins]⁶⁰³. This section deals with sins that could bring shame and offense to God and the Christian community, endangering the parishioners’ souls and salvation. On the second Constitution, “*Da pena que averam os onzeneiros*” [Of punishments for profiteers]⁶⁰⁴, the Goa prelates forbid not only subjects to the Portuguese crown, but also those who come to their territories from other areas to avoid the sin of usury. One of the forms presented and prohibited is pledging properties that generate revenue, such as estate, palm tree fields, and slaves. That was only possible if the liquid revenue was discounted from the pledged money. This decree represents a developing of the 1560 Angra text, which had restricted pledging of estates and vineyards⁶⁰⁵. The Goa Constitutions show that slaves had a distinct place in the colonial societies of the *Estado da Índia* when compared not only to Portugal, but also to other overseas territories – in India at least, slaves could be considered not only assets and properties, but also valuable revenue sources. This was also one of the ways by which the very conception of slave, in regard to its use and social function, was expanded with the Portuguese colonial experience in Asia.

On the same title, Constitution IV, “*Que ninguem use de alcouçe nem de officio de alcoviteiro*” [No one shall use or own brothels]⁶⁰⁶ rules on what was, according to the text, one of the greatest plagues that give a bad name and destroy the Christian republic, with great loss for their souls. Brothels were, in the prelates’ opinions, the place where the devil ordains its secret and dishonest encounters. The Constitutions were an ultimate resource used by the prelates to extirpate this industry from India – they commanded that no person, of any social condition, should allow that in his or her house prostitution took place, even if it was slave prostitution. Perpetrators were to be fined in 10 *pardaos*, doubled for the second time, thrice the amount for the third time, and publicly ashamed in front of the whole parish, forced to attend Sunday’s service barefooted and holding a candle. If a female slave was forced to prostitute herself, in or out of the master’s house,

⁶⁰³ DHMPPO Vol. 10, pp. 736-44.

⁶⁰⁴ *Idem*, pp. 738-9

⁶⁰⁵ *Cõstituições sinodales do Bispado Dangra. Op. cit.*, f. 79v.

⁶⁰⁶ DHMPPO Vol. 10, pp. 741-2.

was to be freed. The owner was fined in 5 *pardaos* the first time, and double the second, paid for whoever accused the person.

A vision for Christian Asia

Both the Constitutions and the First Goa Council's decrees are rich sources of religious thought and problem-solving for the history of the Portuguese *padroado*. They formed, as put by Ângela Barreto Xavier, the needed pillars to firmly establish a Christian Goa⁶⁰⁷. However, although complementary, they vary in principle and function, at least in regard to issues concerning slaves in Asia. While the First Goa Council's decrees left open the issue of legitimacy, giving basic guidelines and opening the way for legislation to be elaborated on, the Constitutions of the Archbishopric of Goa established hard rules regarding the socialization and positioning of slaves in the colonial societies under the Goa Archbishop's jurisdiction. Because of its status as an open issue, legitimacy is not mentioned on the Constitutions. The many variables regarding the definition of just causes for the enslavement of Asians, as well as undefined conditions for evaluating just laws in local societies, given the volatile political, diplomatic and economic relations between the Portuguese crown and other states, made these hard questions to rule on. Also, the Constitutions ruled over individuals already integrated somewhat in the Christian community, even before baptism – for example, any slave already owned by a Christian but still unbaptized. That is the reason for which there is no mention in the constitutional text to slave acquisition and subversion of infidels' dominance rights. These issues are discussed in the Goa decrees, given their variegated and constantly changing nature according to the flow of politics and diplomatic tensions.

In a different vein than the decrees, the Constitutions offered the ways under which slaves were to be assimilated and controlled. The process started with the Baptism, in the same way children were to be introduced to the social rites of Goa and others settlements. Baptism meant that the slave was listed, registered in the annals of society, kept in curates' shelves on the back of Portuguese churches. His or her instruction was a pre-requisite, although there was not much expected from a slave. Thus, these baptisms represented a minimal introduction to the social structures, enough to make its assimilation official and permanent. The Constitutions define Baptism as an entrance door, a first step towards the affirmation of the juridical persona of the enslaved individual inside the colonial societies. Even though they were guaranteed to not face excommunication by the constitutional texts, runaways posed a challenge to be evaluated and assessed, as certifies the Council decrees rulings. The First Goa Provincial Council made Baptism a hard entrance to achieve for newcomers, especially in Malacca. This

⁶⁰⁷ XAVIER, Ângela Barreto. *Op. cit.*, pp. 145-9.

difference in tone shows the disparity between what the Constitutions determined and the Council's decrees declared. As a result, a confusing scenario of constant changing and malleable laws, typical of these highly-hierarchical colonial societies, made access to this political language difficult for slaves.

Penance and communion, the constant checkpoints through which a Christian had to pass as an active member of his or her parish, were also a challenge for slaves. While the constitutional text reminds the Portuguese *paterfamilias* of their obligations toward their household retainers, the slaves own confessions are not mentioned. There was no hard ruling on the subject, and the "ignorant people" were left on their own. The First Provincial Council's decrees do not offer much on the subject either, and after a few years the issue would become a difficult one for Jesuits, who when gathered in Chorão in 1575 had the topic in their agenda⁶⁰⁸.

The Anointing of the Sick, the last Sacrament that was supposed to level social and political differences between slave owners and slaves, was a topic of contention among Portuguese Christians. Old practices and beliefs which allowed parishioners to hinder access to the ultimate blessing for their slaves were addressed by the Constitutions in an attempt to change old habits and guarantee the full adoption of the Tridentine decrees.

Even though the Sacrament of Holy Orders was forbidden for slaves, Matrimony was one of the alternatives for an enslaved person in his or her search for freedom. It did not mean only recognition from the parish and the church of a civil union – it meant the creation of a new household, a new political unit in the social constellation of households in the colonial societies, even though these were units subjected to the will of the slave's owner.

What the Constitutions and the Council's decrees show is that slaves in the colonial societies of *Estado da Índia* and other areas under the Portuguese *Padroado* were subjected to a number of behavior and social codes, the religious code being only one of those by which the interaction of the enslaved individual was intermediated and recognized. These codes offered the political language available to slaves for assimilation and integration in said colonial societies – also, they represented the measuring stick by which other Christians, in special slave owners, were evaluated by their own communities, accordingly to their compliance towards rules of Christian tutelage and mercy.

The Constitutions reinforce the idea that slave owners were tutors of slaves, understood as aspiring converts and future free subjects of the Portuguese crown and Christianity. They were to be taken to messes, processions, at risk of ecclesiastical admonitions and punishment for negligent masters. Owners' fatherly care and dedication

⁶⁰⁸ DI X, p. 289.

to pastoral duties, although not strongly enforceable obligations in areas where the clergymen presence could be rare, represented also a chance for these very masters gain the confidence and good favors of ecclesiastical authorities. Thus, the obligations of a master towards his or her slave represented not only a way to redeem the slave, but also a social tool to increase political power and influence for the master him or herself.

This was an option not only to laymen, but to clerics also, who could themselves be penalized or face ecclesiastical chastisement because of misleading slave usage or suspicion of unholy relations with said slaves. Among their obligations as role models for their parishes, guidance and teaching slaves were also included. The spiritual duty towards slaves was valid for both secular masters and men of the Church, thus becoming a communal effort in the indoctrination of this vulnerable people. But slaves were not seen just as future faithful members of the Christian community – they were also a revenue source. In turn, the Constitutions attempted to curb unruly usage of these sources. Brothels and private prostitution, the easiest ways to use a female slave, were harshly criticized by the prelates and vicars, and there was no open discussion on the topic. It was the greatest plague on Earth, and brothels, specifically, the workshop of the Devil.

The Constitutions' rulings on individuals already subjected to the will of Portuguese and local Christian masters allowed their integration to the political *corpus* that formed the colonial societies, from the king on the top to the lowest *casado* households. The enacted text thus created a whole political language of assimilation and political participation, mediated by religion and the Sacraments. Both the decrees and the constitutional text represented a collaborative effort to understand the rapidly changing world of overseas Portuguese territories and their surrounding areas, questioning these social and political changes at the same time they presented solutions backed by Trent's reformist spirit.

The publication of the Council's decrees and the Constitutions, although supported by the law of the Vice-Roy, lacked authority among noblemen and captains. In 1569, the Archbishop Dom Jorge Themudo reports to the king that the First Goa Council declared what captains could do in good conscience⁶⁰⁹. The publication of the decrees apparently lacked though of secular support – in a letter sent to the king with the decrees of the Provincial Council, the archbishop asks the king for severe measures:

“Parece que seria bom V. A. passar huma provisãõ que sejião castigados, com perdimento de suas capitãneas e officios, os que fizerem contra as determinações do ditto Concilio provincial, e que os viso-rreis não dem favor per

⁶⁰⁹ In the 4th Act, the decrees number 12 through 27 dealt with captains and moral issues derived from their behavior. DHMPPPO Vol. 10, pp. 388-94.

*suas provizões aos capitães, em que redunde em prejuizo da fazenda de V. A. e do povo, como costumão fazer.*⁶¹⁰”

[It seems it would be better if Your Highness enacted a provision to chastise them, with loss of their captaincies and offices, those who act against the determinations of said Provincial Council, and that Vice-Roys do not benefit by their provisions captains, in what derives of loss of Your Highness’ finances and the people, as they usually do.]

Maybe unbeknownst to participating prelates and priests, the First Goa Council set the stage to the reception of Dom Sebastião’s “juridical baroque-ism”, the arrival of Dom Duarte Carneiro Rangel’s *Alçada*, and confirmation of the Jesuit hegemony over Asian missions given by the 1571 king’s set of laws in the benefit of Christianity. As for Japanese slavery, the phenomenon was starting to gain strength amidst the political war in the Portuguese court between Dom Henrique and Dona Catarina, at the same time the issue of slavery legitimacy obtained secular legal support from the crown. João de Endem’s printing machines were still warm from issuing the Constitutions when the first laws enacted directly by the young Portuguese king were arriving in Goa, complicating even more the issue of legitimacy and other practices related to slavery.

⁶¹⁰ WICKI, José. “Duas relações sobre a situação da Índia Portuguesa nos anos de 1568 e 1569. In: *Separata de Stvdia*, N. 8, July 1961. Lisbon: Centro de Estudos Históricos Ultramarinos, 1961, p. 186.

Chapter IV – Legitimizing social forces

It was September of 1570 when Dom Sebastião enacted his charter concerning Japanese enslavement. Lodged in his palace in Sintra, the king's text was seemingly categorical. To modern-day readers, it left no doubt that it was definitely forbidding the enslavement of Japanese individuals, no exceptions allowed. In its simplicity and straight language, it is a safe text in the sense that it reminds modern readers of the power of legal texts as historical sources filled with reliability. However, the abolitionist tone of the letter is lost when the same text is inserted in its context and read against other documentation from the same period. Although one would expect that no other Japanese slave would be found after 1570 that was not the case. Despite its dramatic language, the law may have had different effects – which could have been, in fact, by design of the missionaries in Japan. By narrowing the access to Japanese slaves and reinforcing the need for documentation legitimizing their servitude, the king ended up giving the Jesuits in Japan full control of the process of enslavement and set them as intermediary in between Japanese sellers and European buyers.

Historiography has been dealing with the history of this charter in a number of ways. Some consider it the result of an attempt to solve a moral issue – the sheer scale of slave trade conducted by Portuguese merchants in Kyushu forced the Portuguese king to issue a prohibition, in order to protect the missionary work done in the area⁶¹¹. Russell-Wood gives a short account of the process, drawing attention to its failure to suppress the trade.⁶¹² Boxer, for example, reinforcing the view of the charter as a decision aiming at securing the safety of the missionaries in Japan, states that “*the institution of slavery per se was repugnant to the Japanese as a nation, and they certainly resented the purchase of their countrymen (if not of their countrywomen)*”. According to the English historian, the charter resulted from the pressure brought by the Jesuits in Japan on the Court of Lisbon, “*to have this standing reproach to their exposition of the Gospel removed.*”⁶¹³ He also refers to the idea that the charter failed, saying that it was “*ignored or suppressed for over thirty years*” before being reinforced at the turn of the seventeenth century⁶¹⁴.

⁶¹¹ NELSON, Thomas. “Slavery in Medieval Japan”. In: *Monumenta Nipponica*, vol. 59, No. 4 (Winter, 2004), p. 463; AYRES, Christovam. *Fernão Mendes Pinto e o Japão*. Lisbon: Academia Real das Ciências, 1904, p. 89. Jeanette Pinto assumes that laws such as the ordinance forbidding the enslavement of Japanese people were an example of situation where the Portuguese “*also showed that they were humane*”, although she cannot indicate if these attitudes were resultant “*of clerical agitation or an annual gesture of good will of the part of the Crown*”. PINTO, Jeanette. *Slavery in Portuguese India (1510-1842)*. Bombay, Delhi, Nagpur: Himalaya Publishing House, 1992, pp. 117-8.

⁶¹² RUSSELL-WOOD, A. J. R. “Iberian Expansion and the Issue of Black Slavery: Changing Portuguese Attitudes, 1440-1770.” In: *The American Historical Review*, Vol. 83, No. 1. Oxford University Press, 1978, p. 40.

⁶¹³ BOXER, Charles R. *Fidalgos in the Far East (1550-1771)*. Hong Kong: Oxford University Press, 1968, pp. 231-2.

⁶¹⁴ *Idem*.

The idea of a complete failure apparently remains paradigmatic when explaining the charter and the developments after its enactment⁶¹⁵. This debacle has been blamed not only on hypocrisy⁶¹⁶, but also on plain disrespect for royal authority⁶¹⁷ or lack of a strong structure capable of enforcing the law in Asia⁶¹⁸. The classic interpretation of this charter is that it flopped, and Japanese slavery went on, while the Jesuits neglected the situation.

In this chapter, we will see that the charter was, in fact, part of a diplomatic strategy on the part of the king, and an issue of self-preservation for the missionaries. Although the legislation failed to halt the slave trade in Japan in its entirety, the fact is that the royal edict gave the Jesuits legal and secular support to regulate the exit of forced labor force out of Japan to territories controlled by Portuguese and Spanish. Given the history of Japanese slavery since 1570, one could say the strategy was far from a failure, from the point of view of baroque legislation, as it restricted the legal ways under which Japanese could be legitimately enslaved.⁶¹⁹ Jesuit certificates emitted in Japan, also known as titles [*títulos*], became a requirement whenever owners wished to resell them or register them among property in their wills, for example. Even though the simple phrasing of Dom Sebastião's law appears to indicate a full-blown prohibition, it eventually helped to advance missionary preeminence over the slave trade and opened up an era where Japanese slaves were spread all over the globe. Our focus here is the context and the processes behind the enactment of the charter on Japanese enslavement, how it related to other policies at the time and the difficulties behind its enforcement, as well as the legal consequences and precedents created by such decision.

⁶¹⁵ Maki Hidemasa, for example, calls it an utter failure: 「この禁制は全く効果があがらなかった」. MAKI Hidemasa. *Jinshin Baibai*. Tokyo: Iwanami Shinsho, 1971, p. 61.

⁶¹⁶ Cabezas, based on the idea of legislative failure, questions: “*Como iban a tener efecto las leyes antiesclavistas emanadas de esclavistas flagrantes?*” [How could antislavery laws have any effect if they were enacted by flagrant slavers?]. He also writes that the same thing happened as in other Iberian colonies, where good regal laws were accepted, but not enforced. CABEZAS, Antonio. *El Siglo Ibérico de Japón – La presencia Hispano-Portuguesa en Japón (1543-1643)*. Valladolid: Universiad de Valladolid, 1995, pp. 72 and 99.

⁶¹⁷ About the charter, Costa, for example, states: “*Esta [condenação] era, contudo, desrespeitada, sob os mais variados pretextos e era corrente o negócio de escravos japoneses no Índico (...)*” [This [prohibition] was, however, disrespected, under the most various pretenses, and the business of Japanese slaves in the Indian Ocean was recurrent]. COSTA, João Paulo Oliveira e. *O Cristianismo no Japão e o Episcopado de D. Luís Cerqueira*. PhD thesis. Lisbon: Universidade Nova de Lisboa, 1998, p. 311. Hesselink also repeats the same argument: “*This prohibition was actually proclaimed on 20 September 1570, although the Portuguese merchants routinely ignored it for another 17 years.*” HESSELINK, Reinier. *The Dream of Christian Nagasaki – World Trade and the Clash of Cultures, 1560-1640*. McFarland, 2015, p. 80.

⁶¹⁸ OKAMOTO Yoshitomo. *Jūroku Seiki Nichiō Kōtsūshi no Kenkyū*. Tokyo: Kōbunsō, 1936, pp. 731-2 and 745.

⁶¹⁹ As with the Brazilian case, when the 1570 D. Sebastião charter on the enslavement of Brazilian natives created a loophole that was widely exploited by local settlers. See RIBEIRO, Darcy. *O povo brasileiro: a formação e o sentido do Brasil*. São Paulo: Companhia das Letras, 1996, pp. 98-105; MONTEIRO, John Manuel. *Negros da Terra: índios e bandeirantes nas origens de São Paulo*. São Paulo: Companhia das Letras, 1994, pp. 41-2.

Lawmaking during the Judicial “Baroque-ism”

The turn of the 1570s was not an easy time for the Portuguese royal family. From July of 1569 until July of 1570, the plague forced the gates of Lisbon to remain closed, and the nobility was forced to take refuge in the countryside. Dona Catarina, the king’s grandmother and former head of government, fled to Vila Nova de Xiira and later to Alenquer. Dom Sebastião, however, carried his court through a longer tour throughout the country⁶²⁰.

The Jesuits seized every opportunity to guide government decisions to their favor. Of the closest people to the king, one of the most influential was his confessor, father Luís Gonçalves da Câmara. Jesuits were specially prized as confessors in this period, as they could hear confession everywhere, had papal ‘faculties’ for absolving from sins normally reserved to the bishop, and insisted on relative anonymity and discretion on hearing confessions⁶²¹.

A Jesuit since 1545 and former dean of the University of Coimbra, Luís Gonçalves da Câmara was called from Rome to guide and tutor Dom Sebastião during his childhood. The relationship he enjoyed with the Portuguese regent did not go unnoticed by the superiors of the order: Francisco Borgia wrote Câmara in 1568, little more than three months after Dom Sebastião assumed the throne. The confessor was asked by Borgia to look after the Society’s business with Dom Sebastião, to whom he wished much health for him to “apply it on nothing but the service of God⁶²²”. Câmara’s presence around the king was considered vital for the Jesuits, who would avoid dividing his attention by commissioning him for any other responsibilities⁶²³.

Câmara’s brother, Martim Gonçalves da Câmara, was another key Jesuit figure. Permanent presence in the king’s state council, he was appointed Notary of Purity [*Escrivão da Puridade*], an office in the likes of a prime-minister, with an essential role in the elaboration and approval of legislation. His name can be seen in many of the charters and laws enacted in this period. The influence the two Câmara brothers and other

⁶²⁰ CRUZ, Maria Augusta Lima. *D. Sebastião*. Lisbon: Círculo de Leitores e Centro de Estudos dos Povos e Culturas de Expressão Portuguesa, 2009, p. 187.

⁶²¹ For more on Jesuits as confessors, see HÖPFL, Harro. *Jesuit Political Thought – The Society of Jesus and the State, c. 1540-1640*. Cambridge: Cambridge University Press, 2004, p. 15.

⁶²² Francisco Borgia to Luís Gonçalves da Câmara, Rome, 8 March 1568. *Sanctus Franciscus Borgia Quartus Gandiae Dux et Societatis Jesu Praepositus Generalis Tertius IV, 1565-1568*. Madrid: Typis Gabriellis Lopez del Horno, 1910, p. 585.

⁶²³ Francisco Borgia to Miguel de Torres, Tusculo, 8 July 1569. *Sanctus Franciscus Borgia Quartus Gandiae Dux et Societatis Jesu Praepositus Generalis Tertius V, 1569-1572*. Madrid: Typis Gabriellis Lopez del Horno, 1911, p. 119.

religious people exercised over the young king was evident. Since his enthronization, Dom Sebastião kept a personal memo of points he wanted to keep in mind while governing. The first note on the list is “I shall have God as the end of all my works, and in all of them I shall remember him⁶²⁴.” But it wasn’t a roster of virtuous religious thoughts – it also had topics such as “to conquer and develop [*povoar*] India, Brazil, Angola and Mina⁶²⁵”. It also points to the uncertainty that the monarch felt about his own capabilities as a ruler: “The laws I make, I shall first show them to virtuous men and scholars, so they point me the inconvenience they may cause⁶²⁶.” This was the case for many of the laws he enacted. For example, when the government decided the necessary conditions for declaring just war against other kings in the territories conquered by Portugal overseas, a board gathered to give their final thoughts and decide the issue⁶²⁷. Board members consisted of Martim Gonçalves da Câmara; Leão Henriques, Jesuit superior of the Province of Portugal; Miguel de Torres, Jesuit, former visitor to Portugal and confessor of the king’s grandmother; Duarte Carneiro Rangel, associate judge at the royal palace in Lisbon [*Desembargador do Paço*]; Paulo Afonso, judge who would be appointed in 1579 deputy to the Board of the King's Conscience and of the Military Orders [*Mesa da Consciência e Ordens*]; Simão Gonçalves Preto, jurist official; and Gonçalo Dias de Carvalho, canonist and associate judge of the so-called Royal Higher Court of Appeals [*Casa da Suplicação*], an assisting tribunal for the monarch⁶²⁸, and author of the *Carta dirigida a elRei Dom Sebastiam nosso senhor*⁶²⁹, a public letter published in 1557 and addressed to the new king Dom Sebastião with political instructions and documents for the good government of the Portuguese Republic. Out of the seven men, three were Jesuits, attesting to the influence that not only the Câmara brothers did, but that the order itself had in direct government decisions.

The strong presence raised many eyebrows among members of the Portuguese nobility, especially from supporters of the king’s grandmother, former regent Dona Catarina. As early as 1569, gossip in Portugal revolved around the king’s confessor, accusing him of having his own room in the palace, and talking nothing but matters of state politics⁶³⁰. An anonymous letter from 1570 infamously accused the Câmara brothers of introducing in Portugal an “absolutist government almost tyrannical”, aiming at the

⁶²⁴ BNP, ALC. 308, *Documentos de várias tipologias, relativos à história portuguesa, sobretudo do reinado de D. Sebastião, 1501-1650*, f. 256.

⁶²⁵ *Idem*, f. 256v.

⁶²⁶ *Idem*.

⁶²⁷ For a recent analysis of this process, see MARCOCCI, Giuseppe. *A Consciência de um Império – Portugal e o seu mundo (séc. XV-XVI)*. pp. 329-30.

⁶²⁸ MENDONÇA, Manuela. “The Regulation of the Royal Higher Court of Appeals. The first regulatory instrument of justice in Portugal.” In: *História [online]*. 2015, vol.34, n.1, pp. 35-59.

⁶²⁹ CARVALHO, Gonçalo Dias de. *Carta dirigida a El Rei Dom Sebastiam nosso senhor*. Lisbon: Francisco Correa, 1557. Available at <http://purl.pt/14439>.

⁶³⁰ Another factor that contributed to this suspicion was that the Jesuit Miguel de Torres was confessor of Dona Catarina, Dom Sebastião’s grandmother.

destruction of the “nobility and honored men of [noble] blood”. According to the unidentified author, Luís was the mentor, while Martim the executor of the plan⁶³¹. Martim Gonçalves da Câmara was essential for any legal proceedings related to issues of religion and conscience, reviewing and signing provisions and charters that touched these issues⁶³². His office, the Notary of Purity, dated at least from mid-fifteenth century, as it is mentioned in the *Ordenações Afonsinas*. In that era, the notary was responsible for confirming knights and other petitions. When Dom Sebastião assumed control of the government, Martim Gonçalves da Câmara was appointed for the office, thus becoming one of the leading members in the introduction of the king’s policies aiming at reforming mores and moralization of Portugal and its empire⁶³³.

The set of laws in favor of overseas newly converted populations is a direct result of the influence of the Jesuits in the court. In 1570, Luís Gonçalves da Câmara wrote the general of the Society of Jesus, father Francisco Borgia, celebrating their success. He explained how the king “*had enacted so many laws related to the good government and reformation of his kingdom, it caused the devil to make many bad people scream*”⁶³⁴. Struggling with internal politics, the Câmara brothers were personally responsible for directing Dom Sebastião’s efforts of moralization and reformation in Portugal and its overseas territories.

Dom Sebastião’s government was marked by what has been called by the Portuguese historiography “judicial baroque-ism” [*barroquismo jurídico*], a model of administrative monarchy based on the enactment of a high number of general laws. Portuguese historiography gives a rough count of about 52 provisions, 17 charters [*regimentos*] and 23 laws enacted in the period between 1568 and 1578⁶³⁵. Even though they bear the royal signal, many of these laws were elaborated and enacted in Lisbon, during periods when the king was absent from the capital city. Voices criticizing the king indicate that these laws should have been elaborated by Dom Sebastião’s councilors without the king’s knowledge, thus being an indicative of a military culture permeating the court members⁶³⁶. Others point that these officials were in fact trying to cover

⁶³¹ CRUZ, Maria Augusta Lima. *Op. cit.*, p. 222.

⁶³² As for other matters, there were other members of the king’s circle responsible for revising laws as well. For the period between 1569 and 1572, besides Martim Gonçalves da Câmara, they were D. João Mascarenhas, Jorge da Silva, D. João de Castelo Branco, and Lourenço Pires de Távora. See SERRÃO, Joaquim Veríssimo. *História de Portugal Volume III – O Século de Ouro (1495-1580)*. Lisbon: Editorial Verbo, 2001, p. 65.

⁶³³ MALTEZ, José Adelino. O Estado e as Instituições. In: SERRÃO, Joel; and OLIVEIRA MARQUES, A.H. *Nova História de Portugal, Volume 5 – Portugal do Renascimento à Crise Dinástica*. Lisbon: Editorial Presença, 1998, p. 392

⁶³⁴ Letter of July 5th 1570, mentioned in CRUZ, Maria Augusta Lima. *Op. cit.*, p. 221.

⁶³⁵ MALTEZ, José Adelino. *Op. Cit.*, p. 398.

⁶³⁶ HERMANN, Jacqueline. *No reino do Desejado – A construção do sebastianismo em Portugal séculos XVI-XVII*. São Paulo: Companhia das Letras, 1998, pp. 92-3.

deficiencies created by a king absent from his capital⁶³⁷. However, as we will see in two of the charters related to Japanese Christianity (the charter on Japanese enslavement and the exemption for new converts), one cannot oversee the possibility that this phenomenon was a reflection of the lawmaking process during Dom Sebastião's rule – both texts were first elaborated by the king during his stay in the countryside, later revised by his councilors in Lisbon.

The issue of slavery permeated Dom Sebastião's rule since before his enthronization. As shown above, the decisions taken by the First Goan Synod, in 1567, prompted a law from that same year enacted by the king's representative in India, then Vice-Roy Antão de Noronha. Ecclesiastical decisions got then support by secular law, allowing its enforcement not only by clergymen and prelates but also by regal officials. In the text of 4 December 1567, the Vice-Roy confirmed that now "*foreign slaves could not be brought to my territories without guarantee of being well captive*", that is to say, without being legitimately enslaved⁶³⁸. This decision created the need for legitimacy titles for slaves brought from territories non-controlled by the Portuguese crown and its officials – enslaved individuals brought to Goa, Malacca, Cochin, and other Portuguese ports needed now certification, although the process of who should be allowed to issue such letters became a moot point for the time being.

In Portugal, slavery was a hot topic in this period. Since the beginning of the overseas expansion, moral theology was immersed in judicial debates about the legality and legitimacy of the occupation of American landmasses and the enslavement of its population in both the Iberian states.⁶³⁹ Between 1566 and 1567, a debate among Jesuit missionaries in Brazil about the legitimacy of Brazilian enslavement of native populations and voluntary servitude practices prompted the king to enact a prohibition against the enslavement of Brazilian Indians, in March of 1570.⁶⁴⁰ Heavy criticism of the law forced the king to transfer these issues to the colonial administration – as a result, the enslavement of Brazilian Indians was legalized as voluntary servitude in mid-1570s.⁶⁴¹

⁶³⁷ SERRÃO, Joaquim Veríssimo. *Op. cit.*, p. 68.

⁶³⁸ "*E assi ey por serviço de Deos e meu que se não tragam escravos estrangeiros a minhas terras sem certeza de serem bem cativos.*" APO Fasc 4, p. 75.

⁶³⁹ EISENBERG, José. "A escravidão voluntária dos índios do Brasil e o pensamento político moderno". In: *Análise Social*, vol. XXXIX (170), 2004, p. 7. However, in the Spanish side, the crown since the very beginning decided to protect, at least formally, indigenous populations from slavery. See KOSHIBA, Luiz. *A honra e a cobiça: estudo sobre a origem da colonização*. Doctoral thesis presented at the University of São Paulo. São Paulo, 1988.

⁶⁴⁰ For more on the debate Caxa vs. Nóbrega, see EISENBERG, José. *Op. cit.*, p. 7-35; EISENBERG, José. *As Missões Jesuíticas e o Pensamento Político Moderno – Encontros culturais, aventuras teóricas*. Belo Horizonte: Editoria UFMG, 2000, pp. 139-158; ZERON, Carlos Alberto de Moura Ribeiro. *Linha de Fé: A Companhia de Jesus e a Escravidão no Processo de Formação da Sociedade Colonial (Brasil, Séculos XVI e XVII)*. São Paulo: Edusp, 2011, pp. 139-58. The law against Brazilian slavery was published in Leys 1570, pp. 154-7.

⁶⁴¹ EISENBERG, José. *Op. cit.*, p. 155; LEITE, Serafim. *História da Companhia de Jesus no Brasil, Tomo II Livro II*. Rio de Janeiro: Civilização Brasileira, 1939, p. 207.

The issue would come back numerous times, prompting the crown to re-enact the same provisions throughout the years.⁶⁴²

In the Americas, the right to enslave indigenous people was associated directly to issues of just war and how these principles should apply to the New World, as well as to the adoption of local enslavement practices, such as voluntary slavery.⁶⁴³ In Asia, the topic wasn't less broad or complex. Enslavement was a result not only of violent strives between Portuguese and Asian populations and local practices, but also a commercial issue and, consequently, a moral issue. By trading with so-called "enemies of Christ," Portuguese merchants could endanger Jesuit missions and, consequently, generate adverse effects to the stability of the Empire. Furthermore, they faced being excommunicated, as the Constitutions of the Archbishopric of Goa reiterate that "*todos os que levão cavallos, armas, ferro, fio de ferro, estanho, aço, ou qualquer outro metal: instrumentos de guerra, madeira, linho cannamo, cordas de cannamo, ou de qualquer outra materia, ou quaesquer cousas prohibidas aos jmigos de nossa fé, com que nos fazem guerra*" [all those who take horses, weapons, iron, iron thread, tin, steel, or any other metal; war tools, wood, hemp fiber, hemp ropes, or any other material, or any forbidden stuff to our enemies of our faith] were to be penalized with major excommunication.⁶⁴⁴

Slavery in Asia was an issue in the legislative agenda of the government in Portugal, although part of a wider strategy. The itinerant court, dominated by the Jesuit influence, was set to approve any number of requests to confirm the preeminence of the Society of Jesus in the missions. Thus, in 1570, Dom Sebastião started to enact charters granting the Jesuits everything they needed for their missions. Hoping to protect new-converts in Asia, the king would benefit the order and their projects in the *Estado da Índia* and its borders. The monarch compiled new guidelines for the treatment of Asian

⁶⁴² Although it included numerous exceptions throughout the years. See the list of laws enacted towards the Brazilian natives in PERRONE-MOISÉS, Beatriz. "Inventário da Legislação Indigenista 1500-1800." In: CUNHA, Manuela Carneiro da (ed.). *História dos Índios no Brasil*. São Paulo: Companhia das Letras, Secretaria Municipal de Cultura (SP), FAPESP, 1992, pp. 529-66; EISENBERG, José. *Op. cit.*, pp. 156-7. For a more recent discussion of Brazilian slavery and the Jesuits, see ZERON, Carlos Alberto de Moura Ribeiro. *Linha de Fé: A Companhia de Jesus e a Escravidão no Processo de Formação da Sociedade Colonial (Brasil, Séculos XVI e XVII)*. São Paulo: Edusp, 2011.

⁶⁴³ As Mariana Cândido warns, although much of the discussion regarding the legitimacy of slavery in the Americas concerned the doctrine of just war, one must not, however, forget other forms of enslavement, such as kidnappings and deception. See CÂNDIDO, Mariana. "O Limite Tênu entre Liberdade e Escravidão em Benguela durante a Era do Comércio Transatlântico." In: *Afro-Ásia*, 47. Salvador: Universidade Federal da Bahia, 2013, pp. 239-40.

⁶⁴⁴ DHMPPO, Vol. 10, pp. 711-2. This was the same phrasing used in the papal bull *In Coena Domini* in this period. The 1568 edition of the bull was published in Portuguese in the Extravagant Constitutions of the Archbishopric of Lisbon of 1569. *Constituições Extravagantes do Arcebispo de Lisboa*. Lisbon: casa de Antonio Gonsalves, 1569, ff. 15v-20v.

Christians, confirming secular law's support to decisions taken by the Ecclesiastical Council in Goa. Among the enacted letters, slavery had a prominent place.

Portuguese policies for new-converts in Asia

Between early 1570 and 1571, Dom Sebastião enacted a large series of charters to the benefit of newly-converted populations in Asia. They were elaborated before 17 March 1571, the day on which the *carreira* set sail from Lisbon to go to India⁶⁴⁵. Until that date, the Jesuit father Pedro Gonçalves had listed about 40 decisions, among provisions, charters, confirmations and donations enacted by Dom Sebastião in favor of Christianity in Asia and, more specifically, the Society of Jesus⁶⁴⁶. These are the decisions that have to be taken into consideration when analyzing the background against which the charter of Japanese enslavement came to being.

The Gonçalves' list confirmed, among other things, benefits given to the Jesuits by the late king Dom João III; the regents Dona Catarina and Dom Henrique, during Dom Sebastião's infancy; and the Vice-Roys in India. It turned temporary decisions into permanent, such as the donation of two villages to the College in Goa; alleviated restrictions on gifts and donations to the Jesuits; gave the Society of Jesus permission to acquire property for the maintenance of the mission in Japan; allowed missionaries to participate in the clove trade in the Moluccas; exhorted prelates in India to enjoy their expanded jurisdiction, that had been guaranteed by the Tridentine and the First Goa councils⁶⁴⁷; and established the conversion of overseas territories as a policy of the state and the main purpose of the whole enterprise of the empire. As for slavery, it has a decision that is fundamental to understand the nature of the government approach to practices of their fellow countrymen in the *Estado da Índia* and its surroundings.

Slavery was becoming an issue not only in relation to Japan, but also in other areas. According to Gonçalves, Dom Sebastião says that:

“E assy hé informado que muitos homeins da India vão a Bengala, China, Maluco, e outras partes muitas, e de lá trazem muitos escravos e escravas por cativos, que sabem que são furtados e outros que nam sabem por que titulo foram cativos, de que nacam muitos inconvenientes.”

⁶⁴⁵ DI VIII, p. 430.

⁶⁴⁶ DI VIII, pp. 402-11.

⁶⁴⁷ A provision enacted in March of 1569 guaranteed five years of expanded jurisdiction for the prelates in India, from September of that year until 1574, so they could introduce all the decisions taken by the councils.

[having been informed that many men in India go to Bengal, China, the Moluccas and many other parts, and from there bring many slaves, male and female, that they know have been kidnapped [*furtados*] and others they don't know with what reason have been captured [*por que títulos foram cativos*], from which many inconveniences are born.]⁶⁴⁸

As we can see, the issue was not solved by the confirmation given by the Vice-Roy to the decisions of the Goa Synod – there were still problems related to slavery and its practices in Portuguese Asia. The first challenge stated by the king, according to our Jesuit author, was that people from the places where slaves were taken from were shocked with such practices. As we'll see, this was a problem for the Jesuits in Japan in the late 1590s as well, although there is not much information about such issues on the period these laws were enacted. The second issue is that illegitimate enslavement represented a problem for the consciences of those who own and bring slaves to the Portuguese territories. This is a direct reference to the Act 4, Decree n. 10 of the First Goa Council (see section above about the Council and its implications to the enslavement of Asians), where moral and religious problems that slave-ownership posed to the Christians are indicated⁶⁴⁹. Also, this is one of the most recurring arguments used against illegitimate slavery in this period and is fundamental to understand the process here described. The following issue was of moral order – according to the Portuguese authorities, many people owned too many slaves, sometimes 15, 20, 30, 40 and 50, from which the crown considered that many offenses to God were committed not just between masters and slaves, but also other domestic workers and the slaves. The last problem posed was practical: when a siege took place, the fortress was so full of women and “useless people” that the supplies weren't enough to keep them all⁶⁵⁰.

The mention to Dom Sebastião's decision on curbing Japanese enslavement comes few paragraphs later. It says that the king sent a provision ensuing that “no person, of any quality, from Japan, may be enslaved [*cativo*], nor sold nor bought; and the Portuguese that go to Japan buy and sell using a single measurement system, with no deceive.” Although it is a confusing reading of the original text, it is a direct reference to the royal charter.

Despite the orders against enslavement practices, there was still the challenge of enforcement. Dom Sebastião's strategy in governing and enacting laws made him choose the emission of *alvarás* and other more direct ways of ruling issues instead of formal letters. As a result, most of his *alvarás* for this period, and all of the charters related to Japanese Christianity had, in the end, the same disclaimer:

⁶⁴⁸ DI VIII, p. 409.

⁶⁴⁹ *Bullarium*... pp. 25-6.

⁶⁵⁰ DI VIII, p. 409.

“E mando que em todo cumprão e fação cumprir e guardar este meu alvará como nelle se contem: o que quero que valha, tenha força e vigor como se fosse carta feita em meu nome, por mim assinada e passada por minha chancelaria, sem embargo da ordenação do segundo livro, titulo vinte, que diz que as couzas cujo effeito ouver de durar mais de hum anno passem por cartas, e passando por alvarás não valhão.”

[And I command that this charter shall be observed in its entirety, adopted and kept with all of its contents: and I want it to be valid and have the same strength as a letter written in my name, by me signed and registered in my chancellery, despite the ordination of the second book, title twenty, that says for things to be valid for more than one year they must be enacted by letters [*cartas*], and being enacted by charters [*alvarás*] they may not [be valid for more than one year⁶⁵¹]

Many of the charters enacted during this period by Dom Sebastião were written not as “*cartas patentes*” [letters patent], which were the most usual and recognized way of enacting royal orders, but as *alvarás* (charters) and provisions⁶⁵². Dom Sebastião’s itinerant court wasn’t always accompanied by the royal chancellery, which slowed down the law-making process. Apparently, the court’s strategy was to leave formalities aside and rule in a more direct way, without the need for registration in royal chancellery, thus explaining the choice for *alvarás* instead of *cartas patentes* as a governing style.

The legislative code promulgated by the Portuguese king Dom Manuel in the early sixteenth century was the responsible for specifying these formalities. According to the so-called *Ordenações Manuelinas* – name of the code enacted by Dom Manuel – book 2, title 20, every letters patent enacted not only by the king but by his representatives should be registered in the royal chancellery. They also had to begin with the words “*Dom Manuel...*”, or the name of the monarch then in throne, in this case, Dom Sebastião⁶⁵³. It was also stipulated that officials who enforced non-registered laws could face monetary penalties – fear of such penalties could also deter officials and avert the adoption of these charters. Another formality needed was the formula “*no anno do nascimento do nosso*

⁶⁵¹ The same text, with small variations, is found in the end of all the laws found here, including the charter on Japanese enslavement (APO Fasc. 5, parte II, p. 793), the exemption of tithes for new-converts in Asia (APO Fasc. 5, parte II, pp. 733, and 786), and the grant of free trade for converted kings and allies of Christianity in Asia (APO Fasc. 5, parte II, p. 732).

⁶⁵² Following chronologically the acts enacted by Dom Sebastião and included in the compilation published in the nineteenth century, we have a total of 29 texts between 1568 and 1578, out of which 14 follow the formalities needed for letters patent.

⁶⁵³ OM, Lib. 2, Tit. 20, p. 97.

senhor Jesus Cristo” [in the year of our lord Jesus Christ’s birth] for writing dates at the end of these letters, which was needed for writing letters patent⁶⁵⁴.

During the years of the plague in Lisbon (1569-70) and after that, the royal chancellery was moved many times out in the country. Some historians consider that the king was accompanied by his chancellors most of the time, allowing him to follow the regular law-making process⁶⁵⁵, but that presence wasn’t constant. During the year of 1570, for example, when Dom Sebastião first enacted the *alvarás* regarding Japanese Christians, the king published 18 legal decisions, out of which we can divide into seven letters patent (including *regimentos* and laws) and 11 charters (*alvarás*). Twelve of these acts have instructions for later registration at the chancellery or civil office (*Casa do Cível*). Only the three charters related to Japan have instructions for later registration at the fortresses and offices in the overseas.

Since assuming the government, Dom Sebastião introduced changes in the law-making process. In 1568, he altered some of the procedures needed for the expedition of pardons and provisions by judges of the royal palace (*Desembargadores do Paço*)⁶⁵⁶. The legislative reform, even though instituted also by a charter (*alvará*), was aimed at making the process swifter and more agile. Registration in the chancellery could take months to happen⁶⁵⁷, and laws could be disallowed by the state council in that meantime. Enacting laws in the form of *alvarás* allowed not only the king, but his closest secretaries and councilors, to overlook internal politics and regular procedures in favor of a more direct governing style.

Aware of the legal issues his style could provoke, Dom Sebastião and his court were quick to amend things. In January of the following year of 1572, the king’s court enacted a new charter confirming all of the policies enacted the year before in favor of the Society of Jesus in India. The simple and short text reads that all of the provisions and letters given by Dom João III and Dom Sebastião should be respected and implemented in full force⁶⁵⁸.

Back to the enforcement issue, the Gonçalves’ list states that the king ordered the Vice-Roy, prelates of all orders, and people that might be needed, to gather with the judges of a special visiting tribunal, the so-called *Alçada*, and the deputies from the newly-launched Board of the King's Conscience and of the Military Orders of India. Both

⁶⁵⁴ ANDRADE, Jacinto Freire de; S. LUIZ, Francisco (ed.). *Vida de D. João de Castro Quarto Viso-Rey da India*. Paris: Aimé André, 1837, p. 320.

⁶⁵⁵ CRUZ, Maria Augusta Lima. *Op. cit.*, pp. 188 and 200-1.

⁶⁵⁶ Leys 1570, pp. 45-52 (pages 49 to 52 are misnumbered 85-88).

⁶⁵⁷ This time varied immensely, given the conditions of the kingdom. For example, a law enacted by the king in 18 June 1571 about heretical and forbidden books was registered in 26 June 1571, but there are also cases such as the provision published in 18 March 1578, on doubts among prelates and justices, which was registered months later, in 17 June of that year. Leys 1816, pp. 161-6, and 253-70.

⁶⁵⁸ DI VIII pp. 537-540.

these institutions, the *Alçada* and the Board of Conscience and Orders, were established during the biennial of 1570-71.

The oldest of the two was the so-called Board of the King's Conscience and of the Military Orders [*Mesa da Consciência do Rei e Ordens Militares*]. The Portuguese counterpart was first created by Dom Sebastião's grandfather, king Dom João III, in 1532⁶⁵⁹. The board was designed to assist the king in policies related to his religious conscience, putting to practice the idea that politics should be conceived as a process for the realization of philosophy⁶⁶⁰. All the matters that weren't related to commerce and navigation in the kingdom since its establishment were supposedly analyzed by this board, which was composed of five personalities, most from the area of canon law. Its decisions were put immediately in practice, with no space for appeal, tort or review. During the rule of Dom Sebastião, Martim Gonçalves da Câmara, one of the two Câmara brothers, chaired the board⁶⁶¹.

An Indian version of the Board of Conscience and Orders was established by royal decree in 1570. Based in Goa, the new board was subordinate to the main board in Lisbon and was in charge of assisting matters that excelled the jurisdiction of the interior and justice courts⁶⁶². In Goa, it was headed by Dom Jorge Themudo, Archbishop of the city, aided by two deputies – the Jesuits Antonio de Quadros and Melchior Nunes Barreto⁶⁶³. The Portuguese historian Diogo do Couto, commended the activities of the board in Asia, praising its capacity to curb any excesses committed by the Vice-Roys and Governors of the *Estado da Índia*⁶⁶⁴. All of those issues that were, until then discussed by the board in Portugal concerning overseas territories, were now delegated to the board in Goa: discussions about retrieving gentile orphans, the usage of Brahmani in the service of regal officials, the celebration of gentile festivities in territories under Portuguese control, converting methods, preparation of baptisms, and others. Closed in 1696, most of the documentation related to the activities of this board has been lost⁶⁶⁵.

The second institution was the so-called *Alçada*. The creation of this visiting tribunal in the *Estado da Índia* in 1571 deserves some attention here. A practice which origins can be traced back to the Middle Ages⁶⁶⁶, the *Alçada* was a temporary commission

⁶⁵⁹ MARCOCCI, Giuseppe. *Op. cit.*, p. 134.

⁶⁶⁰ MALTEZ, José Adelino. *Op. cit.*, p. 401.

⁶⁶¹ MALTEZ, José Adelino. *Op. cit.*, pp. 401-3.

⁶⁶² CRUZ, Maria Augusta Lima. *Op. cit.*, pp. 188-9.

⁶⁶³ SOUSA, Francisco de. *Oriente Conquistado a Jesu Christo pelos padres da Companhia de Jesu, Segunda Parte*, pp. 54-55.

⁶⁶⁴ COUTO, Diogo do. *Observações sobre as principais causas da decadência dos Portugueses na Ásia or Soldado Prático*. Lisbon: Oficina da Academia Real das Sciencias, 1790, p. 39.

⁶⁶⁵ CRUZ, Maria Augusta Lima. *Op. cit.*, pp. 190-1.

⁶⁶⁶ MATTOSO, José. *História de Portugal Vol 2 – A Monarquia Feudal (1096-1480)*. Lisbon: Editorial Estampa, 1997, p. 121; SERRÃO, Joel and OLIVEIRA MAR UES, A.H. *Nova História de Portugal, Volume 3 – Portugal em definição de fronteiras (1096-1325)*. Lisbon: Editorial Presença, 1987, p. 103. These were

destined to normalize court activities.⁶⁶⁷ It was prepared by the king based on charters of previous commissions; such documents were asked to the archivist at the Torre do Tombo regal archives in Lisbon, to be sent to the king in Montemor-o-Novo, where Dom Sebastião had taken refuge from the plague that assailed his capital⁶⁶⁸. After the establishment of two commissions in Portugal in January of the previous year, the overseas institution was created in 3 March of 1571⁶⁶⁹. Its authority, powers, and incumbencies were defined by the *Regimento da Alçada*, a charter of over 60 items with specific orders and determinations that should be enforced by its dispatched officials⁶⁷⁰. Dom Sebastião specified that the main purpose of this *Alçada* was to provide the *Estado da Índia*'s territories with a more agile justice system, able to represent the royal power in a manner that hadn't taken place until then⁶⁷¹.

The committee would work as an autonomous body, apart from the Vice-Roy, to monitor government institutions such as the Goa High Court or *Relação de Goa* and the Vice-Roy himself⁶⁷². The *Alçada* was presided by Duarte Carneiro Rangel, associate judge at the royal palace in Lisbon [*Desembargador do Paço*] and one of the closest members of the king when in Portugal. Rangel was assisted in his duties by three other

administrative acts of royal jurisdiction, consisting of commissioners sent by the monarch to investigate irregularities, record land, rights, and privileges of noblemen and the clergy, in order to defend the interests of the monarchy against abuses among local elites. Cf. AMORIM, Aires de. *Esmoriz e a sua história*. Esmoriz: Comissão de Melhoramentos, 1986, p. 22.

⁶⁶⁷ The temporary nature of the *Alçadas* in this period is clear in the text responsible for the establishment of the two visiting commissions in Portugal: "I have ordered the deployment by now of two *alçadas* in my Kingdoms..." [*Ordeney de mandar por ora duas alçadas pellos dittos meus Reynos...*]. Leys 1570, p. 89.

⁶⁶⁸ CRUZ, Maria Augusta Lima. *Op. cit.*, pp. 194-5.

⁶⁶⁹ *Idem*, p. 192; APO, Fasc. 5 Parte 2, p. 783; The charter creating the two *Alçadas* in Portugal was published in 1570. Leys 1570, pp. 88-136. One fact that may have contributed to the decision of establishing an *Alçada* in India could have been a letter sent to the king and dated 1568, which relates the inefficacy of justice officials in Goa, who "nunqua vio nem ouvio Baldo nem Jasão" [never saw nor heard of Baldo degli Ubaldi or Jason [del Maino]]. WICKI, José. "Duas relações sobre a situação da Índia Portuguesa nos anos de 1568 e 1569. In: *Separata de Stvdia*, N. 8, July 1961. Lisbon: Centro de Estudos Históricos Ultramarinos, 1961, p. 171.

⁶⁷⁰ The *Regimento* has been published twice: DHMPPPO *Insulíndua*, Vol. 4, p. 112-27; and APO Fasc 5. Parte 2, pp. 770-83.

⁶⁷¹ APO, Fasc. 5 Parte 2, doc. 714, p. 770.

⁶⁷² As pointed out by Catarina Madeira Santos, this strategy must, however, be understood in a wider context as well, as Dom Sebastião had created in 28th of January 1570 two other *Alçadas* in Portugal too, to supervise courts in the kingdom. SANTOS, Catarina Madeira. *Goa é a chave de toda a Índia – Perfil político da capital do Estado da Índia (1505-1570)*. Lisbon: Comissão Nacional para as Comemorações dos Descobrimientos Portugueses, 1999, pp. 185-6, 188, and 320-1. The translation of *Relação de Goa* as the High Court of the city is borrowed from Teotónio R. de Souza. See SOUZA, Teotónio R. "Amoras and Amores: The Ambiguities of Colonial Manhandling in Sri Lanka under the Portuguese." In: PERERA, C. Gaston (ed.). *The Portuguese in the Orient*. Kandy (Sri Lanka): International Center for Ethnic Studies, 2010, p. 245.

officials, appointed by the monarch⁶⁷³. Among the many instructions of the March 1571's charter, there are a few of our particular interest. First, in regard to the First Goa Council, the king had determined that the judges should verify whether captains in India did obey the decrees of the Council, "*no que toca á conversão dos ditos gentios, e á reformação dos costumes, e ás mais cousas nelle determinadas*" [regarding the conversion of said gentiles, and the reformation of customs and other issues determined by the Council].⁶⁷⁴ The decrees here referred are probably those related to captains of the *Estado da Índia*, namely decrees 12 through 27 of the 4th act of the Council. The following instruction determines that the *Alçada* should verify whether there were no extorted or oppressed gentiles, victims of Portuguese who could be "*captivando-os illicitamente, e roubando-lhes ou tomandolhes o seu por modos illicitos, e contra sua vontade*" [capturing them illicitly, and stealing or taking their [goods] by illicit ways and against their will]. This decision was to be published and declared for oppressed gentiles, so they could search for justice at the secular courts in India⁶⁷⁵. Regarding the enslavement of Asians, item number 61 is probably the most interesting for our purpose here. It reads as follows:

"LXI: São outroi informado que muitas pessoas vão a Bengala, China, e Maluco, e outras partes, e trazem muitos escravos e escravas captivos, que sabem que são furtados, e outros que não sabem per que titulo forão captivos, de que nascem muitos inconvenientes em perjuizo de suas consciencias, e do serviço de nosso senhor, e tambem do meu; pelo que vos mando que pela mesma maneira vos ajunteis com o meu V. Rey sendo presentes os desembargadores e mais pessoas que a elle e a vós parecer, e examineis os ditos captiveiros, e fareis libertar os escravos que forem mal captivos; e para o diante se tomará nisso a resolução que bem parecer, a qual o V. Rei fará dar a execução; e para estes casos se ajuntarão tambem comvosco e com o V. Rei os deputados da Mes da Consciencia das ditas partes."

[LXI: Therefore I have been informed that many people go to Bengal, China, and the Moluccas, as well as other parts, and bring many male and female slaves captives, who they know are kidnapped [furtados], and others that do not know by what title they [slaves] have been captured, from which many inconveniences are born, in detriment of their consciences, and the Lord's service, and mine; for what I command you to gather in the same manner with the Vice-Roy, the judges, and more people that may be needed, and examine such cases [captiveiros], and make free slaves that have been badly captured; and from now on, an appropriate resolution must be taken about this matter, which the Vice-Roy

⁶⁷³ The other members of the commission were António Cerqueira, André Fernandes Fiel e Francisco Frias. They were assisted by a bailiff and a notary. APO Fasc. 5, Parte II, p. 770-1. Duarte Carneiro Rangel died the next year after he arrived in India, in 1572. *DI VIII*, p. 679.

⁶⁷⁴ APO Fasc. 5, parte II, p. 776.

⁶⁷⁵ *Idem*, p. 776.

must execute; and for these cases the Vice-Roy and the deputies of the Board of Conscience of those parts must gather with you.]⁶⁷⁶

The text confirms what had been listed by father Pedro Gonçalves in March of 1571. The president of the *Alçada*, Duarte Carneiro Rangel, and his three assistants were instructed to gather with local authorities in Goa, analyze each case of potentially illegitimate enslaved individuals, free those slaves, and enact new resolutions on the issue. Gonçalves' list also tells us that they were not supposed to wait for any new order or word about this issue from the king. Dom Sebastião deemed the issue solved. The monarch was, in practice, delegating to government officials in India the final decision on the question of illegitimate slavery. Even though Japanese slavery is not expressly mentioned, it is not outrageous to consider that any Japanese slave and their owners in Goa and other parts of Portuguese India would be subject to the *Alçada*'s scrutiny. After all, this decision was targeted at slaves brought to Portuguese territories, not the capture, rescue and other enslavement practices carried out by Portuguese merchants in areas outside of the crown's jurisdiction.

It is unclear how the royal instructions were put into effect and how illegitimate enslavement practices were addressed by the *Alçada*. No documentation of the same period mentions it. We have no information about people who were prosecuted by officials for illegal enslavement, or of any individual who achieved freedom by this act, for that matter. Duarte Carneiro Rangel, president of the *Alçada*, passed away in 1572⁶⁷⁷, being thus substituted by Antonio Cerqueira, one of his original assistants in the commission⁶⁷⁸. The visitation was supposed to be temporary, and its main objective was to put the *Estado da Índia* house in order, giving a permanent solution to the many issues concerning unjust wars, bribery, unfair rulings, and corruption of all kinds. However, the judges didn't enjoy an easy relationship with local officials in India. In 1574, for example, Cerqueira had problems receiving his due payment, prompting the king to issue an express order⁶⁷⁹. No other mentions of the *Alçada* are found beyond this year, so we consider safe to assume that its operations were terminated at that point⁶⁸⁰.

We must, however, underline that the problem addressed was not slavery itself, as an institution, but the legitimacy of the process of enslavement by Portuguese in Asia. In other words, these laws reiterated the necessity of legitimate titles and motives for the

⁶⁷⁶ *Idem*, pp. 782-3. Sousa also mentions this document, but in a descriptive fashion. See SOUSA, Lúcio de. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014.

⁶⁷⁷ According to note by Josef Wicki. DI VIII, p. 679.

⁶⁷⁸ The next day the *Regimento* charter was enacted, Dom Sebastião appointed Antonio Cerqueira as successor to Duarte Carneiro Rangel, in the case Rangel died. APO Fasc. 5, parte II, p. 783-4.

⁶⁷⁹ *Idem*, p. 894.

⁶⁸⁰ Apparently, the last time members of the *Alçada* participated in the legislating process in India was in 19 February 1574, when they approved two laws, both restrictive texts against the abusive usage of judicial processes by local converts. WICKI, José (ed.). *O Livro do "Pai dos Cristãos"*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1969, pp. 143-7, and 168-72.

enslavement of Asians, creating thus a bureaucratic practice that apparently did take place since the 1570s given the history of slavery in the *Estado da Índia*. On the other hand, the fact that there is a single, specific *alvará* referring exclusively to Japanese enslavement has to be considered. Japanese slavery was not an issue related only to the enslaved population in India – it was a diplomatic and trading issue faced by missionaries in Japan.

For the benefit of Japanese Christianity

The first thing that one has to point out about the charter on Japanese enslavement is that it was not an isolated initiative. Dom Sebastião enacted at least three charters in September 1570 concerning the Christian community of Japan. On September 20th, the royal scrivener André Sardinha was commissioned to write two charters, or *alvarás*.

- 1) A grant of freedom of trade for converted kings, and rulers who favored Christianity, in the seas of India, China, Japan and Moluccas;
- 2) The charter on the enslavement of Japanese people, and the determination that Portuguese in Japan should trade using local measurement standards.

Two days later, Sardinha penned a third charter concerning Japan.

- 3) Exemption from paying tithes for fifteen years to new converts in India, China, Japan and Moluccas.

The elaboration of the three *alvarás* was made under supervision of the finance secretary Jorge da Costa.⁶⁸¹ They were written in Sintra, while the king waited the best moment to return to Lisbon after the plague. However, on the following year, two of the three laws were rewritten in Lisbon: the exemption of tithes for new converts, on March 6th, and the charter on slavery, on March 12th. Pero Fernandes was responsible for

⁶⁸¹ Jorge da Costa died with Dom Sebastião in Africa in 1578 (CRUZ, Bernardo da. *Chronica de ElRey D. Sebastião*. Lisbon: Imprensa de Galhardo e Irmãos, 1837, p. 290). He appears as commissioner in the Portuguese law-making process since at least the Regency of Dona Catarina, Dom Sebastião's grandmother, but his name can be seen as scrivener in charters and laws enacted at the end of Dom João III's rule. He is most probably the son of Manuel da Costa (1511-1562), law scholar who also acted as secretary for Dom João III and had a stellar magisterial career in Salamanca and Coimbra. Known as *Doctor Subtillis*, this Manuel da Costa should not be mistaken by the Jesuit historian Manuel da Costa, who worked with Pietro Maffei writing the history of the missions in the East. Cf. Luís Henrique Rodrigues-San Pedro Bezares. *Las universidades hispánicas de la monarquía de los Austrias al centralismo liberal Siglos XVI y XVII*. Universidad de Salamanca, 2000, p. 420. Jorge da Costa was granted the exclusivity rights over his father's works in 1574, which were then published in León and Salamanca DESLANDES, Venâncio. *Documentos para a historia da typographia portugueza nos seculos XVI e XVII*. Lisbon: Imprensa Nacional, 1888, p. 96.

rewriting the former, while Baltezar Falcão⁶⁸² substituted Sardinha on writing the latter. Furthermore, both rewritten versions carried the signature of Martim Gonçalves da Câmara, Notary of Purity. In our opinion, this indicates the need of the notary's approval before its enforcement in overseas territories. That could be explained by the fact that both texts dealt with spiritual matters and issues of ecclesiastical justice, different than the third law that concerned the freedom of trade for Christianized rulers and allies.

Comparing the two versions of both texts, however, there are no significant changes in content. So why did it have to be re-written? In reality, the existence of these two dates indicates the complexity of the law-making process in Portugal during this period.⁶⁸³ Between being put on paper by the king and before being sent to India, they were once more reviewed and confirmed by the court's officials in Lisbon, in this case, Martim Gonçalves da Câmara.

Nevertheless, the first version of the charter on Japanese slavery was promulgated in Portugal before being sent to India, dated September 20th 1570. This is evidenced by a copy of this print existent in the Biblioteca Nacional de Lisboa.⁶⁸⁴ The second version, however, was sent to India after being reviewed and signed by Martim Gonçalves da Câmara in Lisbon. It arrived in Goa in September of 1571. In the end, it came into force by early October of that year. Although dates may seem less important given that the contents were not altered, the existence of a second date reveals part of the lawmaking process and shows an instance of direct influence exercised by the Jesuits over the administration, in which they had control over legal texts sent to India that were related to ecclesiastical and religious matters.

The charter on Japanese enslavement has survived in a few forms that demand closer attention. The most widely known of these is probably the version published in 1816⁶⁸⁵, which is a modern print of a volume published in 1570.⁶⁸⁶ In September 14th of

⁶⁸² Josef Wicki points out that this Baltezar Falcão and Baltazar Frazão, another of Dom Sebastião's scribes, may be the same person. DI VIII, p. 383, n. 15.

⁶⁸³ Moran is one of the few historians that noticed the two dates. In regard to the charter on slavery, he pointed out that Boxer indicated 1571 as the date for the law, while Alvarez-Taladriz gave it as 1570. MORAN, J.F. *The Japanese and the Jesuits – Alessandro Valignano in sixteenth-century Japan*. London and New York: Routledge, 1993, p. 215, n. 63. Moran here refers to Boxer's *Fidalgos in the Far East (1550-1771)* and Valignano's *Adiciones del Sumario de Japón*, edited by Alvarez-Taladriz. Ana Proserpio Leitão also noticed the two dates, but she understood as if the king had reenacted a new charter one year later, without considering that the first one had not even left Portugal yet before the second date. See LEITÃO, Ana Maria Ramalho Proserpio. *Do Trato Português no Japão – presenças que se cruzam (1543-1639)*. Dissertation presented to the Universidade Clássica de Lisboa, 1994, p. 149.

⁶⁸⁴ Indicated in MATSUDA, Kiichi. *Zainan'ō Nihon Kankei Monjo Saihōroku – Catalogo dos Documentos sobre o Japão existentes na Europa Meridional*. Tenri, Japan: Yōtokusha, 1964, p. 174.

⁶⁸⁵ Leys 1816.

⁶⁸⁶ Leys 1570. For more on this edition, see SILVA, Innocencio Francisco da, e ARANHA, Brito. *Diccionario bibliographico portuguez, estudos de Innocencio Francisco da Silva, Tomo Decimo (terceiro do suplemento) H-J*. Lisbon: Imprensa Nacional, 1883, pp. 28-31.

that year, a printer from Lisbon, Francisco Correa, received authorization and exclusive rights to publish a compilation of laws enacted by Dom Sebastião up to that point. The printer was an experienced publisher, who had also worked before in Porto and Coimbra, and had received royal privileges before.⁶⁸⁷

Manuscript copies of this charter may be found in Portugal and India. In Lisbon, the Palace of Ajuda library has a manuscript copy with the same title as the September 1570 printed version.⁶⁸⁸ Modern editions of Goa archives, more specifically the *Archivo Portuguez Oriental*⁶⁸⁹ and *O Livro do “Pai dos Cristãos”*,⁶⁹⁰ indicate the inclusion of the law in two codices. Both are now in the Historical Archives of Goa, numbered 9529 and 7693. The first and largest codex, 9529, has 206 folios, and is titled “*Provisões a favor da Cristandade (Livro do Pai dos Cristãos)*” [Provisions in favor of Christianity (Book of the Father of Christians)]. It was first written around 1670, compiling previous laws, and having further texts added as time went by. The second codex, “*Leis a favor da Cristandade*” [Laws in favor of Christianity], has 93 folios, and was first compiled in 1746.⁶⁹¹ Both were based on a previous compilation, now lost. However, there are no significant differences between both copies.

It is noteworthy that the 1570/1571 charter must not have been the first legal attempt to curb Japanese slavery. The Jesuit Pedro Boaventura, writing in 1567, mentions that there were laws in India forbidding merchants to trade slaves from the Prester John, China and Japan. Nevertheless, the text is not clear if this is a reference to local laws enacted by Asian rulers or local initiatives taken by Portuguese administrators.⁶⁹²

⁶⁸⁷ For more information on Francisco Correa, see BRITO, Gomes de. *Noticia de livreiros e impressores de Lisboa na 2ª metade do século XVI*. Lisbon: Imprensa Libanio da Silva, 1911, pp. 35-7; and DESLANDES, Venâncio. *Documentos para a historia da typographia portugueza nos seculos XVI e XVII*. Lisbon: Imprensa Nacional, 1881, pp. 42-5. This printer was also responsible for many other official publications, such as indexes of forbidden books, diocesan constitutions, and others. As for the necessity to compile and organize laws and acts for the administration, the initiative apparently took momentum in India as well: in 1568, Vice-Roy Dom Luis de Almeida enacted a provision commanding the compilation of laws enacted in India in a single volume, for future reference, although this volume was not intended for publishing. APO Fasc. 5, parte I, p. 691.

⁶⁸⁸ Ajuda 49-II-48, pp. 215-21.

⁶⁸⁹ APO Fasc. 5, Parte II, pp. 791-3.

⁶⁹⁰ WICKI, José (ed.). *O Livro do “Pai dos Cristãos”*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1969.

⁶⁹¹ Informations from WICKI, José (ed.). *O Livro do “Pai dos Cristãos”*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1969, pp. XI-XIV.

⁶⁹² DI VIII, p. 247, Pedro de Buenaventura a Francisco Borgia, Cochin, 24th April 1567: “*Y es tan clara la falta, que no obstante, que ay lees en esta tierra, que los del Preste Joan, China y Giapón, no se pueden vender...*”.

The *alvará* covering Japanese enslavement was simple and direct. Here, we use the latest of the contemporary versions, which actually arrived in India, as published by José Wicki in his *O Livro do “Pai dos Cristãos.”* It reads as follows:⁶⁹³

Alvará de S. A. pera se não cativar nenhum jappão, e que em Jappão se peze e receba pelas balanças acostumadas

Eu, El-Rey, faço saber aos que este alvará virem que – polla informação que tenho do modo que ategora se teve no cativeiro dos gentios do reino do Jappão das partes da India, e dos grandes inconvenientes que disso se seguem, e como não há cauzas justificadas pera o tal cativeiro, e principalmente pelo impedimento que disso nasce à conversão dos ditos gentios – hey por bem e mando que daquy em diante portuguez algum não possa resgatar nem cativar jappão, e sendo cazo que resgatem ou cativem alguns dos ditos jappõis, os que assy forem resgatados ou cativos ficarão livres, e além disso as pessoas que os cativarem ou resgat[ar]em emcorrerão em pe[r]dimento de toda sua fazenda, ametade pera o fisco e minha coroa real, e a outra ametade para quem o acuzar.

E porque sou outrossy informado que os portuguezes que vão tratar ao Jappão mudão os pezos e balanças, vendendo por humas e comprando por outras, tudo em grande perjuízo dos japõis, com que também se daa grande impedimento à conversão delles, e que os novamente convertidos recebem disso grande escandalo, ordeno e mando que daquy em diante os portuguezes comprem e vendão por hum mesmo pezo e balança, a qual será a que sempre ouve na terra onde os ditos portuguezes tratarem: e qualquer capitão ou pessoa outra, portuguez de qualquer qualidade que seja, que o contrario fizer, emcorrerá em pe[r]dimento de toda sua fazenda, ametade pera a minha coroa e a outra metade pera quem o acuzar; e os capitães das naos ou navios, que às ditas parrtes do Japão forem, serão obrigados a trazerem certidões autenticas das justiças dos lugares e terras onde tratarem, reconhecidas pelo[s] portuguezes que nellas residirem, de como venderão e comprarão por hum mesmo pezo e balança; e não residindo nos lugares portuguezes, será a dita justificação feita nas ditas certidões pellos que mais perto estiverem até dez legoas, e não trazendo as ditas certidões, na forma e maneira que dito hé, encorrerão nas penas acima declaradas. E tanto que as naos ou navios que forem às ditas partes chegarem à India, o ouvydor geral della, no lugar onde residir, e as mais justiças em sua abzencia, nos lugares onde as ditas naos ou navios forem aportar, serão obrigados inquirir devasamente se algumas pessoas fazem o contrario do que se contém nesta provizão; e o dito ouvydor geral procederá, contra os culpados, à

⁶⁹³ As published in WICKI, José (ed.). *O Livro do “Pai dos Cristãos”*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1969, pp. 90-3.

execução das ditas penas como for direito, e as ditas justiças lhe enviarão pera isso as devações, que sobre os ditos cazos tirarem.

E mando ao meu Viso-Rey e Governador das ditas partes da India e ao dito ouvydor geral, que hora são e ao diante forem, e a todas as justiças das ditas partes, que cumprão e guardem e fação inteiramente cumprir e guardar esta provizão como se nella contém, a qual o dito ouvidor geral publicará na audiencia de seu juizo, e fará publicar por todos os lugares publico e acostumados, do lugar onde estiver quando lhe for dada; e enviará logo cartas com o treslado della sob seu sinal e meu sello aos capitães e officiais portuguezes dos lugares de Jappão, e aos capitães e mais justiças dos lugares e fortalezas das ditas partes da India, às quais mando que a fação publicar em todos os ditos lugares e fortalezas, pera que a todos seja notorio, specialmente aos jappõis, e não possam pretender nem allegar ignorancia. E este se registrará no livro da Relação das ditas partes da India, e no livro da camara da dita cidade de Goa e dos mais lugares e fortalezas das ditas partes. Hey por bem que valha e tenha força e vigor, como se fosse carta feita em meu nome, por mim asinada, passada por minha chancelaria, sem embargo da ordenação do segundo livro, titulo vinte, que diz que as couzas, cujo effeito ouver de durar mais de hum anno, passem por cartas e, passando por alvarás, não valhão. Baltezar Falcão o fez, em Lixboa, a doze do mês de Março de mil quinhentos setenta e hum annos. Jorge da Costa o fez escrever.

Rey Martim Gonçalvez da Camara

Provizão pera Vossa Alteza ver. Primeira via.

Cumpra-sse este alvará d'El-Rey meu senhor atraz escrito, como se nelle contém sem duvida alguma. Manoel Coelho o fez, em Goa, a vinte e seis de Setembro de mil quinhentos oitenta e hum⁶⁹⁴

O Viso-Rey

Aos onze dias do mez de Outubro, do anno de mil quinhentos setenta e hum annos, em esta cidade de Goa, por Belch[i]or Vaaz, porteiro do concelho, em prezença de mim, escrivão abaixo nomeado, foy apregoada a provizão atraz d'El-Rey nosso senhor, toda de verdo ad verbum, assym e da maneira que se nella contém pellos lugares publicos e acostumados da dita cidade, e de como assy foi apregoada a dita provizão como dito hé, eu, escrivão, de tudo fiz este termo em o qual asinou o dito porteiro comigo. Domingos Rebello, escrivão das execuções que de tudo dou minha ffee passar na verdade que o escrevy. Belch[i]or Vaaz,

⁶⁹⁴ This date is probably wrong. It would make no sense to have this note inserted here, between the charter and the note of publication in Goa 10 years after. This must be read as 1571.

*Catilla. Passe o escrivão da chancelaria por duas vias este alvará em carta testemunhavel aos Padres da Companhia de Jesus. Gondçalus*⁶⁹⁵.

[His Highness' Charter, that no Japanese may be enslaved [se não cativar], and that in Japan local measuring standards be used for selling and buying

I, the King, make public for all who see this charter that – having being informed about the way until now had about the captivity of gentiles in the kingdom of Japan, in the parts of India, and the great inconveniences born by it, and as there are no justified causes for such captivity, and especially because of the impediment born regarding the conversion of said gentiles – I wish and order that, from now on, no Portuguese may rescue nor capture any Japanese, and if they rescue or capture any of the said Japanese, those who thus were rescued or captured will be set free, and besides those who captured or rescued them will be punished by losing all their merchandise, half to the treasury and my royal crown, and the other half to whoever denounces them.

And because I have also been informed that the Portuguese who go to Japan to trade change their weights and scales, selling by ones and buying by others, all in great loss to the Japanese, which also results in great hindrance to their conversion, and those who have been converted are appalled by this action, I order and command that from now on the Portuguese must buy and sell by a single weight and scale, which will be what has always been used in the land where the Portuguese trade. And if any captain or any other person, Portuguese from whatever quality he may be, does the opposite, he will be punished by losing all his merchandise, half to my crown and the other half to whoever accuses him. And the captains of the ships which in those areas of Japan go will be required to bring authentic certifications enacted by the justices from the places and lands wherever they trade, recognized by the Portuguese who reside there, proving they have sold and bought using a single weight and scale. And in the case there are no Portuguese residents, said justification will be explained in certificates enacted by those who live nearby, up to ten *léguas* [miles], and if they do not bring back said certificates in the explained shape and manner, they will be receive the aforementioned punishments. And when the ships which had been to these areas come back to India, the general-ombudsman [ouvidor geral] of India, in the place where he resides, or, in his absence, any other justice in the places where said ships dock, they will be required to inquiry accurately if any person did the

⁶⁹⁵ Gonçalo Lourenço de Carvalho, who was the official chancellor in the royal chancellery, which was located at the Rua Direita, in Goa, at least since 1557, and ad interim vedor da fazenda between 1558 and 1559. WICKI, José (ed.). *O Livro do "Pai dos Cristãos"*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1969, p. 65.

opposite of what this provision contains. And said official will proceed, against those guilty, executing the said punishment as it is appropriate, and said justices will send him [the ombudsman] the inquiries made on said cases.

I order my Vice-Roy and Governor of said parts of India and said general ombudsman, whoever they are now and whoever they are from now on, and all justices of said areas, to abide, observe and enforce in its entirety this provision as it is written, which said ombudsman will publish in the audience under his jurisdiction, and will made it be published every public and usual places where he is when he receives it [the law]. And he will soon send letters with its transcription with my sign and my stamp to the Portuguese captains and officials of the areas of Japan, and other captains and justices of places and fortresses of India, to where I order this law must be published in all said places and fortresses, so it will be known by all, especially to the Japanese, and thus no one may pretend nor plead ignorance. And it will be registered in the book of the High Court of said areas of India, and the book of the Municipal Chamber of Goa, as well as other places and areas of these areas. I order it to be enforced as if it were a letter made in my name, signed by myself, enacted by my chancellery, regardless of the ordination of the second book, title twenty, which says that, in order to have more than one year of effect, decisions ought to be enacted by letters, and if enacted by charters [alvarás], they will not [have more than one year of effect.] Baltezar Falcão made it, in Lisbon, March 12th 1571. Jorge da Costa commissioned it.

King Martim Gonçalves da
Câmara

Provision submitted to Your Highness. First copy.

This royal charter written above shall be enforced, as it is undoubtedly. Manoel Coelho made it, in Goa, September 26th 1581.⁶⁹⁶

The Vice-Roy

On the eleventh day of October, of the year one thousand five hundred seventy one, in this city of Goa, by Belchior Vaz, gatekeeper of the council, in my presence, scrivener named bellow, the aforementioned royal provision was published, verbo ad verbum, in the way it is written through all the public and usual places of said city, and as said provision was published, I, the scrivener, registered it, under which said gatekeeper signed with me. I, Domingos Rebello, executive scrivener, certify all the text above as I have truthfully written.

⁶⁹⁶ This must be read as 1571.

Belch[i]or Vaaz, Catilla. May the chancellery scrivener send this charter in two copies in certified letter to the Priests of the Company of Jesus. Gondçalus.]

To contextualize the text, we must put aside the idea of a total abolition of Japanese enslavement. That allows us to understand how the charter in fact created the necessary conditions for the trade to go on, without shutting down the discussion by classifying it as a legislative failure. First of all, it is not a coincidence that the charter includes determinations of measuring standards for trading. What the charter was in fact doing was regulating Portuguese trade in Japan, and that has to be the starting point for our reading.

In areas such as Japan, where missionaries saw themselves stranded between rulers favorable to Christianity and others not so much, trade – including slave trade – was a moral issue. As we mentioned above, of the possible interlocutors of the Portuguese trade in Asia, Muslims and rulers less amicable towards Christianity – the so-called “*inimigos de Cristo*” [enemies of Christ] or “*inimigos da Fé*” [enemies of the Faith], as contemporary texts would refer to – posed actual danger to Jesuit missionaries.⁶⁹⁷ Papal bulls, fathers and doctors of the Church had dedicated lines and lines of texts and glosses to analyze the issues brought about by Christians trading with enemies of Christianity.⁶⁹⁸ Portuguese royal legislation also had its rules concerning the commerce with those who impeded the expansion of the Christian faith or worked against Christians.⁶⁹⁹

One must not forget the delicate situation in which the Japan Jesuits found themselves: while other missionaries worked under the protection of factories and fortresses inside the limits of the *Estado da Índia*, the priests in Japan worked by themselves, subject to dangers and challenges that other missionaries did not have to face.⁷⁰⁰ Because of this situation, laws enacted to protect Christians in Japan were in fact effective to guarantee the safety of missionaries as well.

⁶⁹⁷ For a recent recension on the theme of trade with “enemies of Christ,” see MARCOCCI, Giuseppe. “Trading with the Muslim World: Religious Limits and Proscriptions in the Portuguese Empire (ca. 1480-1570).” In: TRIVELLATO, Francesca, ANTUNES, Cátia, and HALEVI, Leor (ed.). *Religion and Trade: Cross-Cultural Exchange in World History, 1000-1900*. New York: Oxford University Press, 2014, pp. 91-107.

⁶⁹⁸ MULDOON, James. “Crusading and Canon Law.” In: NICHOLSON, Helen J. (ed.). *Palgrave Advances in the Crusades*. New York: Palgrave Mcmillan, 2005, p. 50-1; MULDOON, James. *Popes, Lawyers, and Infidels: The Church and the non-Christian World, 1250-1550*. Pennsylvania: University of Pennsylvania Press, 1979, pp. 53-5, and 133-5.

⁶⁹⁹ See OM Lib. 5, tit. 81, 113, paragraph 4, and *Leis Extravagantes*, f. 210v.

⁷⁰⁰ The contents of the descriptions of Jesuit letters in Japan, as pointed by Rui Manuel Loureiro, can also be understood as a distinguishing factor as well: the rigorous weather, unsafety created by constant disorder and conflict, difficulty in learning the language, and the opposition of local religious people towards the missionaries. LOUREIRO, Rui Manuel. *Na Companhia dos Livros: manuscritos e impressos nas missões jesuítas da Ásia Oriental 1540-1620*. Macao: Universidade de Macau, 2007, pp. 106, 110.

As the slave trade was one of the situations in which Portuguese merchants would communicate with non-Christians, these activities could pose a danger to the missionaries. Because of that, we must consider the bases of this discussion. In Portugal, overseas slavery was discussed by comparing it to the enslavement of Muslims and Jews. Given his influence, the debate regarding the trade with enemies of Christ was largely based on arguments provided by Martín de Azpilcueta Navarro's *Relectio Cap. Ita quorundam de Iudaeis*.⁷⁰¹ First published in Coimbra in 1550, it was a commentary on the 24th chapter of the Third Council of the Lateran, the decretal *Ita quorundam*. The original chapter of the synod read as follows:

*“Ita quorundam animos occupavit saeva cupiditas ut cum gloriantur nomine christiano Sarracenis arma ferrum et lignamina galearum deferant et pares eis aut etiam superiores in malitia fiant dum ad impugnandos christianos arma eis et necessaria subministrant. Sunt etiam qui pro sua cupiditate in galeis et piraticis Sarracenorum navibus regimen et curam gubernationis exercent. Tales igitur a communione ecclesiae praecisos et excommunicationi pro sua iniquitate subiectos et rerum suarum per saeculi principes catholicos et consules civitatum privatione mulctari et capientium servos si capti fuerint fore censemus. Praecipimus etiam ut per ecclesias maritimarum urbium crebra et solemniss excommunicatio proferatur in eos. Excommunicationis quoque poenae subdantur qui Romanos aut alios christianos pro negotiatione vel aliis causis honestis navigio vectos aut capere aut rebus suis spoliare praesumunt. Illi etiam qui christianos naufragia patientes quibus secundum regulam fidei auxilio esse tenentur damnanda cupiditate rebus suis spoliare praesumunt nisi ablata reddiderint excommunicationi se noverint subiaccere.”*⁷⁰²

“Cruel avarice has so seized the hearts of some that though they glory in the name of Christians they provide the Saracens with arms and wood for helmets, and become their equals or even their superiors in wickedness and supply them with arms and necessaries to attack Christians. There are even some who for gain act as captains or pilots in galleys or Saracen pirate vessels. Therefore we declare that such persons should be cut off from the communion of the church and be excommunicated for their wickedness, that catholic princes and civil magistrates should confiscate their possessions, and that if they are captured they should become the slaves of their captors. We order that throughout the churches of maritime cities frequent and solemn excommunication should be pronounced against them. Let those also be under excommunication who dare to rob Romans or other Christians who sail for trade or other honorable purposes. Let those also

⁷⁰¹ See AZPILCUETA, Martinus de. *Relectio cap. Ita quorundam de Iudaeis, in qua de rebus ad Sarracenos deferri prohibitis, & censuris ob id latis non segniter disputatur, cōposita & pronūciata in inclyta Conimbricēsi Academia*. Coimbra: [Unknown publisher], 1550.

⁷⁰² Original Latin available at <http://www.cn-telma.fr/relmin/extrait1096/>, accessed in March 25th 2015.

*who in the vilest avarice presume to rob shipwrecked Christians, whom by the rule of faith they are bound to help, know that they are excommunicated unless they return the stolen property.*⁷⁰³

The *Relectio*... was made in response to a request by the Portuguese king himself, D. João III. Navarro composed the work exposing all his knowledge on the Catholic doctrine related to the issue of excommunication of those who offer weapons, iron, wood, and other necessary stuffs for the Saracens to fight Christians. He explains the bull *In coena domini*, which defined who were the Saracens. Furthermore, Azpilcueta Navarro deals with topics such as slavery, irregularities and excommunications.⁷⁰⁴ Although he focuses mainly on the trade with Muslim in Northern Africa, there are a few passages mentioning the situation of the Portuguese in India. Here he concludes that Asian Muslims, such as Native Americans, in fact waged just wars against the Europeans, considering they were defending their land.⁷⁰⁵ Marcocci explains that Navarro's lesson on the decretal condemns the sale of merchandise to Muslims by Christian soldiers, who he labelled "excommunicated." Nevertheless, the theologian proposes a human geography among the non-Christians, in an attack against the widespread tendency to justify any attempt of conquest overseas by Christians.⁷⁰⁶

In Brazil, the definition of "enemies of Christ", given the absence of Muslims, was not an easy task. That is probably the reason behind the longer debates and the difficulty met by those discussing the legitimacy of Brazilian slavery. Starting in 1566, the debate between Brazil Jesuits, as well as its further developments in the *Mesa da Consciência e Ordens* in Portugal, ended up focusing on the issues arising from voluntary servitude among Brazilian natives.⁷⁰⁷

On the other hand, in the Asian case the debate was simpler. There was no difficulty in defining the enemies of the Faith – Muslims – and other definitions for legitimate slaves were already given by the First Goa Council. Considering the synod decided that individuals could be legitimately enslaved by foreign laws, the issue became a problem of knowledge regarding local circumstances and legislation. Thus, as the rector

⁷⁰³ English translation available at <http://www.papalencyclicals.net/Councils/ecum11.htm>, accessed in March 25th 2015.

⁷⁰⁴ ARIGITA Y LASA, Mariano. *El doctor Navarro Don Martín de Azpilcueta y sus obras: Estudio histórico-crítico*. Pamplona: Imprenta Provincial, 1895, p. 196.

⁷⁰⁵ See AZPILCUETA, Martinus de. *Relectio cap. Ita quorundam de Iudaeis, in qua de rebus ad Sarracenos deferri prohibitis, & censuris ob id latis non segniter disputatur, cõposita & pronũciata in inclyta Conimbricẽsi Academia*. Coimbra: [Unknown publisher], 1550, pp. 40 and 46; BELDA PLANS, Juan. *Martín de Azpilcueta Jaureguizar*. Madrid: Biblioteca Virtual Ignacio Larramendi de Polígrafos, 2015, p. 42.

⁷⁰⁶ MARCOCCI, Giuseppe. *A Consciência de um Império – Portugal e o seu mundo (séc. XV-XVI)*. Coimbra: Coimbra University Press, 2012, pp. 302-7.

⁷⁰⁷ On the theological discussion regarding Brazilian slavery that resulted in the prohibition, see EISENBERG, José. 'A escravidão voluntária dos índios do Brasil e o pensamento político moderno'. In: *Análise Social*, vol. XXXIX, 170. 2004, pp. 7-35.

of the Goa Jesuit College would do in the following years, theologians out of Japan could argue ignorance regarding local Japanese practices in place, thus giving missionaries overseas a level of autonomy that no Jesuit in Brazil could dream of. Considering these differences, the charter on Brazilian slavery was strikingly different from the law against Japanese slavery.

Furthermore, while D. Sebastião's charter forbidding the enslavement of Brazilians was the solution found to resolve a theological debate, the charter on Japanese slavery was a piece of diplomatic strategy aimed at protecting the activities of the missionaries in Japan. In the end, the charter on Japanese slavery was more one piece of the package requested by the Jesuits than an act of grace aimed at protecting Japanese individuals in general. After all, these were *alvarás*, which were formal provisions enacted in response to requests conceding some right or authorization to someone perform a given activity.⁷⁰⁸

The charter states that no Portuguese merchant was supposed to capture or rescue, in other words, to enslave or purchase Japanese people. However, baroque legislation was never absolute. The enforcement of these laws was usually subjected to discovering loopholes and finding alternative interpretations – a practice based on the tradition of legal interpretation of Roman law, which became the basis of civil law systems.⁷⁰⁹ Thus, the key point here is the issue of justification. The text of the charter reads: “*como não há causas justificadas pera o tal cativoiro*” [as there are no justified causes for such captivity.] Contemporary readers would immediately understand that, in the case there were in fact justified causes, the enslavement of Japanese men and women would not represent any problem.

Thus, if legitimate, Japanese slaves could legally be acquired by Portuguese merchants. Just as in the case of illegitimate slaves from China, Bengal and India, what the text did was to create the need for justification. It may seem legal or linguistic acrobatics, but one must not forget that the issue of Japanese servitude was included in a charter about measuring standards for trade. The central point of the charter was, effectively, to regulate trade.

As part of the package of laws in favor of the Christian community of Japan, it aimed at securing the Jesuit mission. The relation between the missionaries and trade was already strong in this period. The Jesuits managed to control the destination chosen by

⁷⁰⁸ NIMER, Miguel. *Influências Orientais na Língua Portuguesa – Os Vocábulos Árabes, Arabizados, Persas e Turcos*. São Paulo: Edusp, p. 272.

⁷⁰⁹ See GOODRICH, Peter. “Historical Aspects of Legal Interpretation.” In: *Indiana Law Journal*, vol. 61, iss. 3. Available at : <http://www.repository.law.indiana.edu/ilj/vol61/iss3/2>, accessed in October 14th 2016, pp. 331-54; STELLA, Giuliana. “Precursors of the Pure Theory of Law: Hugo Krabbe.” In: PATTARO, Enrico and ROVERSI, Corrado (ed.). *Legal Philosophy in the Twentieth Century: The Civil Law World – Tome 1, Language Areas*. Dordrecht: Springer, 2016, p. 67.

Portuguese ships heading to Japan in the 1560s. As put by Sanjay Subrahmanyam, “*these were unquiet years, with several violent incidents marring the conduct of trade.*”⁷¹⁰ In 1561, captain Fernão de Sousa and 13 other Portuguese were killed in Hirado, in an event that became known as the Miyanomae Incident – *Miyanomae jiken* 宮ノ前事件.⁷¹¹ In that same year, Luís de Almeida, the former merchant who had joined the Jesuit ranks the previous decade, negotiated with the lord of Ōmura 大村, Ōmura Sumitada 大村純忠, the concession of a port in the Peninsula of Sonogi to the Jesuits, so he could concentrate the trade with the Portuguese within his domains. For the missionaries, this was an opportunity to supervise the trade and obtain direct earnings to sustain the mission. For the Portuguese merchants, it was a guarantee of safety. The plan succeeded, and in the following year Pêro Barreto Rolim, *capitão-mor* of that year’s ship, entered the port of Yokoseura.⁷¹²

In 1565, the Portuguese ship was once more attacked by men of the Matsura clan. The result was the Nanban trade with the *daimyō* from Hirado was interrupted while the clan was declared enemies of the mission and of Christianized Japanese in their domains. The port of Yokoseura, however, was eventually destroyed in November of 1563, after an attack against the daimyo burned the village to ashes. The Jesuits fled to the south, but from that point on they were resolved to use the daimyo Sumitada, now baptized as Dom Bartolomeu, to the advantage of the mission.

When the charter on Japanese slavery was sent to Japan, it was listed among the many other laws sent by D. Sebastião to Asia in that year. Father Pedro Gonçalves’ list attests the cohesiveness of the three pieces of legislation addressed to the Japan Jesuits enacted in 1570 and 1571:

“Escreve El-Rey a Dom Bertolameu de Japão cartas de favor e amizade, e lhe manda as leis que falão no navegar dos reys christãos, e no cativoiro de japões; e no peso, i.e. que todos comprem e vendam por hum peso.”

[The king writes letters of favor and friendship to Dom Bertolameu, of Japan, and sends him the laws that speak of navigation by Christian kings, Japanese slavery; and the weight, i.e., that all must buy and sell using a single weight [unit].]⁷¹³

⁷¹⁰ SUBRAHMANYAM, Sanjay. *The Portuguese Empire in Asia, 1500-1700: A Political and Economic History – Second Edition*. Malden, MA: Wiley-Blackwell, 2012, p. 111.

⁷¹¹ See TAKENO Yōko. *Han Bōeki no Kenkyū*. Kyoto: Minerva Shobō, 1979, p. 23; MATSUDA Kiichi. *Nippo Kōshōshi*. Tokyo: Kyōbunkan, 1963, pp. 231 and 441; PIRES, Benjamin Videira. *Taprobana e mais além: presenças de Portugal na Ásia*. Macau: Instituto Cultural de Macau, 1995, p. 312.

⁷¹² SUBRAHMANYAM, Sanjay. *Op. cit.*, p. 111; ELISONA, Jurgis. “Christianity and the daimyo.” In: HALL, John Whitney (ed.). *The Cambridge History of Japan – Volume 4, Early Modern Japan*. Cambridge, UK: Cambridge University Press, 1991, pp. 323-6.

⁷¹³ DI VIII, p. 410.

The laws and charters dedicated to the Japanese Christians were addressed to Ōmura Sumitada. They were part of Dom Sebastião's efforts towards the establishment of diplomatic relations with the Japanese ruler. Since his baptism, Ōmura Sumitada, or Dom Bartolomeu, would become one of the most valuable allies of the Japan Jesuits until his death in 1587. As we see, the purpose of the legislation was to ensure the Japanese lord that no abuses would be committed in his lands, making it safe for him to dedicate one of his ports to the so-called *Nanban* trade, thus helping the advancement of official relations between Portugal and, in this case, Ōmura.

In short, considering the context, the main purpose of the Japanese enslavement law was not to curtail or to abruptly end the acquisition of Japanese slaves by the Portuguese in Asia. The expected result, as apparently was understood by the missionaries, was to curb abuses and, through the need for legitimacy, put the slave trade on the hands of the Jesuits, as they were the only authorities able to confirm or negate legitimacy to enslaved Japanese. Also, it curtailed the slave trade by merchants in areas controlled by those who were opposed to the objectives of the mission. This general regulating process of the trade formalized the preeminence of the Jesuits in intermediating the trade between Portuguese and Japanese merchants. As for the slave trade, the missionaries obtained the exclusive over the legitimacy of Japanese slaves, by enacting licenses for Portuguese merchants acquiring these servants. The practice, which had already started at least in the 1560s, would become routine for the missionaries in Japan.

Curbed enthusiasms in India and Northeastern Asia

Upon arrival in Goa, the charter was enacted by Manoel Coelho, scrivener to the Vice-Roy, in 26 September 1571, in Goa.⁷¹⁴ At that same day, six other charters received from Lisbon were registered in the office of the Vice-Roy: a law guaranteeing that privileges and rights given to one community of Asian Christians should be extended to all new-converts⁷¹⁵; a law exempting new-converts in India, China, Japan and Moluccas from paying tithes for the period of 15 years⁷¹⁶; an order for Governors and Vice-Roys in India to provide new clothing for converts to be baptized⁷¹⁷; a charter determining that translation officers should be Asians, not Portuguese people⁷¹⁸; a law determining that new-converts' bids in auctions promoted by the *Estado da Índia* must be respected and

⁷¹⁴ The document registers 1581, but, following Wicki, we strongly believe this is a mistake.

⁷¹⁵ WICKI, José (ed.). *O Livro do "Pai dos Cristãos"*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1969, p. 35; APO Fasc. 5, parte II, doc. 710, p. 767.

⁷¹⁶ WICKI, José (ed.). *O Livro...*, p. 57-8; APO Fasc. 5, parte II, doc. 718, pp. 786-7.

⁷¹⁷ WICKI, José (ed.). *O Livro...*, p. 75-6; APO Fasc. 5, parte II, doc. 695, p. 749-50

⁷¹⁸ WICKI, José (ed.). *O Livro...*, p. 77-8; APO Fasc. 5, parte II, doc. 693, p. 747-8.

acknowledged⁷¹⁹; and an order for the chair of the *Alçada* to dedicate any spare funds to support a catechumen's house in Cochin⁷²⁰.

After registration, the charter on Japanese slavery and the exemption for new-converts in India, China, Japan and Moluccas were both received by the Goa council's commissioner, Belchior Vaaz, along the executive scrivener [*escrivão das execuções*] Domingos Rebello, also known as Domingos Catilla. They registered the charters in the books of the council, and nailed posters with both full texts in customary places around Goa, as ordered by the king, so no one could plead ignorance regarding the decisions⁷²¹. Finally, the official chancellor of the royal chancellery of Goa, Gonçalo Lourenço de Carvalho, ordered his scrivener to copy the charter on Japanese slavery in two counterparts for the priests of the Society of Jesus. This is where the secular justice ends and starts the process of transmission of decisions to the priests in Japan via the Jesuits themselves.

It apparently took some time for the decision on Asian slavery legitimacy to be felt around Portuguese Asia, but apparently there was no practical distinction between the charter on Japanese enslavement and the *Alçada* proceedings against illegitimate enslavements on other regions – both policies were understood as a single crackdown on illegitimate slavery reinforcing the Goa decrees enacted in 1567 (as well as the Constitutions in 1568). An episode from 1572 is exemplar for our case. According to father Salvador Cortez, the royal policy had a great effect on the services held in Kochi. During Lent, a large number of people wishing to confess came to the church. Cortez stressed the presence of local converts; but Portuguese residents, on the other hand, avoided the church. The priest realized that the Portuguese were afraid of confession – as determined by the First Goa Council they were required to confess whenever they held illegitimate slaves. And, according to the priest, Kochi was a city with no small numbers of Bengals, Chinese, and Japanese illegitimate slaves. Moreover, every year many new slaves from those regions would be disembarked from ships coming to the port⁷²². This episode shows that even though the Goa decrees may have had a great impact on everyday

⁷¹⁹ WICKI, José (ed.). *O Livro...*, p. 84-5; APO Fasc. 5, parte II, doc. 694, p. 748-9.

⁷²⁰ WICKI, José (ed.). *O Livro...*, p. 96-7; APO Fasc. 5, parte II, doc. 711, p. This law is also mistakenly listed as 1581.

⁷²¹ Lúcio de Sousa argues the law concerning Japanese slavery and other legal actions regarding enslavement of Japanese was not published in Goa, allegedly because the Vice-Roys were afraid of important merchants in the region. This is clearly not the case. SOUSA, Lúcio de. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, p. 127. “*Curiosamente, contrariamente ao que seria de supor, não existem quaisquer contestações a estas leis, na cidade de Goa. A razão subjacente à ausência de contestações ou distúrbios é que, em termos práticos, apesar desta lei ter chegado a Goa, os Vice-Reis, temendo o poder dos principais comerciantes da região, nunca a publicariam.*”

⁷²² DI VIII, p. 638. “*(...) o grosso parece que nos teme, por causa dos muitos escravos bengalas, chinas e japões mal cativos, que nesta cidade há e todos os anos daquelas partes vêm.*”

life it was the support of royal policies that guaranteed the effect intended by the clergymen.

Other Jesuits exposed rising tensions in the communities towards members of the order. Even from India, it was clear for some that the proximity of the Câmara Brothers to the Portuguese king wasn't always an advantage. In 1574, father Francisco de Monteclaro, writing from Bassein to the general of the order, was one of those. According to Monteclaro, the presence of the Jesuits in the royal palace raised suspicions towards the missionaries in India among the Christians residents of Portuguese fortresses and cities in Asia. They avoided the Jesuits, fearing that everything they confessed could be written to the Câmara Brothers and other members of the Society that were close to Dom Sebastião, such as Miguel de Torres and Maurício Serpe. As an example, Monteclaro refers to the decision taken by the king to divide the *Estado da Índia* in three separate administrative regions – a decision that was met with sneers, and blamed on the Jesuits⁷²³.

Laws in favor of the new-converts were received by unexcited regal officials in the *Estado da Índia*. By 1577, the association between the Jesuit order and the royal lawmaking process discredited crown's decisions regarding Christianity in India. Father Alessandro Valignano, writing to the general of the Society of Jesus, Everardo Mercuriano – who had appointed Valignano 'visitor of the East Indies' in 1573⁷²⁴ – complains about the Portuguese representatives of the king in India and their lack of interest in the evangelization and discredit towards royal decisions.

“Embíenos S. A. un Visorrey que tenga el hervor de Don Constantino [de Bragança]⁷²⁵ y nós nos obligaremos en tres años que se harán cristianos todos los vassallos de S. A. El Rrey por su parte no falta, como muy católico y muy cristiano, de escrevir todos los años cartas en favor de la cristiandad, y embía muy grandes y buenas provisiones en favor della, mas los officiales de S. A. se ríen dellas y dizen que estas provisiones y cartas las hizen en Sant Roque los nuestros Hermanos y las hazen assinar a El Rrey por tener con ellos complimiento.⁷²⁶”

[May Your Highness send us a Vice-Roy as enthusiastic as Dom Constantino de Bragança, and we will work so hard that in three years all of Your Highness' vassals will be Christians. The King does not lack enthusiasm, as he is very Catholic and Christian, and writes every year letters in favor of Christianity, and sends many large and good provisions in favor of it, but Your Highness' officials laugh at them, saying that these provisions and letters were written in St.

⁷²³ DI IX, p. 447.

⁷²⁴ MORAN, J. F. *The Japanese and the Jesuits - Alessandro Valignano in the sixteenth-century Japan*. London and New York: Routledge, 1993, p. 3.

⁷²⁵ Vice-Roy between 1558-61.

⁷²⁶ DI X, p. 871.

Roque⁷²⁷ by our Brothers, and they make the King sign these because he follows what they say.]

Valignano went further saying that, where the officials had no influence, the missions had the wind in their sails. The example here is, of course, Japan – according to the Jesuit visitor, more than 50 thousand Japanese were converted in two years, including many lords and kings.

In the Far East, local priests worked with whatever resources they had available. Until 1567, Japan and China were part of the diocese of Malacca, suffragan of Goa, governed by bishop Dom Jorge de Santa Luzia, a Dominican who had been in India since 1558⁷²⁸. But after 1568, the issue of Japanese slavery (and Chinese slavery, as well) depended on the new ecclesiastical administrator of Macao – Dom Belchior Carneiro. Born in Coimbra in 1516, he had been the first rector of the newly created Jesuit College in Évora (future University of Évora). One of the key persons in the establishment of the Inquisition in India⁷²⁹, Carneiro had been living in Malacca since 1565 to treat his asthma and kidney stones⁷³⁰. Two years after arriving in the Portuguese enclave, he was appointed by a papal brief to assume the ecclesiastical governance of China and Japan.⁷³¹ The bishop initially resisted the idea of going to Macao⁷³² – it took his confessor, father Christóvão da Costa, to convince him. However, one may wonder also if the apparently troubled relation Carneiro had with the rector of the Goa College, Francisco Rodrigues, could have had any influence on the indication for the most eastern dioceses in the *Estado da Índia*.⁷³³

Former rector of the Jesuit College in Malacca, Costa refused to absolve Melchior Carneiro of the responsibility, saying that it did not matter if he managed to get a dismissal from the priests in Rome or Lisbon. What mattered was that he should obey the papal order. The confessor managed to bring a local doctor to convince Carneiro that Macao's weather would be in fact beneficial for his health. The four Jesuit priests living in Malacca at the time – João Batista de Ribeira, João de Mesquita, Pedro Boaventura, and Manuel Teixeira – gathered with the bishop to persuade him⁷³⁴. Finally, in May of 1568, Carneiro

⁷²⁷ St. Roque was the Jesuit house in Lisbon.

⁷²⁸ CACEGAS, Luis; and SOUSA, Luis de. *Segunda Parte da Historia de S. Domingos particular do Reino e Conquistas de Portugal, Volume III*. Lisbon: Typ. do Panorama, 1866, pp. 263-71.

⁷²⁹ SOUSA, Francisco de. *Oriente Conquistado a Jesu Christo pelos padres da Companhia de Jesu, Primeira Parte*, pp. 135-6.

⁷³⁰ DI VII, pp. 85-6 and pp. 131-2.

⁷³¹ BECCARI, Camillo (ed.). *Rerum Aethiopicarum Scriptores Occidentales inediti a saec. XVI usque XIX*, vol. X. Rome: Excudebat C. De Luigi, 1910, pp. 187-9.

⁷³² DI VII, pp. 352-4.

⁷³³ See, for example, DI IV, p. 416.

⁷³⁴ João Batista de Ribeira to Francisco Borgia, Malacca, 20 June 1567. DI VII, pp. 252-3.

embarked for China⁷³⁵. In his mind, he remembered the words of the deceased superior of the order, Diego Lainez, who encouraged him before by quoting Saint Paul: *Sive vivimus, domino vivimus; sive morimur, Domino morimur*⁷³⁶. Even though he feared that the cold weather of Macao could worsen his condition⁷³⁷, as ecclesiastical administrator Carneiro would enjoy a wide range of powers. Aside from creating Cardinals, he would be able to do anything – in practice, he would be superior of the order for the whole region, having jurisdiction over all the Jesuits⁷³⁸.

It is not clear how Carneiro saw the issue of Japanese or Chinese slavery during his Macao years. But most certainly he was not negligent in the face of problems created by the Portuguese in the region. In 1572, a total of one hundred Portuguese headed from the Macanese port on board of the captain-major Dom João de Almeida's ship towards Japan. According to father Gonçalo Alvares, out of these one hundred men, only three did not give a bad example to the local Christianity. Sinning against the Sixth Commandment, Portuguese lust and luxury met harsh punishment when back in Macao. Carneiro's scrutiny enquired all who had been in Japan, issuing heavy penalties to those found guilty⁷³⁹.

The issue of slavery was, after all, closely watched by the missionaries. Not only Carneiro, but all the Jesuits in Macao did apparently work to set free slaves in Macao. At least that is the assertion made by father João Batista de Ribeira back to Portugal in 1575. Writing to the general of the order, Everardo Mercuriano, he praised what he classified as "the best fruit harvested in China"⁷⁴⁰ – the manumission of slaves in China. Referring to events that took place at least two years before his missive, Ribeira writes that the Jesuit house in Macao offered great spiritual help not only to the Portuguese but to all the Asian Christians with their achievement. Because of Jesuit actions, the priest could divide the converts in Macao in two distinct groups: former slaves, who were now free, making their living in various trades and professions; and free men who frequented the port in search

⁷³⁵ DI VII, pp. 528-9. According to Francisco de Sousa, May 1st. SOUSA, Francisco de. *Oriente Conquistado a Jesu Christo pelos padres da Companhia de Jesu, Segunda Parte*. p. 589.

⁷³⁶ Diego Lainez to Belchior Carneiro, Roma, 10 January 1561. DI V, p. 33. Carneiro mentions the letter a few times. Belchior Carneiro to Francisco Borgia, Malacca, 15 November 1567. DI VII, p. 353. Belchior Carneiro to Luis Gonçalves da Câmara, Malacca, 19 November 1567. DI VII, pp. 360-1. The whole versicle Romans 14:8 reads as follows: "*Sive enim vivimus Domino vivimus sive morimur Domino morimur sive ergo vivimus sive morimur Domini sumus*" [For whether we live, we live unto the Lord; whether we die, we die unto the Lord: whether we live therefore, or die, we are the Lord's.] This passage is, according to Aquinas, how Saint Paul explains the intention of the faithful: "*Secundo ostendit qualis sit recta intentio fidelium, dicens sive enim vivimus, vita corporali, domino vivimus, id est ad gloriam domini; sive morimur, morte corporali, domino morimur, id est ad honorem domini.*" See Aquinas' *Super Romanos*, Cap. 14, lectio 1.

⁷³⁷ Belchior Carneiro to Francisco Borgia, Malacca, 20 December 1566. DI VII, pp. 158-9.

⁷³⁸ João Batista de Ribeira to Francisco Borgia, Malacca, 20 June 1567. DI VII, pp. 253-4.

⁷³⁹ DI VIII, pp. 664-5.

⁷⁴⁰ "Dalla Cina fin ad hora non si è colto più importante frutto che di quei schiavi di portughesi della medesima nazione che stanno nel medesimo porto dove ha la Compagnia una residenza (...)." João Batista de Ribeira to Everardo Mercuriano, Lisbon, 18 October 1575. DI IX, p. 699.

of trade⁷⁴¹. Of course, that does not mean there were no slaves in Macao – Ribeira’s letter mentions baptized Asians, and how they were being properly freed. The missionaries in Macao were, after all, following what had been decided in the First Goa Council and orders sent by Dom Sebastião in the previous years.

Lack of enthusiasm on the part of Portuguese officials in India, difficulties with parishioners in the missions, moral and theological challenges faced by Jesuits all around the *Estado da Índia* – these were some of the most impending issues regarding the enslavement of Asians by the Portuguese during the 1560s and 1570s. Furthermore, the law was applied only to poor soldiers, local converts and people with no political influence, as denounced by dom Jorge Themudo in a relation sent to Portugal by the end of the 1560s.⁷⁴²

In Japan, far from central royal authorities, the Jesuits were seeking for quick solutions for local challenges. The prelates and priests reunited in the First Goa Council, as well as the decisions taken by the crown in Lisbon, created the need for legitimation upon arrival of slaves in India; however, the dynamic of relations established between Portuguese and Japanese in the Far Eastern archipelago was under the influence of local conjunctures as well. Japanese slavery was, for that matter, an issue between the reform and transformation of practices and mores in Portuguese India on one side and growing political and economic pressures on the Japanese side. Up to the first Japanese prohibition of slave trade by Hideyoshi in 1587, the Jesuits applied some locally developed solutions for their issues, as we will see on the following chapter.

⁷⁴¹ João Batista de Ribeira to Everardo Mercuriano, Lisbon, 18 October 1575. DI IX, p. 699.

⁷⁴² WICKI, José. “Duas relações sobre a situação da Índia Portuguesa nos anos de 1568 e 1569. In: *Separata de Stvdia*, N. 8, July 1961. Lisbon: Centro de Estudos Históricos Ultramarinos, 1961, p. 187.

Chapter V – Jesuit Solutions

Gaspar Fernandes was the name given to a Japanese born in Bungo but acquired in Nagasaki by a Portuguese merchant named Rui Perez circa 1585. When Fernandes arrived in Mexico in 1599, his master had already passed away, and he had been arrested along with all of his master's belongings by the Inquisition. With the help of local officials and two sons of Perez, Fernandes managed to regain his freedom through due process. But perhaps the most striking passage of his case is his testimonial, where he declares himself to be a “*persona libre hijo de padre y madre libres e no sujeto a serbidumbre*” [free person, son of free father and mother, and not subject to any servitude.]⁷⁴³ According to his first statement to the authorities, Fernandes had been given by a Jesuit priest called Antonio Lopes to the Portuguese merchant, in exchange of seven *pardaus* to serve Rui Perez for two to three years.⁷⁴⁴ As indicated by Japanese historian Oka Mihoko, the acquisition of Fernandes must be understood as a contract of indentured servitude, or *nenkihōkō* 年季奉公, according to which Fernandes had to serve the Portuguese merchant for a determined number of years.⁷⁴⁵ However, upon his arrival in Manila and later on in Mexico he was readily labeled a slave, thus being sequestered with all the possessions of his deceased master. The case of Gaspar Fernandes shows, first, that the Jesuits had up to mid-1580s a considerable role as intermediaries of the Japanese slave trade. Also, it depicts the in-depth understanding missionaries had of the intricacies of Japanese labor relations.

Since at least the 1560s, the Jesuits grew closely related to the issue of slave trade in Japan. Letters and other sources left by missionaries point to their systematic participation in the practice – they became overseers of negotiations between Portuguese buyers and Japanese sellers. This chapter will analyze their participation and how their interpretation of Japanese slavery was transformed by the arrival of the visitor Alessandro Valignano in 1579.

⁷⁴³ AGN, Real Fisco, Vol. 8, exp. 9, f. 282. The case of Gaspar Fernandes was first studied by Deborah Oropeza Kersey in her doctoral thesis. See: OROPEZA KERSEY, Deborah. *Los ‘indios chinos’ en la Nueva España: la inmigración de la nao de China, 1565-1700*. Thesis presented at the Colegio de Mexico, A.C., 2007, pp. 132-3. The process of Gaspar Fernandes was also recently transcribed and published in SOUSA, Lúcio de. *The Jewish Diaspora and the Perez Family Case in China, Japan, the Philippines, and the Americas (16th Century)*. Macao: Fundação Macau and Centro Científico e Cultural de Macau, 2015, pp. 212-23.

⁷⁴⁴ AGN, Real Fisco, Vol. 8, exp. 9, f. 282-282v. For more on the case of Gaspar Fernandes, see SOUSA, Lúcio de. *The Jewish Diaspora and the Perez Family Case in China, Japan, the Philippines, and the Americas (16th Century)*. Macao: Fundação Macau and Centro Científico e Cultural de Macau, 2015, pp. 101-8.

⁷⁴⁵ OKA Mihoko. “Kirishitan to Tōitsu Seiken.” In: ŌTSU Tōru et alii. *Iwanami Kōza Nihon Rekishi Dai 10 Kan, Kinsei 1*. Tokyo: Iwanami Shoten, 2014, pp. 185-187.

The involvement of missionaries with slave trade was ruled on the same fashion as their involvement with other forms of trade: it was allowed as long as there was justification. In the 1580s, this idea was formally defined and confirmed by superiors of the Jesuit order. Although general rules of the Society of Jesus forbade any meddling with secular businesses:

*“...quando estes se dirigem a negocios spirituaes para bem da Christand[ad]e, e conversão, e mais ajuda das Almas, se pode com Licença dos Superiores tratar alguns delles pellos Nossos, Negociando os em modo conveniente, e Religioso, e sem prejuizo de ninguem (...).”*⁷⁴⁶

[... when these are directed at spiritual businesses for the good of Christianity and conversion, and other forms of support to the souls, it is allowed to some [Jesuits] to trade for us under license of the superiors, trading in a convenient and religious manner, with no harm to anyone]

The Jesuits could in fact take part on commercial and trading practices, as long as these were justified by proving its necessity in regard to spiritual and missionary matters. In other words, their involvement had to be directly related to the well-being or the development of the missionary work. Their involvement in trade, justified by missionary need, was also recognized by higher Catholic authorities in Rome. Pope Gregorius XIII said that what the Jesuits in Japan were doing “*não se pode chamar trato, mas Remedio p[ar]a a conversão das almas*” [could not be called trade, but rather remedy for the conversion of souls.].⁷⁴⁷

Thus, the missionaries developed a series of strategies to justify the enslavement of Japanese and, during the 1590s, Korean servants. This chapter focuses on the first interpretative frameworks and controlling strategies used by the Jesuits in order to gain control over the slave trade in Japan from the 1560s through the 1580s.

Overseers of trade

In 1563, the superior of the Jesuits in Japan, father Cosme de Torres, left Bungo 豊後, a fief ruled by the Ōtomo 大友 in northeastern Kyushu. Torres was heading to Yokoseura 横瀬浦, a newly built port in the peninsula of Sonogi 彼杵半島. The port represented the consolidation of the alliance established between the missionaries and the Japanese warlord Ōmura Sumitada 大村純忠, as well as became a prototype to Nagasaki 長崎, the larger port that would be built at the end of that decade. But Torres did not leave

⁷⁴⁶ Ajuda, 49-IV-56, ff. 13v-14.

⁷⁴⁷ Ajuda 49-IV-56, f. 21.

Bungo alone – he was accompanied by a group of Portuguese merchants and the captain Manoel de Mendonça. While passing through Higo 肥後, the entourage was attacked by a band of “*salteadores*” [robbers], who spared the Europeans’ lives in exchange of a bribe paid by the Jesuit superior. Nevertheless, the robbers took away the “*mossos e mossas*” [young men and young women] the merchants had acquired in Bungo before departure.⁷⁴⁸

This passage told by Fróis in his *Historia de Japam* shows a systematical assistance given by the Jesuits to Portuguese merchants in order to buy Japanese slaves in Japan. Fróis, as a keen observer of the developments in the archipelago, especially since his arrival in the early 1560s, offers a series of indications that the Jesuits were deeply involved in the trade.

In 1560, the Jesuit Balthasar Gago left Japan to go back to India. The first leg of his trip was from Japan to Macao, on board of a junk captained by Manoel de Mendonça. Manoel was nephew to João de Mendonça, who at the time was the captain of the fortress of Malacca. Later, João de Mendonça would receive a royal letter giving him the rights as *capitão-mor* of the *nau do trato* to Japan and China. Also, for a couple of years, he assumed the office of governor of the *Estado da Índia*. Manoel de Mendonça’s junk, before arriving in Macao, was met by a storm which made it change its route to the isle of Hainan 海南島, in the South China Sea. During the storm, the Jesuit priest, wishing to prepare the crew for the possibility of total demise, started to hear confessions from all those on board. In order to avoid chaos and mayhem among the sailors, Gago took the keys to a chamber and locked up all the women on the ship inside the room. He also exhorted all the men to promise to follow his instructions “*para bem de suas almas*” [for the good of their souls].⁷⁴⁹

But who were the women on the ship? A couple of years later, Manoel de Mendonça was back to Japan, and the Jesuits sources provide an answer to the issue. In December of 1562, Brother Luís de Almeida left the kingdom of Bungo heading to Satsuma, in Southern Kyushu, where he heard the ship captained by Mendonça had arrived. Accompanying Almeida were Portuguese men, but it is unclear whether these were visiting merchants who had stayed in Japan or actual residents of the lands of the Ōtomo 大友. After a visit to local converts in Ichiku 市来, Kagoshima 鹿児島 and others, Almeida arrived in the port of Tomari 泊, where the Portuguese ship awaited him. There he transmitted instructions given to him by the superior of the mission, Cosme de Torres. Torres had ordered all women on board of the ship to be kept in closed chambers, and the keys for those chambers to be held by two honored men who could be trusted. The scenario seems to be a repetition of what had happened two years before during the storm faced by the same Manoel de Mendonça and Balthasar Gago on their way to Macao –

⁷⁴⁸ HJ I, p. 321.

⁷⁴⁹ HJ I, pp. 184-6.

women being kept locked in chambers, protected from the rest of the crew. But these women were not crew members or sailors' relatives.⁷⁵⁰ Fróis explains:

*“(...) porque levavão no navio muitas, que compravão por mui pouco preço aos japões, os quaes as tinhão tomadas na China e depois as vendião. E alem disto, lhe pedi que guardassem a ordem que trouxemos por todo o caminho, que era que, qualquer que jurava, pagava certa moeda que monta sesenta reis. E não aproveitou pouco isto, porque vinhão já bem acostumados e, alem disto, se vestião alguns pobres com o que pagavão, o que elles fazião com muita devoção e humildade.”*⁷⁵¹

[They carried many [women] on the ship, that they bought for a very low price from the Japanese, who used to capture them in China to sell later. And beyond that, I asked them to follow the order we had observed the whole way [from Bungo], which was that, anyone who swore, would pay an amount equivalent to sixty réis. And that was very helpful, because they were used to this [rule] already and, furthermore, some poor people received clothes with this payment, which they made with much devotion and humility.]

The women kept locked up in the chambers were, as explained by Almeida, Chinese women captured in China by Japanese and brought to be sold in Japan. The second part of the passage explains another aspect of the participation of the Jesuits in the slave trade. Almeida mentions that he asked the Portuguese to keep the order “*que trouxemos por todo o caminho*” [we had observed the whole way] – by using the first person of the plural on the verb *trazer*, he is including himself, thus it is fairly possible to read that he is referring to the Portuguese that came with him from Bungo. According to Fróis, Almeida had made the Portuguese accompanying him promise to “keep” or “observe” the order they had followed since leaving Bungo. Anyone who swore to follow this order had to pay an amount that was later reverted to charity.

The Portuguese were, according to Fróis, used to this rule – thus, it was not the first time they had to pay and swear to observe instructions transmitted from the Jesuit superior in Bungo. It is not obvious what the said “order” referred to, although we believe it referred to an orderly behavior to be observed during their stay in Japan and on the ship. This systematic tone indicates that the Jesuits had assumed an intermediating position for some time, to which merchants got used to, as early as 1560. The fee equivalent to sixty

⁷⁵⁰ Considering the characters taking part on the slave trade in the early 1560s in Japan, it is interesting to notice that the same Portuguese captain – Manoel de Mendonça – was directly involved in all three occasions here presented, in 1560, 1562 and 1563. Although further research is needed, it seems to indicate the captain enjoyed a privileged relation with the Bungo *daimyō*, Ōtomo Sōrin.

⁷⁵¹ HJ I, p. 215.

réis paid by the merchants and the promise the merchants had to keep allowed them to take part in the trade as intermediated by the Jesuits in Bungo.

The ruler of Bungo, Ōtomo Yoshishige 大友義鎮 – also known as Ōtomo Sōrin 大友宗麟 – was one of the most powerful lords of Kyushu. At the time Portuguese merchants and Jesuit missionaries frequented his fief, Ōtomo controlled five of the nine kingdoms of the isle. But his power extended beyond the maritime borders of Japan – it seems he oversaw a great deal of foreign trade with Asia. Along with other local lords such as Shimazu Yoshihisa 島津義久 and Matsura Takanobu 松浦隆信, the ruler of Bungo held close trading relations with Southeast Asia. Given their networks extending to Cambodia, Siam and other polities of the region, and the fact that these relations were an important aspect of their local rule, Japanese historian Kage Toshio labelled these lords *Asian daimyō*.⁷⁵² In the case of Ōtomo Sōrin, in 1572 or 1573 he dispatched an embassy to Cambodia, which came back bringing in its cargo an elephant and its mahout or trainer among other merchandise. The Cambodian king's letter says the cargo was to thank the *bijo* 美女 [beautiful women] Ōtomo had sent him. This exchange shows that the trade was not restricted to commodities, but rather involved trading human resources as well. In fact, the lord of Bungo was not passively waiting for trading ships to come to his fief – he was actively seeking to establish these networks, sending embassies to Southeast Asia.⁷⁵³ The Portuguese, thus, were but a portion of the network Ōtomo Sōrin kept with foreign polities and merchants. Although to classify Bungo as a slave-exporting area would be a stretch, the diplomatic mission Ōtomo Sōrin dispatched to Cambodia before 1572 indicates he actively used human resources as diplomatic currency. Thus, it could explain the interest of those Portuguese merchants who sought Japanese slaves in his domains.

As for the Jesuits, they apparently had two purposes: assume an intermediary position between local Japanese lords and Portuguese merchants and try to impede abuses and disorderly behavior towards Japanese servants. The oath taken by Portuguese merchants guaranteed enslaved individuals were still under Jesuit protection even after they left Japan. However, this first local solution employed by Torres to solve the issue of Japanese enslavement raised concerns regarding its legitimacy. The participation of Jesuits in the Japanese-Portuguese slave trade was one of the many issues presented to the appreciation of theologians in Goa. In effect, missionaries everywhere in Asia would periodically rely on the expertise of one resident theologian in India: father Francisco Rodrigues.

⁷⁵² KAGE Toshio. *Ajian Sengoku Daimyō Ōtomo-shi no Kenkyū*. Tokyo: Yoshikawa Kobunkan, 2011, pp. 2-3, 22-28, and 53-8.

⁷⁵³ KAGE Toshio. *Ajia no naka no Sengoku Daimyō – Saikoku no Gun'yū to Keiei Senryaku*. Tokyo: Yoshikawa Kōbunkan, 2015, pp. 171-8.

As shown by contemporary correspondence, Japan Jesuits also relied on Rodrigues's authority. Circa April 1559, right after the rector's arrival in Goa, Cosme de Torres asked Rodrigues for advice on local issues.⁷⁵⁴ Although epistles from the superior in Japan to the rector of the Jesuit College in Goa haven't survived, these were not the only source of information Rodrigues had – he also had heard about issues the missionaries faced in Japan via Melchior Nunes Barreto, who had been to the archipelago in the 1550s. In November 1557, Luís de Almeida, in a letter addressed to Barreto, wrote that Torres had asked Barreto to assess “*negócios do Japão, assi espirituais como temporais*” [issues in Japan, spirituals as well as secular ones].⁷⁵⁵ Also, in that same month, Torres asked Loyola and the Provincial of India Antonio de Quadros for “*algumas regras de qué manera nos avemos de ever entre esta a jemtilidade fuera de nuestra ley y costumbres*” [some rules on the way we must act among this gentility strange to our law and customs].⁷⁵⁶ It seems the superior of the mission in Japan was worried not only with confessional and moral issues, but also with internal rules in the Jesuit residences as well as with the way missionaries related with gentiles in Japan.

We know that, in a letter sent to Diego Laínez in 17 November 1559, Rodrigues praised the superior in Japan as a “*homem perfeito e de boas partes*” [perfect man and of good roots], very rigid with himself and with his brothers. For that, we understand he respected Torres's authority to some extent. But Rodrigues's advices guided Torres on how things should be dealt in Japan.⁷⁵⁷ Among the many problems faced by the missionaries, Japanese servitude and the use of Japanese servants by the Portuguese was only one of them. Questions regarding religious moral, the relations between Portuguese and non-Christianized Japanese merchants, the treatment dispensed to their servants, the example Portuguese and Jesuits represented to newly converted Japanese Christians, among many other issues, were some of the themes that had an immediate impact on the missionary work and the safety of the missionaries in the archipelago.

There were some early attempts in Japan to locally address these challenges. The Jesuits had almost a decade and a half of experience in the archipelago when they first gathered to discuss theological and moral issues, and their *modus operandi*. In a letter dated October 24 1566, superior Cosme de Torres is described as having called father Gaspar Vilela back from Kyoto to discuss their evangelizing methods in the mission⁷⁵⁸. When such matters could not be solved internally, however, or local ecclesiastical powers lacked the authority to curtail abuses committed by merchants, missionaries had to appeal to their superiors for counseling and assistance.

⁷⁵⁴ DI IV, p. 258.

⁷⁵⁵ DJ II, p. 726.

⁷⁵⁶ DJ II, p. 739.

⁷⁵⁷ DI IV, p. 388; DJ II, p. 216.

⁷⁵⁸ MHJ, p. 76, mentioned in COSTA, João Paulo Oliveira e. *O Cristianismo no Japão e o Episcopado de D. Luís Cerqueira*. Unpublished doctoral thesis presented at the Universidade Nova de Lisboa, 1998, p. 127.

The lack of information regarding early consultations addressed to Rodrigues by Torres forbids us to affirm whether slavery had been brought up as an issue at the end of the 1550s. However, it seems that authorities in Macao, who were the first to receive servants brought from Japan, were concerned with the legitimacy of their enslavements and the solutions implemented by Torres. By the late 1560s and early 1570s, an unidentified ecclesiastical authority from Macao sent a questionnaire concerning the religious governance of the port to Rodrigues. Although we do not have the original list, Rodrigues's answers have survived. By reading the text, it becomes clear how Torres operated in Japan.

“Q[uan]to a questão das moças iapoas q[ue] diz que o p[adr]e cosmo de torres da l[icen]ca p[a]ra as cõprarem e asi dos moços chins q os iapões uendem la se pode melhor detreminar en japão p[or]q[ue] se la são catiuos não ha questão – examinarmos nos qua ser justa ou não a guerra entre os chins e iapões seria cousa deficultosa a m[ui]to incerta, la se pode melhor saber. & indubijs sendo tanto ho bem q se fas a estes escrauos cõ os fazerem xpãos q he bem presumirse serem bem catiuos [f. 98v] p[or]q[ue] dado q não será decente catiuolos p[a]ra fim de os fazer xpaõs indubijs licito he e melhor escolher esta parte.”⁷⁵⁹

[As for the issue of the Japanese young women that you say father Cosme de Torres gives licenses for them to be bought, as well as for the Chinese young men that the Japanese sell, it can be better determined there in Japan, because if they are captives there, [then] there is no issue. For us to examine here whether the was between the Chinese and the Japanese is just would be a difficult and very uncertain thing, which there [in Japan] it is better known. In doubt, given the good that is done for these slaves by converting them, it is better to presume that they were legitimately enslaved, because if it were not decent to enslave them in order to make them Christians, in doubt [it should be] licit and it is better to choose this path.]

Rodrigues passage states that the Portuguese were buying Japanese and Chinese slaves in Japan. Not only that, the trade was officially recognized and authorized by Cosme de Torres, who enacted licenses allowing their enslavement. It is difficult to indicate the exact nature of these permits but considering local practices Jesuits could be legitimizing servitude contracts between Portuguese contractors and Japanese servants, just like would happen to Gaspar Fernandes in 1585. Rodrigues, who admits his inability to rule on the issue, answers his addressee that, in case there was any doubt concerning the legitimacy of these slaves, they should be ruled in favor of their servitude. The decision goes against the general tendency of casuistry in this period, which traditionally favored freedom based on the Tutorism. Thus, instead of Gratian's *favorem libertatis*, he

⁷⁵⁹ Codex 805, ff. 98-98v.

had stated a new way of solving dubious issues, based on the prerogatives and definitions guaranteed by the First Goa Council; even though the principle of favoring the safest option had been confirmed by the First Goa Council, and according to the Tutoristic view in case of doubt regarding a moral issue, the safest choice had to be chosen.⁷⁶⁰ However, to believe Rodrigues' assessment showed signs of early Probabilism, the possibility of choosing a less probable option by favoring the possessor of the slave, would be a stretch.⁷⁶¹ Rodrigues' justification is based on three main arguments: first he admits ignorance on the case, and confirms Torres's authority, based on knowledge and experience, as the Japan superior would be more capable of ruling on these cases. Second, he believes that if the individuals sold in Japan were already *captivos*, by which he seems to indicate legitimate slaves according to local legislation or practices, then there would be no doubt regarding their legitimacy. And, lastly, Rodrigues took into consideration the pragmatic aspect of the situation: enslaving the Japanese would in fact help these individuals to become Christians and educate them into the religion. The rector, in the end, excused himself from strict views to offer a temporary solution for a situation that still needed further evaluation.

As mentioned before, the group of missionaries and merchants led by Torres and the captain Manoel de Mendonça was attacked on their journey from Bungo to Yokoseura in 1563. One of the stolen female servants came to meet the Christians at the church in the little port of Yokoseura sometime later, to warn them of an imminent attack. She declares herself to be a Christian, although she was not able to attend mass or any church service because her master forbade her to do so.⁷⁶² There are a few interpretative possibilities concerning this passage. As indicated by the Jesuit account, she had become a Christian before the attack perpetrated by the band of robbers in Higo – so, we can say she was baptized before the departure of the group from Bungo. However, there are others questions unsolved: was she baptized before or after being enslaved? Was she sold into servitude because the missionaries would procure Japanese Christians to serve Portuguese masters? And, finally, was she baptized exactly because she had been bought by the Portuguese? Even though the sources are unable to answer these issues, the conclusions we can draw here are: 1) the Jesuits were assisting Portuguese merchants to buy Japanese servants; 2) the missionaries converted these servants at some point before or after their acquisition by the Portuguese; and 3) Cosme de Torres was giving permits for these servants to be bought.

⁷⁶⁰ KIRK, Kenneth E. *Some Principles of Moral Theology and their application*. London: Longmans, 1920, p. 197.

⁷⁶¹ MARYKS, Robert Aleksander. *Saint Cicero and the Jesuits – The Influence of the Liberal Arts on the Adoption of Moral Probabilism*. Hampshire, UK and Rome: Ashgate and Institutum Historicum Societatis Iesu, 2008, pp. 1-2.

⁷⁶² HJ I, p. 321.

Even though the legal need for justification of enslavement would become a royal rule only in the early 1570s in Portuguese India, when Dom Sebastião reorganized the legal framework concerning slavery in Asia, the Jesuits in Kyushu were already emitting authorizations that, in a way or the other, contributed to legitimize Japanese and Chinese slaves sold in Japan since before that. Was it a response to previous legislation ruling the enslavement of Japanese, as mentioned by Pedro Boaventura?⁷⁶³ There are simply not enough data to support such claim. Nevertheless, the Jesuits, seeing themselves between slave-seeking Portuguese merchants and servant-offering Japanese local rulers, acted in order to use the situation on their favor, in the best way possible according to their missionary interests. Simultaneously, the local lord of Bungo used these servants as instruments in the network building done with other foreign polities. Whether this was already a practice common on the way Ōtomo Sōrin maintained relations with Southeast Asian nations, or if the Portuguese experience preceded that, showing him the way on how to build networks with foreigners, this is still a question that needs to be addressed by the historiography.

It is uncertain whether there is a direct causal relation between conversion and enslavement in the 1560s in this area, but it is tempting to point out the fact Jesuit were either selling Japanese converts or converting Japanese slaves. However, slave baptism was a controversial topic among members of the Society of Jesus. Torres was converting and baptizing at some point the Japanese sold in Bungo before they left Japan, but this practice was questioned by the anonymous author of the questionnaire sent to Rodrigues. In the text, the author explains that baptized slaves usually fled away from Macao, thus it would be better to not baptize them. Even though Rodrigues agreed with the proposition, he suggested that the slaves should be sent to India, where they would be safer, or well-taught and instructed on the faith. Thus, as a result, they would not feel the need to run away from their masters.⁷⁶⁴ Apparently, Rodrigues shared the belief that converted slaves would be better in a more Christianized society, such as the Portuguese ports in India, and that fleeing slaves was the result of a failed indoctrination. This points to the close relationship between slavery and mission, where the enslavement and consequently the transport of slaves to colonial settlements worked as tool to expand the Christian community by inflating the number of converts. The justification, as worked out by Rodrigues, was that detrimental influences derived from the environment suggested that slaves would be subjected to a smaller risk of reverting to their original beliefs when inhabiting colonial areas.

Rodrigues's answers to the questionnaire present other issues surrounding Chinese slavery that may reflect his opinion on similar instances in regard to the Japanese

⁷⁶³ DI VIII, p. 247, Pedro de Buenaventura a Francisco Borgia, Cochin, 24th April 1567: "*Y es tan clara la falta, que no obstante, que ay lees en esta tierra, que los del Preste Joan, China y Giapón, no se pueden vender...*".

⁷⁶⁴ Codex 805, f. 98v.

case. For example, when questioned whether Chinese individuals who sold themselves into slavery could be legitimately kept, Rodrigues replies using the definitions given by the casuistry's classic work Silvestro Mazzolini's *Summa Silvestrina*. Rodrigues's reply reads as follows:

“Q[uan]to aos escrauos chins q[ue] se uendem a si mesmos ou seus paes podia se uzar cõ elles o q[ue] se uza com os outros .S. que se goardarão todas as cõdições neçesarias p^{ra} hũ se poder uender as quaes V. R. acharã em Syluestre donde as pode uer, fica uerdadr^a mête catiuo, e q^{to} aos filhos q[ue] os paes vêdem he de saber q o pai não pode uender o f^o se não em extrema neçesidade e ainda então, cõ cõdição q se o pai ou o mesmo f^o, ou q[ual]quer outra p^a o quizer por em liberdade dando p[or] elle o q[ue] elle ual o tempo do resgate he obrigado o sõr a libertalo #”⁷⁶⁵

[As for Chinese slaves that sell themselves or their parents one can use with them what is used with others, that is to say, all the necessary conditions for one to sell themselves that Your Reverence may find in Silvestre [Mazzolini] where you can see them must be observed, thus being truly enslaved, and as for children sold by their parents one must know that if the father or even the son, or any other person that wants to restore his freedom must pay what he is worth at the time of rescue and the owner is bound to free him.]

According to Rodrigues, the practice of one selling him or herself to slavery or selling its own parents to slavery was acceptable, as far as the conditions defined by Silvestre Mazzolini were properly followed. Rodrigues refers to the *Summa Silvestrina*, verbo *De servitute, et servo*, art. 3, where Silvestre states the six necessary conditions. They are: 1) the individual had to be at least 20 years old; 2) he or she had to participate in the negotiation; 3) had conscience of what the negotiation meant; 4) the buyer had to believe the bought individual was a servant; 5) the sold individual knew exactly of his or her own condition; and 6) the seller knew that the sold person was in fact free⁷⁶⁶. These conditions were aimed at safeguarding the possibility of the enslaved person to reobtain back his or her own freedom, in accordance to the enslavement method condoned by moral theology. As the Portuguese could have little control over the beginning of the enslavement process of Chinese servants, meeting all these requirements was something impossible to guarantee. Thus, legitimacy depended more on the ability of a Portuguese slave trader or master on convincing authorities with a rather convincing account of one's enslavement. As the First Goa Council had already determined the preeminence of the assumption of illegitimacy in regard to Asian slaves, legal justification became imperative

⁷⁶⁵ *Idem*, f. 97.

⁷⁶⁶ *Summa Silvestrina*, verbo *De servitute, et servo*, 3.

since the early 1570s. Allied to that, it is not surprising that there was an apparent surge in these accounts in the available sources.

Also, considering the Chinese would not have all these requirements in mind when enslaving an individual, the form mattered the most. Under scrutiny by the confessor, slaves could be considered legitimate as the result of unintended but legitimate procedures, as Chinese first buyers could unknowingly attend all the requirements for legitimacy.

In regard to Chinese children sold by their parents, Rodrigues considered it would be legitimate only in case of extreme necessity⁷⁶⁷. This idea was inherited from the Justinian codex, according to which a father could sell his children in case of extreme necessity or need to buy foodstuffs⁷⁶⁸. José Eisenberg explains that this was a contemptuous issue in the case of Brazilian slavery, which developed into a large discussion regarding the nature of necessity and the limits of the power of *dominium* a father could have over his children⁷⁶⁹. However, it seems there was no equivalent to that discussion regarding the slavery of Asians. Rodrigues keeps his interpretative tendency of assuming legitimacy could be obtained by an unintended legitimate process on the part of ignorant enslavers, in this case, parents, thus relying on accounts told by Portuguese traders to assess legitimacy.

Still on the questionnaire sent to Rodrigues, he dedicates one paragraph for what should be done in case a master discovered his slave was illegitimate. The example presented considers the case of a slave of little intellectual capacity, or a slave of bad habits. Upon their manumission, these slaves' souls could, according to the text, easily be lost even after conversion to Christianity. The questionnaire asks if, in such case, the master could keep such servant as a freed slave by declaring so in his own testament. Rodrigues replies that such case would be hard to find and suggests that it would be equally hard to find masters who treated their servants as freed men. However, he would accept a master keeping an illegitimate slave, considering both were in non-Christian areas, outside of the Portuguese jurisdiction. When they entered ports controlled by the *Estado da Índia*, then these cases should be reviewed by the authorities to be properly decided.⁷⁷⁰ Slaves could, thus, be illegitimate and justified, at the same time. This situation, which we may call circumstantial legitimacy, shows that Rodrigues considered that slaves could be kept when there was risk of the enslaved person running away from Christianity. The importance of environment on one's behavior and beliefs was greatly emphasized by the theologian, and it is interesting to consider that the same concern could

⁷⁶⁷ Codex 805, f. 97.

⁷⁶⁸ BUCKLAND, William Warwick. *The Roman Law of Slavery – The condition of the slave in private law from Augustus to Justinian*. Cambridge: Cambridge University Press, 1908, p. 402.

⁷⁶⁹ EISENBERG, José. 'A escravidão voluntária dos índios do Brasil e o pensamento político moderno'. In: *Análise Social*, vol. XXXIX, 170. 2004, pp. 12-28.

⁷⁷⁰ Codex 805, f. 105.

be one of the reasons chosen by Jesuits in Japan and other areas to condone slavery and allow locals to be taken away in shackles to more Christianized areas.

Rodrigues's text makes an interesting observation concerning one aspect of slavery in Macao – servants who would flee from Canton and other areas to the Portuguese settlement. The theologian is asked whether the Portuguese were obliged to send back any fugitive Chinese slave who wished to become a Christian or was already converted. The priest says that there was no easy answer to such cases. First, he indicates that the Portuguese should do whatever they could to impede another case, of *jurubaças* who would bring slaves from Canton to Macao. If a slave was brought and the mandarins asked for him or her to be sent back, Rodrigues's advice is that, even if the slave was a convert, he should be sent back to Canton, in order to avoid greater disturbances and hindrances for future conversions. Also, even if a Chinese person converted to Christianity, by the fact that he or she was residing in China the convert was still under their jurisdiction. For that reason, the Portuguese did not have the authority needed to defend or seek justice for the convert slave. There was also the problem of justice related to the asking mandarin: if the authority asked for the slave to be sent back in order to commit some act against the Christian faith, then things could be different, although Rodrigues does not suggest any acceptable Portuguese reaction to such demand. He insists that the Portuguese did not have the power nor the authority to protect and keep Chinese slaves from being sent back to their Chinese masters. Interestingly, he points that the Portuguese were not obliged to fight for converts to keep their faith, but rather just to bring them to Christianity and the baptism was enough. He ends by determining that, if the slaves were fleeing from areas where the Portuguese did have obligation and the authority to make justice, then they could fight back and refuse to send the fugitive servant back to his or her master.⁷⁷¹

This section is quite revealing of how Rodrigues thought that the Portuguese could, without any risk of harming their own faith, refuse to protect a convert when larger things could be put at risk. He seems to think it was enough to favor the possibilities, as well as the own survival of the enclave of Macao, in detriment of defending a single Christian life or a convert's faith. It is also revealing to notice that, during the early 1570s, the Portuguese were aware that Macao was not an area of Portuguese rule, and that the land conceded to their establishment was at a very delicate situation, where power balance and good relations with the Cantonese authorities was necessary to guarantee its survival. Protecting fugitive slaves or accepting slaves brought from Canton were not a priority, or should not be considered as such, according to Rodrigues. The theologian showed with a rather pragmatic case that local circumstances could overrun Tutiorism, especially when survival or human lives were in danger.

⁷⁷¹ *Idem*, ff. 105-105v.

The pragmatism reflected in Rodrigues's opinions will have larger consequences for Japanese slavery. The principles ruling legal interpretations of slavery changed in the sixteenth century, with the abandon of exceptionalism in favor of the Christian imperialistic ideology, which was used at times to justify the suppression of the law of nations. Slavery became justifiable mainly by two concurring methods: unintended legitimacy and circumstantial legitimacy. If those responsible for enslaving an individual acted, even if unknowingly, in a fashion which attended all the necessary requirements for creating a legitimate slave, then there would be no problem – even though it depended more on the reliability of the account told by the slave trader regarding the enslavement. On the other hand, slavery could be, even though it was illegitimate, accepted as far as there were more pressing issues threatening order and Christianity itself – circumstances forcing the justification of an illegitimate slave. Both narratives will be used on the last quarter of the sixteenth century and the early seventeenth century.

If we consider these opinions as a reflection of what Rodrigues could have answered Torres in regard to the enslavement of Japanese, it is clear that the superior of the Jesuits in Japan had theological support to decide by himself what was best for the mission. Casuistry and moral theology were, in this sense, used as justifiers for a situation that was already in move. With the support of a pragmatist such as Rodrigues in Goa, the Jesuits in Japan had no problem to legitimate their practices.

Zooming out of the frame, the ideas exposed by Rodrigues in his writings in the early 1570s were but a snapshot in the history of the school of Jesuit thought in Asia developed since the 1540s regarding the enslavement of Asian people by the Portuguese. However, they offer a glimpse on the changing rationale regarding slavery in Portuguese Asia. The impact of Rodrigues' theses and the First Provincial Council in Goa were far from small, and the need for legitimation of slavery on the local and personal level was certainly the greatest legacy of the synod. These ideas were to be reassessed upon the arrival of a new Jesuit authority in India: Alessandro Valignano. The visitor, who sailed from Lisbon in 23 March of 1573 accompanied by 42 missionaries, was keen on favoring local circumstances and missional necessities by accepting less safe alternatives according to moral theology, thus offering different solutions to conflicting practices concerning slavery. As they were swiftly monopolizing the evangelization enterprise, the Jesuits were soon to feel the effects of Valignano's arrival in India during the so-called "*Consulta de Chorão*" [Consultation of Chorão]. Researchers are keen in rushing to the writings Valignano dedicated to the Japanese mission, but it is worth to stop and focus on his works and feats before arriving in Japan, considering these would be the basis for his interpretation and syntheses of the practices met in the Japanese Christian community. The entrance of the Italian Jesuit in the *Estado da Índia* and the locally elaborated solutions and practices regarding Japanese slavery are the theme of our next section.

Putting experience to the test

By the middle of the 1570s, no other religious order in India seemed to be more dedicated to the establishment of mechanisms of social control in Portuguese settlements and control of trading and social interactions with other polities than the Society of Jesus. With the development of the missions in the Portuguese Empire and beyond its borders, Jesuits had a privileged position to occupy many functions of the secular administrative machine of the Portuguese crown wherever it was absent or offer a legitimate and recognized alternative for the troublesome and expensive public notaries and royal officials⁷⁷².

With the growing necessity of justification for the enslavement of Asians, especially non-Muslims, whose case offered no easy justification, Jesuits became the ones able to articulate justifications and bestow legitimacy. In the specific case of Japanese slaves, their privileged position as the only missionaries in the area turned them into the real keepers of the keys to legitimacy, who could decide on the fate of captured individuals. When Lancilotto wrote to Loyola in 1550, worried about how members of the Society were abusing the use of slaves in India, the general provost's reaction was to leave it in the hands of those who were directly involved in the issue, as he did not feel capable on deciding anything from where he was, without access to specific details. The rector Francisco Rodrigues, being half the way between Europe and Japan, also felt the same way, and preferred not to decide on the legality of those practices used by Cosme de Torres and other missionaries in Japan. The issue would be addressed and revised with the direct involvement of the visitor Alessandro Valignano and the development of the political situation in Japan from the 1580s on. Valignano would formally decide to abandon arguments of moral theology and casuistry in favor of locally formulated decisions, thus proposing solutions to the issue of Japanese slavery prioritizing local conditions.

Born in 1539 in Chieti, Italy, Valignano studied civil law circa 1557-58 at Padova. He entered the Society of Jesus in 1566, after years of experience at the papal court. In 1570, Valignano was ordained and, two years later, became rector of the Jesuit College in Macerata. In 1573, he was appointed visitor to the Jesuit missions in Asia, and finally arrived in Goa in November of 1574.⁷⁷³

⁷⁷² For example, at the gathering in Chorão the Jesuits considered they could help in the elaboration of wills in the case there were no royal officials or other trusting parties nearby. DI X, pp. 312-3.

⁷⁷³ DUTEIL, Jean-Pierre. *Le Mandat du Ciel – Le rôle des Jésuites en Chine*. Paris: Éditions Arguments, 1994, p. 76; LEVI, Joseph Abraham. *O dicionário português-chinês do Padre Matteo Ricci, SJ (1552-1610): uma abordagem histórico-linguística*. New Orleans: University Press of the South, 1998, p. 40. RUGGIERI, Michele, RICCI, Matteo, WITEK, John W. (ed.). *Dicionário Português-Chinês / 葡漢辭典*. Lisbon: Biblioteca Nacional de Portugal, 2001, p. 152.

Upon arrival, Valignano noticed that the city, and especially the southeastern area where the Jesuit College was located, was still recovering from the crisis of early 1570s. Surrounded by that particularly pestilential air, the Jesuit house held a surprisingly high number of slaves – 48 individuals.⁷⁷⁴ Father Pedro Boaventura, an early critic of abuses on slave ownership by his own order, drawing attention to the issue of illegitimate slavery, indicated that around 5% of these individuals were kept despite their enslavement being against both divine and human law.⁷⁷⁵ Prompted by Boaventura's letter, Francisco Borgia wrote two years later saying that these abuses and the use of slaves in general should be suppressed in India. He gave as an example the measures taken in Sicilia and his determinations for the Jesuits in Brazil and in Portugal.⁷⁷⁶

Valignano does not hide his disgust with the situation in India, leading him to promptly compromise to reduce as much as possible the number of slaves and take further measures against it. However, the Visitor understood there were biological and environmental reasons that led local priests and Portuguese laymen reach this situation. According to his explanation, the calmness of India made bodies weak, so they were unable to perform labor as much as they would when in Europe. But Valignano's explanation had a national component to it as well. The solution suggested was that the Society of Jesus in Europe should send more brothers from Italy and Spain, because the Portuguese were very delicate and willing to do very little work.⁷⁷⁷ The need to reduce

⁷⁷⁴ DI IX, pp. 490 and 498.

⁷⁷⁵ DI VII, p. 247, Pedro de Buenaventura a Francisco Borgia, Cochin, 24th April 1567: "...en nuestro collegio de 40, de los quales es cierto que la vigésima parte fueron cativados contra lei divina y humana, y no obstante esto, los tractamos peor que esclavos." Although Borgia wrote the next year that Buenaventura should be "consoled", that is to say, calmed down, or else he would be sent back to Europe in order not to disturb him or the other missionaries, Borgia was also worried with excesses in the use of slaves in India. See DI VIII, p. 27-8; and *Sanctus Franciscus Borgia Quartus Gandiae Dux et Societatis Jesu Praepositu Generalis Tertius IV 1565-1568*. Madrid: Gabrielis Lopez del Horno, 1910 p. 530, Francisco Borgia to the Inspector of the Indian missions, Rome, October 1st 1567: "*Al P. Pedro de Buenaventura se procure tener por allá consolado, pero si no lo estuuiese, sino lo contrario, mejor ses voluerle á Europa, que no que allá turbe á si y á los otros*".

⁷⁷⁶ DI VIII, pp. 27-8: Francisco Borgia to Gonçalo Alvares, SJ, Rome, November 2nd 1569: "*Aora oltra de la giusticia le diré lo que he determinado de equidad. Ni en la Compagnia ni en otra ninguna religion, que yo sepa, se sirven en parte del mundo de esclavos, si no es en Portugal y Brasil, y essa India, y en Sicilian, que tenían los nuestros algunos esclavos que les dio el virei Johán de Vega, havidos en giustíssima guerra en Affrica. Estos de Sicilia ya los he quitado, y tengo determinado que todos los otros se quiten, quanto fuere possible. Y assi he dado mejor orden que es que he podido para ello al Provincial del Brasil y al Provincial de Portugal. Quédame de avisar a V.R. que mi fin y intento es que, quanto fuere possibile, se quiten los esclavos, y si sirva la Compagnia de Hermanos laicos; y donde ubiere necesidad de seculares, se tomem libres por su salario.*"

⁷⁷⁷ DI IX, p. 501. A similar explanation can be found, for example, in Frei Agostinho de Santa Maria's history of the Santa Mónica Convent, also in Goa, written more than a century later. He writes: "*O clima da terra tambem não he capaz de nimios rigores, antes de grandes indulgencias, por ser rigurosissimo, caluroso, insoportavel; & especialmente à criação dos sogeitos de sangue Portuguez, (como se vê por experiencia) pois havendo passado os Portuguezes ao Oriente ha perto de duzentos annos, & indo em cada hum anno grande numero de homens, & tambem alguãs mulheres; com toda esta multi daõ, não se ha propagado nada, nem ha filhos de filhos em terceira geração, nem conservação da nossa nação de*

the number of slaves and substitute them with stronger Jesuits would become one of the subjects at the 1575 gathering in Chorão.

A few months after his arrival in Goa, Valignano distributed the Jesuit priests between all the Asian missions: three to Japan, two to Malacca, twenty throughout the Malabar Coast, and eight for the Northern Provinces. After assigning missionaries and ordaining new priests, the visitor left in April of 1575 for his own tour to the Malabar Coast⁷⁷⁸. It was during his absence that authorities of all orders gathered once again at the Metropolitan See Church in Goa for the Goa Provincial Council. The attendees of the second edition included Archbishop D. Gaspar de Leão; Bishop of Cochin D. Henrique de Távora; the Dominican father Gaspar de Mello, representing the Bishop of Malacca, D. George de Santa Luzia; inquisitor Bartolomeu Fonseca, and others. The synod started in June 12th of that year, and representing the Jesuits were the Provincial Ruy Vicente, the theologian Marçal Vaz, and fathers Manoel Teixeira and Francisco Dionísio⁷⁷⁹. As in the first edition of the Council, the Jesuits were in charge of translating the decrees to Latin and compiling the official text. The Provincial priest also read the official sermon during the gathering⁷⁸⁰.

But unlike the First Goa Council, the second synod did not dedicate much deliberation to slavery. The subject was mentioned fragmentarily. For example, Action 2nd, Decree 5, rules on the cases where the right of *dominium* of a father or a master could be overruled despite his opposition to the baptism of a child or a servant. Slaves are mentioned in the third, fourth, and fifth cases: when a slave sold by his master to a far removed area – making it very hard to verify the master’s intention – then the child of said slave could be baptized before reaching the so-called “age of reason,” when a minor child of a gentile, free or unfree, was brought from far removed areas, making it impossible to consult the parents, then this child could also be baptized; and when infidel parents sell their minor child to a Christian, the child could be baptized, regardless if he or she was a legitimate or illegitimate slave (“*juste seu injuste*”). This last provision also reflects the growing concern during this period with the legitimacy of one’s enslavement, since just titles were needed for a legitimate transaction. Slavery was also mentioned on Decree 8, which gave ecclesiastical recognition – thus allowing ecclesiastical justices to enforce the rule – to a 1559 law enacted by D. Catarina concerning slaves sold by infidel merchants.⁷⁸¹ The decree confirmed that, if slaves sold by infidel merchants as

que se possa fazer caso. E por esta razão são as criações assim dos homens como as mulheres muito regaladas, & deliciosas, & costumadas a todo o ocio, & por isso assistidas, servidas, & reparadas do rigor do clima; o que pede mayor despeza, & mayor serviço.” SANTA MARIA, Frei Agostinho de. *Historia da Fundação do Real Convento de Santa Monica da Cidade de Goa, Corete do Estado da India, & do Imperio Lusitano do Oriente...* Lisbon: Oficina de Antonio Pedrozo Galram, 1699, pp. 260-1.

⁷⁷⁸ DI X, p. 460.

⁷⁷⁹ APO Fasc. 4, pp. 77-8.

⁷⁸⁰ DI X, p. 462.

⁷⁸¹ APO Fasc. 5, parte I, pp. 390-2.

merchandise – *escravos de veniaga* in the original – converted to Christianity, then they should be sold and the money delivered to the merchants. Also, when in Portuguese areas, these slaves could not be taken away, but were obligatorily sold to Christians or infidels vassals to the Portuguese king.⁷⁸²

As a result of the series of laws in favor of Asian Christianity enacted in the late 1560s, early 1570s, the Jesuits assumed a quite distinguished position in dealing with locals and intermediating their relations – and transactions – with merchants. The issue of legitimacy was, thus, entirely in their hands. By the end of 1575, between December 6th and 18th, Valignano gathered some of the most knowledgeable Jesuits in the isle of Chorão, distant a mile from Goa, for a rather informal meeting to discuss internal issues of the order in Asia⁷⁸³.

As put by Harro Höpfl, “*the Society was addicted to rules. It had rules for every estate and function within the Society, and rules for every vocation and almost every circumstance of Christians in its casuistry.*”⁷⁸⁴ If there wasn’t a rule yet, they would gather and formulate new rules to address an issue – always the “*first response to any difficulty*”.⁷⁸⁵ However, since the inception of the order, the Jesuits chose to compile and elaborate rules in order to address the challenges faced during the missionary work overseas. Maryks explains that at the core of the Jesuit identity, intellectual or teaching activity were not included, with the exception of teaching children and the unlettered.

*“The first Jesuits had been so seriously engaged in preaching, confessing and visiting the sick, and they spent so much time on traveling that they barely had time for anything else. As [Alfonso] Salmerón put it, ‘Our vocation is not ordered to undertaking professorships or ‘ordinary’ lectureships in the universities.’ Their lack of time for academic interests resulted in their need of compendia, as succinct and as comprehensive as possible for practical use and not for academic speculation.”*⁷⁸⁶

That is exactly what the Visitor had in mind when he arrived in India. Valignano immediately gathered superiors such as the Jesuit Provincial Ruy Vicente, the rector of the Goa College Nuno Rodrigues, the rector of the College in Bassein Francisco de Monteclaro, and the rector of the College in Salsete Antonio da Costa. Other participants

⁷⁸² APO Fasc. 4, pp. 93-4, 96, and DHMPPPO, Vol. 12, pp. 304 and 307.

⁷⁸³ For an account of the process of conversion of Chorão into a Christian island, see XAVIER, Ângela Barreto. *A Invenção de Goa – Poder imperial e conversões culturais nos séculos XVI e XVII*. Lisbon: ICS, 2008, pp. 277-331.

⁷⁸⁴ HÖPFL, Harro. *Jesuit Political Thought – The Society of Jesus and the State, c. 1540-1640*. Cambridge: Cambridge University Press, 2004, p. 34.

⁷⁸⁵ *Idem*, p. 16.

⁷⁸⁶ MARYKS, Robert Aleksander. *Saint Cicero and the Jesuits – The Influence of the Liberal Arts on the Adoption of Moral Probabilism*. Hampshire, UK and Rome: Ashgate and Institutum Historicum Societatis Iesu, 2008, pp. 76-7.

included experienced men in the missions, such as Henrique Henriques, who had studied philosophy and theology in Coimbra and lived in the Asia since the 1540s.⁷⁸⁷

But maybe the most well-studied Jesuits were the three who had accompanied the Provincial in the Second Goa Council a few months before: 46 year-old Marçal Vaz, was literate in Greek, Hebrew and Latin, taught logic, philosophy and theology for years in Coimbra, and held a doctor degree in canon law; 40 year-old Manoel Teixeira had years of grammar practice, six years of logic, philosophy and theology; and finally 40 year-old Francisco Dionisio, who had studied grammar for years, logic and theology for eight years, and lectured casuistry and theology for three years⁷⁸⁸.

The so-called *Consulta de Chorão* became a preparatory session of the subsequent First Provincial Congregation, which was to happen by the end of the same month. The debate centered on various topics, such as the organization of the missions, administrative and financial challenges, hierarchies in the residences, the construction of the *Casa Professa* in Goa, Colleges' syllabi, lay brotherhoods, Chaldean Christians, and others. Among these issues, one key theme was the relation the Jesuits were to have with secular Portuguese authorities. The Provincial Ruy Vicente, rectors Nuno Rodrigues and Francisco de Monteclaro, as well Marçal Vaz and others suggested that the Jesuits should not confess any governor or captain, because their involvement with administrators led to tensions and complaints. However, they had lost to the practicality of the opinion defended by Francisco Dionisio, Henrique Henriques and others, who defended that the Jesuits should assume an open stance, being available whenever they were called by administrators, in order to allow the use of confession as a political weapon. The confessors were to follow determined guidelines, like the ones discussed by Francisco Rodrigues, in order to preserve their own consciences. The Jesuits had similar experiences before: Vice-Roys D. Constantino de Bragança and António de Noronha had previously had their own Jesuit confessors, and these had proven advantageous relations for the purposes of the order⁷⁸⁹. Although the most scholarly discussants had defended the dangers of such confessions for the order, experience had prevailed on the decision⁷⁹⁰.

Slaves were discussed in a few instances. The 20th question asked whether Jesuits should use service boys and slaves [*moços y esclavos*] in the Colleges and Residences of the Society. The response was unanimous – there were three reasons that could be used to justify Jesuits keeping their servants. First, they were useful in menial tasks and kitchens in the churches, and as for Colleges they were necessary for dealing with crops, kitchen, laundry, water supply, mills, ovens, ships and other domestic services. The

⁷⁸⁷ ŽUPANOV, Ines G. *Missionary Tropics: The Catholic Frontier in India (16th-17th Centuries)*. Ann Arbor: The University of Michigan Press, 2005, pp. 246-7.

⁷⁸⁸ See DI X, pp. 30-50.

⁷⁸⁹ See DI IV pp. 416, 476 and 826, and DI VI pp. 194 and 844.

⁷⁹⁰ DI X, pp. 275-6.

Jesuits justified that they could not dedicate themselves to these tasks, because they were few, weak, and the climate was too hot, which made heavy work impossible. The second reason was because brothers that tried to work hard soon fell sick. Lastly, these works were seen as vile and low by the locals and the Portuguese in India, so if the Jesuits were to perform these tasks then they would be disregarded by others. The priests also agreed that slaves were preferable to free young service boys, for a number of reasons: after grown up, boys would marry and leave; also, they were not as strong as adult slaves, who could not leave as they wished; every other order in India, including reformed Franciscans – called *descalzos* in the document – used slaves as well; there were so many slaves in India, that even the poorest of the poorest person had his or her own slave; finally, because they wore cheap clothes and could sustain themselves with little rice, so they would not become a financial burden for the Jesuits.⁷⁹¹ Bondage relations were thus favored by the priests, who considered it more advantageous over other forms of labor.

The gathered priests also agreed on the issue of legitimacy: Jesuits were to keep only small numbers of legitimate slaves. Valignano first concern regarding slaves when he arrived in Goa – the sheer number of them everywhere – was combined during the meeting with the wider concern regarding recent legal requirements for acquiring slaves, that is to say, a deep preoccupation with the legitimacy of enslavements.⁷⁹² The priests were to apply the following procedures: the Provincial, aided by two or three other priests, was to evaluate each case of slaves in the Jesuit houses. If the individual had been illegitimately enslaved, he was to receive an amount equivalent to the years of service dedicated to the order and subsequently freed. Those who were legitimate slaves were to be treated more carefully, taught the doctrine, have some time during saint days for recreation, and freed after a few years of service, upon which the Jesuits were to help him or her to attain a better life⁷⁹³.

Valignano and the others were aware of the limits of their powers in India, that they did not have any way to meddle and define legitimacy for slaves entering Portuguese ports in the area. Examination of enslaved individuals was an attribution of secular justices – the powers of priests and priests were limited to examination as a confessional issue, a personal problem between the confessing master and God. They did not have any power to impede transactions on Indo-Portuguese ports. This practice was in place at least until the seventeenth century, when a report from a Portuguese official visiting the Northern Provinces of the Estado da Índia denounces local vicars were examining slaves,

⁷⁹¹ DI X, pp. 265-6.

⁷⁹² Lúcio de Sousa does not explain this process, rather indicating the rule was included by Valignano in his 1588 *Summario de algumas cousas que pertencem ao Governo da Província da Índia*. See SOUSA, Lúcio. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, p. 254. As pointed by Sousa, the *Summario*'s rule on slaves in Jesuit houses can be found in DI XVI, p. 878.

⁷⁹³ DI X, p. 266.

thus breaching the king's jurisdiction.⁷⁹⁴ In Japan, however, the Jesuits were enacting licenses used by merchants to confirm their legitimacy in secular courts.

Although the missionaries were assuming a direct role in the determination of slavery and its legitimacy, the Jesuits were more cautious on their involvement in wars yet to be declared. Question 29 asks, among other issues, whether Ignatians should take part in the process of waging wars or negotiating peace. The priests were unanimous, deciding that there should not be a universal rule on that, rather all mission superiors should be instructed to be careful and judicious. Single missionaries should not interfere or comment on these issues by themselves – the superiors were instructed to consider each case separately and decide together how it could be more advantageous to the mission.⁷⁹⁵ The Constitutions of the order, in the version left by Loyola in 1556, were already clear on how no coadjutor or scholar were to examine any criminal or civil cases by himself without express license from his superior⁷⁹⁶. The Jesuits were ready to interpret and determine justice of conflicts that were already over, thus commenting on whether resulting captives and slaves were justifiably enslaved, but they were not readily available to help local captains and administrators decide on whether they should or should not wage war against other polities.

The issue of communion and confession of slaves was also discussed at the gathering. The priests deliberated on how to proceed with not only slaves, but also local Christians in regard to these two sacraments. Confessors were to give a piece of paper proving that the holder of said document was able to receive the communion, thus allowing him to take an active part in the mess and in the Christian community. As for confessions, those who were had a good understanding of the doctrine and could communicate with the confessor, were allowed to confess. Others were to receive explanations on this sacrament, in group or privately. The priests reiterated the importance and significance of the confession, by declaring that this was sacrament from which solid results could be expected with local Christians. General guidelines were to be elaborated, so there would be a single standard for evaluating whether one was able to confess⁷⁹⁷.

Mentions to Japan are scarce. On the 12th question, regarding secular jurisdiction of the Jesuits, all participants agree that, in regard to the Mollucan and the Japanese

⁷⁹⁴ See BNP, Ms. 11410, "Lembrança das cousas do Norte pelo ouvidor-geral Francisco Monteiro Leite datado de 25 de Junho de 1602", f. 80, in the Appendix.

⁷⁹⁵ DI X, pp. 277-8. In the seventeenth century, Valentim Carvalho would justify the Jesuit interference in secular matters such as these with a list of Papal bulls and other decrees confirming the missionaries were allowed legally to interfere wherever it was considered necessary. CARVALHO, Valentim (auth.) and FRANCO, José Eduardo (org.). *Apologia do Japão*. Lisbon: Centro Científico e Cultural de Macau, Ministério da Ciência, Tecnologia e Ensino Superior, 2007, pp. 126-9.

⁷⁹⁶ MI, Series Tertia, Tomus Secundus, Constit. Textus Hispanus, P. VI, c. 3, p. 552.

⁷⁹⁷ DI X, pp. 289-90.

missions, information was scarce, and that the issue would be discussed again once the visitor had verified the missionaries' works on each area⁷⁹⁸. The Japanese mission is also mentioned as a very hopeful work for the missionaries⁷⁹⁹. Even the reception of Japanese individuals as prospective Jesuits was still uncertain, as all agreed the visitor should determine this issue after seeing the mission in Japan by himself⁸⁰⁰. André de Oviedo, Patriarch of Ethiopia, is addressed as also being Patriarch of Japan, and should go to that mission for some time as well⁸⁰¹.

Question 44, however, asks if the Jesuits should establish a College in Malacca, China or Japan. This is an interesting observation, as it allows us to understand how the superiors in Goa evaluated and compared the three areas. Malacca is soon discarded, as it is considered small, dangerous and heavily dependent on external sources of supplies. As for China, the priests had two distinct opinions. First, some considered it a rich land, where students from Japan could be received easily. Second, it would be better to instruct Japanese students in China because of the constant wars in Japan. The priests finally agree that, while it was not a good moment to establish a full Jesuit College in Japan, because of the civil wars, a seminary would be enough to attend the needs of local missionaries. Both suggested institutions, the College in China and the Seminary in Japan, had as their final purpose to raise future missionaries to work in Japan⁸⁰². It is interesting to notice that the final purpose for Valignano and the other superiors in India at this time was not China nor Southeast Asia, but the better evaluated Japanese mission. However, more detailed decisions would have to wait until Valignano visit to the area.

The deliberation also considered the mercantile activities of missionaries in Japan. The issue divided the priests, on which the first camp believed that the volume of trade should be reduced, in order to help finance the missions. The second camp, on which agreed Manoel Teixeira, Henrique Henriques and Baltazar Gago, defended that all the trading activities had to be suppressed, and local missionaries had to find other ways to finance their work. This decision also had to wait for Valignano's final decision after assessing personally the situation in Japan, which would have to wait until his arrival in the archipelago in 1579⁸⁰³.

With the end of the preparatory session in December 18th, five priests – most probably Valignano, the Provincial Ruy Vicente, and the three rectors – took part in the First Jesuit Congregation⁸⁰⁴. On reviewing the consultation, they elaborated the official

⁷⁹⁸ *Idem*, p. 251.

⁷⁹⁹ *Idem*, p. 270.

⁸⁰⁰ *Idem*, pp. 283-4.

⁸⁰¹ *Idem*, p. 273

⁸⁰² *Idem*, pp. 292-3.

⁸⁰³ *Idem*, pp. 294-5

⁸⁰⁴ SOUSA, Francisco de. *Oriente Conquistado a Jesu Christo pelo Padres da Companhia de Jesus, Segunda Parte*, pp. 95-6.

Latin text for the General of the Order, Everardo Mercuriano, in 28th of that month. The answer would be written more than a year later, in January 31st 1577, based on both texts – the preparatory session minutes and the congregational text – as well as a separate letter by Valignano⁸⁰⁵. The Latin text worked as a complement to the deliberations, quoting and referring constantly to the latter. It would also be compiled and translated into Portuguese for usage in the missions – the Jesuits in Japan had, at least since 1585, their own copy of these decisions and rules in Portuguese.⁸⁰⁶ The issue of slavery legitimacy is referred on the use of slaves in the houses of the Society, on question 48.

The Jesuits in India state that it is not possible to live in Asia without servants and slaves. They insist that slaves were needed, and that they would be kept to a minimum necessary. For that reason, they ask confirmation on the method proposed to guarantee the legitimacy of their own slaves⁸⁰⁷. The Congregation proposed to Mercuriano that, in the Goa and every other Jesuit College, two or three fathers would be appointed as responsible for the investigations on those titles presented to attest the legitimacy of a slave. In case the servant was considered non-legitimate, or there were doubts regarding its legitimacy, the slave should then be freed and paid an amount equivalent to the time spent serving the order⁸⁰⁸. The Jesuits were applying here the Gratian principle of *favore libertatis*, by which freedom should be favored against the authority of a master⁸⁰⁹. Slaves considered legitimate by more or less clear titles were to be kept but treated humanely. They should lead “dignified Christian” [*Christiano homine dignis*] lives, receive the Christian doctrine and morals, as well as be allowed to rest during feast days, when they could freely go wherever they wanted⁸¹⁰.

⁸⁰⁵ DI X, pp. 315-6; SOUSA, Francisco de. *Oriente Conquistado a Jesu Christo pelo Padres da Companhia de Jesus, Segunda Parte*, p. 94.

⁸⁰⁶ Ajuda 49-IV-56, ff. 9v-20v, under the title “*Couzas q[ue] pertencem à ViceProv^a. de Japão*”. F. 20 mentions Mercuriano’s ruling regarding the use of slaves in the Jesuit houses.

⁸⁰⁷ DI X, p. 350: “*Quamvis sine famulis ac servis in his regionibus nostri vivere nequeant, propter rationes quae in responsione ad 20 interrogationem P.V. assignatae sunt, qui nostris vel cibos emant vel praeparent aliaque domestica ministerial peragant necessarium tamen Congregationi visum est ut hoc superioribus commendetur ut quantum fieri potest necessarii tantum retineantur.*”

⁸⁰⁸ *Idem*: “... *designenturque duo aut tres Pares in collegio Goensi et aliis qui uniuscuiusque titulum servitutis investigent, et si qui reperti ferint non legitime in servitute redacti, aut saltem non clare constate manumittantur preciosque illis compensetur tempus quod apud nos in servitute transegerunt iuxta uniuscuiusque industriam et laborem, et servitutis tituli maiorem aut minorem claritatem deturque opera ut interea humaniter tractentur et ut in aliqua vivendi ratione ac doctrina moribusque christiano homine dignis instituantur, diebusque festis facultas illis concedatur ut animi gratia quocumque voluerint pergant.*”

⁸⁰⁹ GILCHRIST, John. “The Medieval Canon Law on unfree persons: Gratian and the decretist doctrines c. 1141-1234”. In: *Studia Gratiana XIX*. Rome: University of Bologna, 1976, p. 277.

⁸¹⁰ DI X, p. 350: “...*et servitutis tituli maiorem aut minorem claritatem deturque opera ut interea humaniter tractentur et ut in aliqua vivendi ratione ac doctrina moribusque christiano homine dignis instituantur, diebusque festis facultas illis concedatur ut animi gratia quocumque voluerint pergant.*”

Hindered by what the distance allowed him to know concerning the reality of the missions, Mercuriano was not in position to disagree with the priests, especially with Valignano, and they surely knew that. He had no other option but to recognize the validity of the missionaries' arguments that servants were highly needed in Indian and other Asian missions. He limited himself to reiterate the principles of the order; in fact, he contributes for legitimizing and confirming the method proposed. He insisted on diligence when evaluating one's titles of servitude, and that the process characterized effectively an enslavement, which should be taken very seriously⁸¹¹. The General of the order also presented a deep concern with the use of slaves interfering on monastic practices that the Jesuits were supposed to perform, by doing domestic services themselves. He suggested that the use of slaves should not substitute members of the order performing menial and domestic tasks. This should start with superiors, who were to give the example by performing themselves these works from time to time, so they would help to address any abuse on the use of slaves. After all, for Mercuriano, servants should be used very moderately as an alternative only when necessary⁸¹². Valignano, in order to reiterate the argument, said that it would be the only and most necessary remedy in regard to slavery. It would be a solution for all the offenses and abuses committed against God in the Jesuit houses of Asia⁸¹³.

The priests' emphasis on the treatment of the enslaved individual and his or her education must not be seen as an idea solely born out of Christian piety. In a way, the insistence on Christian indoctrination shows how slavery was understood as a temporary state between infidelity and full conversion, and proper education was indispensable for the construction of a fully educated convert. The purpose of conversion of the enslaved man or woman becomes thus the ultimate justification of slavery and servitude. Also, the Latin text elaborated by the five priests after the end of the Consultation demonstrates how the Jesuits imagined an expansion of the model proposed for the Goa case – it would be applied in the whole archipelago of missions spread throughout Asia. Sets of two or three priests would be appointed in every college as responsible for evaluating and determining the legitimacy of slaves, at first, for use at each college. This organizational determination would confirm practices already in place in Japan, where Cosme de Torres

⁸¹¹ *Idem*: “*Diligentia in titulis servitutis excutiendi iustitiaque unicuique servanda ut necessaria est, ita serio adhibenda.*” Although lacking analysis and explanation, it was mentioned in SOUSA, Lúcio de. *Escravidura e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, p. 254.

⁸¹² DI X, p. 350: “*Quae autem inter alias ratio allata est vigesimo interrogato consultationis, cur manicipiis uti debeant, nempe quod abiecta habeantur domestica huiusmodi munia, non placet, cum ea quae fiunt ex religiosa vocatione nunquam vilia sint aestimanda. Quamobrem conentur superiores nostris persuadere, ut neque ab istiusmodi ministeriis abhorreant, et ipsi subinde in illis sese exercent, ut suo quoque exemplo eum abusum exterminent. Ceterum quando ita necessitas postulat, poterunt uti servis, modo id fiat quam moderatissime.*”

⁸¹³ *Idem*, p. 381, Valignano comment on the consultation, Chorão December 30th 1575: “*Quanto alla 40., mi par totalmente necessario che si usi di quello remedio colli schiavi et gente incognita della terra per evitare il disordine et l’offese che si fanno a N.S. da questi simili in queste communioni.*”

was giving licenses and approving temporary servitude for enslaved Japanese acquired by Portuguese masters at least since the 1560s.

The proposed model also was an attempt to amend a lack of competence on the part of regal authorities, who were supposed to examine each slave. Back in Goa, Valignano took the pen to write to the Provincial in Portugal, Manuel Rodrigues, on the political state and chaos of the Portuguese areas in Asia. He complained on the lack of rigor and order in regard to local justice, lack of obedience, and the general chaotic state in which he found the administration. According to the visitor, there was no council of war or peace, and clerics, soldiers and friars would give each one their opinions on matters beyond their jurisdiction. Soldiers would speak on cases of conscience, priests on matters of war and peace, and no colonial institution or official would work as expected⁸¹⁴. The model proposed of two or three priests evaluating the slaves owned by the Jesuits was an attempt to shield the order's morality amidst the immoral state of the colonial societies. The Italian Jesuit did not consider illegitimate slavery a minor issue for the colonial society, even though it lacks mention in a few of the writings of the period. Slavery is not brought up in his letter to the Provincial, instead there was more emphasis on immediate problems such as corruption and the lack of a permanent council for the Vice-Roy. A list of instructions given to father Martim da Silva, written by Valignano and the Provincial Ruy Vicente, also makes no reference to the issue of slavery⁸¹⁵. However, there are a couple of lost letters written at this same period – one for the king D. Sebastião, and a list of matters to be personally discussed with the monarch given to another Jesuit, father Melchior Dias – which could have included slavery legitimacy and the need for a review of the examination process⁸¹⁶. Beyond than these letters, there is a summary of 13 main points decided on the consultation that was sent to all superiors of the missions in Asia. The list presents their decisions on Christian doctrine, confessional practices– there was a summary to be prepared in Goa that would be sent to all missions, so local Jesuits could confess Portuguese and local Christians using the same standards – annual letters, clothing, and so on. Slavery is mentioned on the fourth, fifth and sixth items of the summary: communion and confession of slaves and local Christians and legitimacy. As for the Sacraments, Valignano confirms that slaves and local Christians needed a written document in order to receive communion⁸¹⁷, and confessors should hear confession only

⁸¹⁴ *Idem*, pp. 401-2, Valignano to Manuel Rodrigues, Provincial of Portugal, Goa, December 31st 1575.

⁸¹⁵ *Idem*, pp. 412-28.

⁸¹⁶ *Idem*, p. 412.

⁸¹⁷ *Idem*, p. 522: “*La 4ª, que para proveer a las desórdenes que acaecen en la comunión de los esclavos y gente de la tierra, máxime en la Paschua y en otros tiempos, quando ay mucho concurso de comuniones, parecyó que daqui adelante no se amitisse ni[n]guno destes a comunión, exceptuando las personas honradas y conocidas, sin escrito dado por el confessor, el qual diga tiene intendimiento para comulgar; los quales escritos serán todos de una forma, y al tiempo que están ia a la mesa para comulgar el sancristán demandará los escritos a estos tales, y aga levantar a los que los no dieron: mas advirta mucho que no puda escrito a alguna persona conocida y honrada.*”

from properly habilitated and instructed slaves and local Christians⁸¹⁸. On the sixth item of the list, the Italian instructs that superiors should keep a detailed log of slaves serving each Jesuit house, a register of name, time of servitude and the title that allowed that individual to be enslaved. Justly enslaved cases and those who served long enough and deserved to be freed should be reported to the Provincial priest. They all should be properly instructed in order to be able to confess and receive communion, be well treated, and receive free time on feast days⁸¹⁹. Valignano reiterated the agreed points, determined a concrete method to be followed – a registry for slaves – and confirmed the expansion of the method beyond the Goa College. In another series of instructions, Valignano warned Jesuit superiors in Portuguese fortresses they should not only keep the number of slaves to a minimum necessary but should not use these slaves to dress and undress themselves, scratch their feet or heads, nor rub their legs, because these were secular abuses, unlike of religious men⁸²⁰.

In November of 1576, when reviewing letters from the Generals of the order, Valignano compared the decisions of the consultation in Chorão with the instructions given by these superiors. The letter of Francisco Borgia written in 1569 to Gonçalo Álvares mentioned before in this chapter is addressed. While Borgia asked for the full suppression on the use of slaves by the Jesuits in Asia, Valignano responded that a thorough abolition was unthinkable, given the reasons presented at the consultation. As for the legitimacy of slaves used in the Jesuit houses, the visitor registered that all the superiors in Asia had already been properly instructed⁸²¹.

⁸¹⁸ *Idem*: “La 5ª, es que, para quitar de escrúpulo a los confesores, y para habilitar a los esclavos y cristianos de la tierra para las confesiones, al tiempo que se han de confessar, tenga cuidado algún Padre o Ermano de los instruir con pláticas comunes y particulares en la manera que han de tener en la confesión, y así instruidos los imbiará al confessor; y tengan los confesores advertencia en las confesiones de los tales, porque muchos no pertienden otra cosa, sino darle el escrito de su confesión, no curando de se confessar o bien o mal.”

⁸¹⁹ *Idem*, pp. 522-3. “La 6ª, es que se eaminen los justos títulos de los esclavos que están en nuestras casas, haciéndose de esto un libro, o escreviéndose en el libro de la casa en título separado, en el qual se escriba el nombre, el tiempo y el justo título de su captiverio; y dése aviso al Padre Provincial de los que no tienen justo título, y assimismo de los que ha mucho que sirven y merecen que sean libertados. Y téngase cuidado que digan cada día la doctrina y sean bien instruidos para que sepan bien confessarse y comulgar, procurando que lo agan cada mes, y en lo demás sean bien tratados, y se manden recrear los días de fiesta.”

⁸²⁰ DI XI, pp. 26-7.

⁸²¹ DI X, pp. 638-9: “149. Lo que se puede hazer con los esclavos, y como no se puede en la India bivar sin ellos, ya se escribió en la pregunta 20 de la Consulta, mas quanto a lo que toca a los títulos de su cativerio y de tratarlos de manera que a los otros conviene, ya se ha dado orden por toda la Provincia. Mas escusarlos de la manera que aquí en lo número 150 se dize, no es en ninguna manera posible, porque, aunque nos quiziessen los Hermanos hazer todo lo que se haze en Europa, ni son para ello bastantes ni la qualidad de la tierra lo suffre, ni las continuas navigationes y residencias, en las quales no se pueden bivar sin moço que sirvan a los Padres, y en esta tierra no ay ninguno que quiera servir a otro, sino son estos esclavos o algunos niños de la tierra.”

The instructions had immediate effect on the missions. For example, in November of 1576, Gomes Vaz wrote in his annual letter from the mission in Bassein that the priests enrolled all the local Christians – including slaves – which were then separated in groups to be indoctrinated, men on Sunday mornings, slaves owned by the Portuguese on Sunday afternoons⁸²². But Valignano’s visitation and that December of 1575 in Chorão had a deeper impact on the justifications of slavery in the colonial societies. It marked a temporary departure from the Tutoristic position regarding servitude in Asia. By admitting the failure of European moral theology and casuistry in dealing with slavery in India and the missions, the priests favor experience and pragmatism, such as the need for servants for menial tasks and their image before local societies. The heavy emphasis given to experience over theology by the Visitor would operate a major influence on the developments regarding Japanese slavery in the following decades.

Classification and separation

Valignano arrived in Malacca in October 19th 1577, almost a month after departing from Goa. Despite being an important trading center in the region, there lived only 3000 Christian souls, because many local merchants had fled after the Portuguese conquest and wars had taken their toll on the population. Surrounded by Muslim polities, the enclave would be the place where the visitor elaborated his *Summarium Indicum*, a long description of the Jesuit Province of India with more than 30 chapters. Composed between November 22nd and December 8th, Valignano had less than two months of experience in the Malay Peninsula. The visitor divided India in two large portions – on one side, Japan and China, and the rest on the other.

Valignano divided Asian peoples in two categories, according to their skin color: they were, for the most part, black [*è tutta di color negra*], while Japanese and Chinese were white “as we are in Europe” [*è Bianca como la nostra di Europa*]⁸²³. As wrote Paolo Aranha, the Italian Jesuit was educated in the University of Padova, a center for Aristotelian studies in Europe⁸²⁴. Inheriting the tradition of his *alma mater*, Valignano possibly considered “black” Asians to be naturally fit for servitude – he registers that they had little capacity, miserable manners, and were prone for low and vile activities⁸²⁵. “White” Asians, on the other hand, would be naturally apt for reasoning, thus needing to

⁸²² DI X, p. 743.

⁸²³ DI XIII, p. 5.

⁸²⁴ ARANHA, Paolo. “Gerarchie Razziali e Adattamento Culturale: La ‘Ipotesi’ Valignano”. In: TAMBURELLO, Adolfo, ÜÇERLER, Antoni, and DI RUSSO, Marisa (org.). *Alessandro Valignano S.I. – Uomo del Rinascimento: Ponte tra Oriente e Occidente*. Rome: Institutum Historicum Societatis Iesu, 2008, pp. 80-2.

⁸²⁵ DI XIII, pp. 5-6.

be convinced in order to accept the baptism. The result would be a better type of Christians in China and Japan – in the latter, their natural aptitude and reason was enough for Valignano in 1577 to justify the better results obtained by the missionaries in the Far Eastern archipelago.⁸²⁶

However, it is important to notice that this idea does not necessarily exclude the reduction of Japanese men and women to servitude, neither represents a condemnation against this practice. Japanese and Chinese, although considered white “as Europeans”, were not equal in that sense to Portuguese and other Westerners. Paolo Aranha’s text presents what he called *Ipotesi Valignano*: the natural division of mankind proposed by Aristoteles was used by the visitor to classify the races found in Asia. Aranha considers that the hierarchy proposed by Valignano led to a division between “enslavable” – “Black Asians” – and “non-enslavable” peoples – “White Asians”⁸²⁷. He introduces a strong argument defending that Valignano apology of the enslavement of “Black Asians” can be explained by the Italian Jesuit’s academic background.⁸²⁸ However, it seems the Aristotelian classification of nations in Asia used by Valignano was not extended to the identification of enslavable and non-enslavable peoples among Asians. His works do not seem to fit the Japanese – and for that matter other “White Asians” such as the Chinese or the Koreans – into a special non-enslavable category.⁸²⁹ In fact, at this point, he does not even consider slavery in his hierarchy. What does seem to be the case here is the level of understanding regarding religion that White Asians had compared to their black counterparts. Valignano’s writings do not condemn nor negate the legitimacy of Japanese slavery – or any other local form of servitude. The Visitor fails to even bring up the issue for discussion in his first accounts of the archipelago. Thus, the method of cultural

⁸²⁶ *Idem*, pp. 9-10. Paolo Aranha points out that this difference explains why the method of cultural adaptation could not be used, according to Valignano’s terms, in other parts of Asia. ARANHA, Paolo. *Op. cit.*, pp. 86-8.

⁸²⁷ *Idem*, pp. 89-96. Valignano’s hierarchization was not, of course, that original. In 1551, father Melchior Gonçalves already had attributed the success and aptitude for Christianity of the Japanese to their intellect in comparison to the Indians. See DI II, p. 185: “*É quella gente di molta industria et non come li canarini, et Malabari di questa regione che non hanno politia nisuna, et quelli ne hanno assai et sono huomini di molta ragione et così spettamo che iddio N.S. aprirà la porta per grande christianesimo in questa terra.*”

⁸²⁸ Paolo Aranha warns about the danger of imposing the equation of blacks to slaves into the Portuguese mindset of the sixteenth century. ARANHA, Paolo. *Op. cit.*, p. 90. However, even as early as 1546, Nicolao Lancillotto already wrote that many Portuguese considered Luso-Asian mixed people inferior because of the color of their skin: “*Tu es niger et ego albus, tu es captivus et ego ingenuus.*” See DI I, p. 142. In 1557, Gaspar Vilela, when writing how badly the missionaries were treated by some Japanese, registers that “*De modo que quando falão conosco isto, a gente plebea nos falão como [a] negros, atuando-nos e com palavras torpes.*” DJ II, p. 700.

⁸²⁹ “Black Asians” were, as correctly pointed by Aranha, explicitly described collectively as enslavable. For example, in his *Historia del Principio...*, Valignano wrote: “*(...) gente que parece, como dize Aristóteles, de naturaleza producida para servir, porque comúnmente es pobre, miserable y escassa, que por qualquier ganancia hazen muchas baxezas.*” See VALIGNANO, Alessandro, and WICKI, Josef (ed.). *Historia del Principio y Progreso de la Compañía de Jesús en las Indias Orientales (1542-64)*. Rome: Institutum Historicum S.I., 1944, pp. 24-5.

adaptation used by Valignano in the Japanese mission must not be seen as an excluding set of ideas which automatically condemned the phenomenon of Japanese slavery.

Valignano's arrival to Japan happened in July 25th 1579, in Kuchinotsu 口之津, on board of a ship commanded by Captain Leonel de Brito. Between this year and the following, Valignano worked on his report to Mercuriano, the *Summarium Indicum*, adding information on China and Japan. The first realization Valignano had after arriving in Kyushu was the gap between what Jesuit letters and all the subsequent publications declared about Japanese society and what he witnessed. The Visitor soon realized that some of the aspects he thought he knew about the Japanese character were a little misguided. In a short missive to Mercuriano written in December of 1579⁸³⁰, Valignano explained there were four manners in which missionaries in Japan were transmitting a wrong idea about the locals. First, many missionaries who arrived in Japan without knowing the Japanese language or manners were deluded by their exterior behavior, believing it reflected their internal beliefs and machinations. Others, wishing to write good letters, would embellish their texts and descriptions. Third, there were those who would write as if everything was motivated by their pure spirits, and there were no Japanese interested only in the trading advantages of conversion. Finally, some wrote of little successes as if they reflected all of Japan, giving false impressions on the results of the mission⁸³¹. Thus, Valignano's revision did not only add new information to his *Summarium Indicum* – it also helped to correct what he deemed as a distorted image of the Japanese that other Jesuits had elsewhere.

In the revised text, Valignano maintained his Aristotelian hierarchy for the Asian peoples, dividing them in “Black Asians” and “White Asians”. But his description of the Japanese became more detailed. The Jesuit started by reiterating the Japanese were white, but beyond that they were also courteous, very polite, so much they exceeded all the other peoples, and had very good natural resourcefulness [*ingenio*], although the Japanese had no science. Valignano credited their lack of scientific studies to the Japanese bellicosity – “*la más belicosa gente y dada a guerra de quantas en el mundo hai*”⁸³².

Another characteristic to which Valignano dedicated some attention to was the power a patriarch had over his subjects. No matter how rich or how poor, a master could kill his children, servants and minions even because of very light infractions. Human life had as much value as the life of an animal, and even mothers could kill their newborns because they had no means to sustain the child. Again, the difference in the *dominion* a father exerted over his household in Japan in comparison to Europe was central for the Jesuits to understand how power relations worked in the region. The Visitor also drew

⁸³⁰ Dated December by Schütte. See SCHÜTTE, Josef Franz. *Valignanos Missionsgrundsätze für Japan, Erster Band 1573-1582, Erster Teil 1573-1580*. Rome: Edizioni di Stori e Letteratura, 1951, p. XXXIV.

⁸³¹ VALIGNANO, Alessandro, and WICKI, Josef (ed.). *Op. cit.*, pp. 481-2.

⁸³² DI XIII, pp. 202-3.

attention to what he classified as covert and secretive personality of the Japanese: since their childhood, they learned to hide their true intentions to such extent that nor even parents and their kids could completely share their thoughts⁸³³.

Civil wars also lead Valignano to blame the political instability on Japanese character. Thus, the Visitor wrote that, in Japan, nothing was firm or secure, because things always changed as the turn of a wheel – those who were lords now, could have nothing anymore the next day. But even these lords were impressively poor and spent very little. Valignano also wrote that there was an impressive amount of formalities and behavioral codes in the Japanese society that turned all newcomers from Europe into children who had to learn again how to eat, how to sit, how to speak, how to dress, and how to perform all the necessary formalities⁸³⁴. For the Visitor, this gap between what was seen as formal and expected in Japan and what people in other areas considered as such was responsible for making it hard for superiors in India and in Europe to determine how the Jesuits should act in Japan.

The Visitor also comments on the nefarious sins taught by the Buddhist monks, and parents to their children. Japanese legislation, for the Italian Jesuit, is also unjust and contrary to natural reason, which makes it harder to convert the Japanese and make them abide to Christian laws. Despite all these deleterious characteristics, Valignano ends the section by defining the Japanese as the “*most apt to be cultivated and receive well the Christian law and become the best Christianity of all East*” [“*...más apta para ser cultivada y tomar bien las cosas de nuestra ley, y salir la mayor chrystandad de todo el Oriente*”]⁸³⁵.

In spite of all the political instability and hardships that their character offered under his interpretation, Valignano chose the Japanese as the best converts in all Asia. One reason could be that, as it was not an area under the influence of the Portuguese crown, the Jesuits could enjoy a kind of freedom and independence that was hard to reproduce elsewhere. As for slavery, the *Summarium Indicum* makes only veiled references to the subject. Although the text makes references to servants – *servidores* and *criados*, in the original – it does not use the word *slave* to indicate any subaltern unfree labor in Japan. As we see it, the Visitor had already perceived the appropriation local missionaries had made of Japanese social categories, such as *komono* and *genin*. These categories were used in their original forms by the missionaries in Japan not only linguistically, but contractually. The linguistic differentiation here is fundamental to understand the issue. Valignano, when in Japan, does not address these servants as slaves – he avoids metaphorically *enslaving* these servants in his text when addressing them to a foreign audience. As “non-slaves,” local servants were not included in the discussions

⁸³³ *Idem*, pp. 203-4.

⁸³⁴ *Idem*, pp. 205-6.

⁸³⁵ *Idem*, p. 207.

concerning legitimacy or the abuse of servants in Jesuit houses. Japanese servitude, for Valignano, was thus considered an issue that impossible to be solved outside of Japan, by prelates and vicars in India and Europe.

Between October of 1580 and December of the following year, Valignano held three gatherings with the Jesuits in Japan to discuss immediate and specific issues concerning their mission in the region. Known as the Consultation of the Missionaries in Japan [*Consulta dos Missionários de Japão*], these sessions allowed the local priests to discuss with a very highly ranked superior – in this case, the Visitor, next only to the General of the Order – their main concerns regarding the missionary work and the Japanese Christianity⁸³⁶. The first session of the Consultation was held in Bungo, with nine priests present at the event – Francisco Cabral, Superior of Japan, Lourenço Mexia, Luís Fróis, Belchior de Figueiredo, João Baptista, Pedro Ramon, Antonino Prenestino, Gonçalo Rebello, and Francisco de Laguna. The following session was in July of 1581, in Azuchi, where the main participants were Gaspar Coelho and Luís de Almeida. The last meeting happened in December of that year in Nagasaki, when Organtino Gnecchi-Soldo joined the consultation⁸³⁷. The priests discussed the evangelization process, the purposes of the missions, structural reforms, the education of native clergy, the donation of Nagasaki, their participation on the silk trade with China, and others.

The priests offered also another description of Japan and the uniqueness of Japanese society as an argument to defend the hegemony of the Jesuit mission in the area. According to the account, the Japanese were noble, able and very resourceful, because they were subject to reason. And exactly because Japan was not able to be understood by those in Europe because of the great differences between their society and Portugal and Rome, the priests had to discuss the issues pertinent to their mission in Japan by themselves, because any decision took in Europe, even if well-thought, could have dire consequences for the missionaries⁸³⁸. However, the issue of slavery was not brought up at any point of the discussion. The closest mention to servitude is when the Jesuits discuss whether they should acquire crops and use the *hyakushō* 百姓 or *ninbo* 人部, which they translate as *gente de serviço*, a very generic term for servants and that cannot be used to suggest that the priests had put these servants under the label of slavery.⁸³⁹

By reading the text, it is clear that the work performed by slaves in the Jesuit Houses on Goa and other areas in India was performed in Japan by the *dōjuku* 同宿 during this period. The priests offered a fairly detailed account in defense of the use of the *dōjuku*

⁸³⁶ JapSin 2 has two versions of the records: ff. 1-34v and 40-69v.

⁸³⁷ SOUSA, Francisco de. *Oriente Conquistado a Jesu Christo pelo Padres da Companhia de Jesus, Segunda Parte*, pp. 533-4, JapSin 2, ff. 3-4.

⁸³⁸ *Idem*, ff. 4v-5.

⁸³⁹ *Idem*, ff. 23v-24.

model, and the nature of the job done by them in the Jesuit residences. In fact, one of the reasons they give for the necessity of the *dōjuku* in the missions is their practical utility:

“Porque son totalmete neçessaryos para el ayuda y seruicio de las mismas casas, porq[ue] ellos son interpretes, y los que catechizan, y los que toman y dan recaudos y ayudan a los enterramêtos, y hazen la mayor parte de los negoceos y officios de casa, que por falta de hermanos no pueden hazer los nuestros, y e[n] Jappon no se compadiesse hazer sino por gente tenida por religiosos.”⁸⁴⁰

[Because they are totally necessary for the help and service of these houses, because they are the interpreters, the ones who catechize, and the ones who take and give messages and help in the burials, and perform the larger part of negotiations and house tasks, as because of the lack of brothers we cannot do it by ourselves, and in Japan these tasks are not fit for one who is not seen as religious]

According to the priests, these menial tasks had to be performed by the *dōjuku* because, as a religious order in Japan, they were the servants of choice for monks and other clergymen. So, in principle, the Jesuits in early 1580s Japan preferred to use the *dōjuku* rather than slaves because they made them more easily identifiable with clergy before the Japanese. Valignano’s main concern with slavery legitimacy in this period while in India was thus disconnected to his experience in Japan. As the Jesuits in the archipelago did not use slaves, there was no need for the Visitor to bring the issue to the table. As discussed in India, slavery legitimacy was thus an issue restricted to the use and abuses perpetrated by Jesuits. At the same time, even though the missionaries held the Japanese character and nature in very high regard, Portuguese and other passengers on the *naus* coming from Malacca, Macao and other ports, who acquired men and women in Nagasaki in this period, were not regarded as a concern for the priests. The issue was not slavery itself, but the uses and abuses of servants in Jesuit houses.

The Society’s *famuli*

Sources from the 1580s on allow us to understand that the Jesuits had by then formalized their assessment of the legal situation of servants and their roles in the order’s residences and facilities in Japan. While in other missions the number of servant and the observance of the oath of poverty was the main concern regarding house servants, in Japan the use of servicemen had larger social effects in the way Jesuits were perceived by their surrounding society. A revealing source of this process is Valignano’s

⁸⁴⁰ *Idem*, ff. 63v. F. 27 also has the same text with few changes.

Advertimentos e Avisos acerca dos Costumes e Catangues de Jappão.⁸⁴¹ The manual is commonly referred as a fundamental text for the adaptation policy adopted by Valignano in Japan.⁸⁴² Schütte indicates the manuscript was drafted in October 1581, but according to Boxer the Visitor would finish the original in Goa in 1583 and 1584.⁸⁴³ The source consisted of a manual for missionaries in Japan on how to behave and interpret the customs and manners of the Japanese. The title itself is, however, a tautology: it bears both the Portuguese and Japanese words for “custom”. *Catangue* 気質 was included in the *Nippo Jisho* as “*catagui*” and translated as “*costume*”, or custom. It also appears as “*catagui*” in the translation of the Latin “*consuetudo*” – Portuguese “*costume*” – in the 1595 trilingual Jesuit dictionary. The Japanese-Portuguese version of Calepino’s dictionary also offers as an alternative translation for “*consuetudo*” the Portuguese “*conversação, amizade*”, and the Japanese “*Xitaxij fitono naca, sanquai*” [親しい人の仲、参会]. It thus reinforced that the term referred specifically to behavioral patterns and social rules that were expected by Japanese interlocutors and should be kept in mind by missionaries when socializing with the Japanese people. The inclusion in the title of both Portuguese and Japanese terms seems to underline the differences between the Portuguese and the Japanese notions of social behavior, rules and expectations – although “*costumes*” and “*catangues*” referred to the same concept, customs and manners, they were to be understood as similar but different concepts, two faces of the same coin of social norms.

The use of servants is mentioned in various passages of the manual. Although the text reiterates the many rules determined in consultations and congregations since Valignano’s arrival in Asia, it also formalized the treatment ought to be given to servants. In the first chapter of the *Advertimentos*, where Valignano stated the rules necessary to

⁸⁴¹ VALIGNANO, Alexandro (auth.), SCHÜTTE, Josef Franz and CATTO, Michela (ed.). *Il Cerimoniali per I Missionari del Giappone*. Roma: Edizioni di Storia e Letteratura, 2011.

⁸⁴² The historiography dedicated to the strategy of cultural adaptation used by the Jesuits in Japan is huge. Here are a few more recent examples that use the text as a source for studying this strategy: MADRIGAL, Santiago. “Alessandro Valignano ante el reto de la inculturación: Una relectura del <<Sumario de las cosas de Japón>> (1583).” In: DELGADO, Mariano and WALDENFELS, Hans (eds.). *Evangelium und Kultur – Begegnungen und Brüche*. Friburg: Academic Press Fribourg, Kohlhammer Stuttgart, 2010, p. 506; MULLER, Jeffrey. “The Jesuit Strategy of Accomodation.” In: de BOER, Wietse; ENENKEL, Karl A.E.; MELION, Walter S. (eds.). *Jesuit Image Theory*. Leiden and Boston: Brill, 2016, p. 482; CORREIA, Pedro Lage Reis. “La Compagnie de Jésus à Macao et en Asie Orientale: La transmission du christianisme dans les “espaces de frontières (XVIe siècle).” In: DIDER, Hugues and LARCHER, Madalena (eds.). *Pédagogie Missionnaires – Traduire, Transmettre, Transculturer*. Paris: Karthala, 2012, p. 271; HIGASHIBABA, Ikuo. *Christianity in Early Modern Japan: Kirishitan Belief and Practice*. Leiden, Boston and Köln: Brill, 2001, pp. 19-20. For recent scholarship on Valignano, the most comprehensive compilation is still TAMBURELLO, Adolfo, ÜÇERLER, Antonio J., and DI RUSSO, Marisa (ed.). *Alessandro Valignano S.I. – Uomo del Rinascimento: Ponte tra Oriente e Occidente*. Rome: Institutum Historicum Societatis Iesu, 2008.

⁸⁴³ SCHÜTTE, Josef Franz. *Valignanos Missionsgrundsätze für Japan, Erster Band 1573-1582, Erster Teil 1573-1580*. Roma: Edizioni di Storia e Letteratura, 1951, p. XXXVI; BOXER, Charles Ralph. *The Christian Century in Japan, 1549-1650*. Berkeley, Los Angeles and London: University of California Press, Cambridge University Press, 1951, p. 478.

be observed in order to acquire and maintain authority when dealing with the Japanese, he determined that the priests should not perform any of the tasks reserved for the servants even in the presence of the highest Japanese authorities:

*“E sobretudo se hão de guardar, pera usar de respeito ou familiaridade, de fazer cousas pertencentes aos quomonos ou criados da casa, como são: dar os sapatos ou levar o sombreiro pera cobrir o hospede, ainda que fosse qualquer grande senhor e Rei, porque estas cousas semelhantes nem os Irmãos em nenhuma maneira as devem fazer, pois nem os mesmos criados o fazem com seus Reis.”*⁸⁴⁴

[And should specially avoid doing things reserved for the *komonos* or house servants, even if to show respect or familiarity, that is to say: return shoes or hold a parasol to cover a guest, even if the guest is a great lord or King, because these things nor even the Brothers should perform in any way, because neither vassals do it to their Kings.]

Valignano warns the missionaries that being friendly and offering oneself to return shoes or hold an umbrella for a higher authority would only diminish the way the Jesuits were seen by the Japanese. These were menial tasks inappropriate for members of the order and reserved for house servants. The umbrella, a symbol of power and social hierarchy in the region, was especially problematic: the Visitor determined that Priests were not to hold their own umbrellas when on foot – thus being necessary a servant for the task – while Brothers could hold their own. Who should or could hold a Jesuit’s shoes was also a factor in determining the social position of the missionaries, thus Valignano stated that when the Priests were to go outside or leave their residences for some trip, they should be accompanied by a Brother and or a *dōjuku*, as well as at least two servicemen. Brothers leaving their Jesuit house were to be accompanied by one servant, when going somewhere in their village, or at least two when going further away or in the night. These servants should be “*de casa*” – raised in the Jesuits house – or Christians. Finally, the *dōjuku* could be accompanied by one servant, child or adult, to carry his shoes unless they were “service *dōjuku*” or children, or in a village where all residents were converts. According to the Visitor, if all people in a village were Christians, these customs were not so important in determining one’s level of social respect. These companions were to be unarmed, with the exception of a sword – *katana* 刀 – as they were emulating the behavior normally attributed to Japanese Buddhist monks. They were necessary to take care of the horses used, prepare meals and secure the Jesuits’ safety.⁸⁴⁵

⁸⁴⁴ VALIGNANO, Alexandro (auth.), SCHÜTTE, Josef Franz and CATTO, Michela (ed.). *Op. cit.*, p. 138.

⁸⁴⁵ VALIGNANO, Alexandro (auth.), SCHÜTTE, Josef Franz and CATTO, Michela (ed.). *Op. cit.*, pp. 141-2, 296.

Jesuit Brothers were also forbidden to act as gate keepers in their residences, as this was to be performed by a *dōjuku* or some servant of the house who still had hair. This determination excluded the so-called *rapados* from acting as gatekeepers and messengers of the Jesuits.⁸⁴⁶ These *rapados* were secular Japanese who had decided to dedicate themselves to serve the clergy, becoming themselves young shaven monks. A 1595 letter explains the custom: “*O raparse ao costume de Iapão, he cortar hua guedelha que tem detras da cabeça, & juntamente a barba, que he sinal de deixar o estado mundano, pera entender nas cousas de sua salvação.*”⁸⁴⁷ [to shave oneself according to the customs of Japan is to cut a lock of hair one has on the back of the head, and also the beard, which means to leave the secular world in order to walk the path of one’s salvation.] The Nippo Jisho explains that these *rapados* were known in Japanese by their *Dōgō* 道号, *Kaimyō* 戒名 or *Hōmyō* 法名, a title received from their masters when they decided to shave their heads and serve the clergy, an action known as *tonsei* 遁世 – referring to the act of shaving one’s head – or *hosshin* 発心, the act of leaving the secular world, also entries of the same dictionary. In the case of Zen monks, recently young men who had shaken their head could be also known as *zenmon* 禪門, while their female counterparts were the *zenni* 禪尼. In Jesuit documents, these are commonly referred as *kanbō* 看坊. As noted by Higashibaba, when compared to the *dōjuku*, references to these are very few.⁸⁴⁸ Cerqueira, in a certification enacted in 1603, explains what the *kanbō* were. It reads as follows:

“(…) *tienen puestos vnos hombres rapados que se llaman Canbos a quien los christianos de las aldeas tienen respecto, los quales tienen a su cargo tener limpias, y bien conçertadas las Iglesias, y de enseñar la doctrina a los niños, y de ler algunos libros espirituales al pueblo quando se ajuntan en ellas los domingos, y fiestas, y no pueden yr a ellas algun Padre o hermano o dojuco que les prediquen, y tienen tambien cuidado de visitar los enfermos, y llamar a los padres para los confesar, y de informarles de las desordenes, y necesidades corporales, y espirituales que ay entre los christianos de las dichas aldeas, y de baptizar los niños quando estan en algun peligro que no da lugar a poderse llamar vn Padre ayudan tambien en los enterramientos, y otras cosas neçessarias al bien de las almas (...).*”⁸⁴⁹

⁸⁴⁶ VALIGNANO, Alexandro (auth.), SCHÜTTE, Josef Franz and CATTO, Michela (ed.). *Op. cit.*, p. 146.

⁸⁴⁷ REBELLO, Amador (ed.). *Compendio de Algumas Cartas que este Anno de 97 vierão dos Padres da Companhia de IESV, que residem na India, & corte do grão Mogor, & nos Reinos da China, & Iapão, & no Brasil, em que se contem varias cousas.* Lisbon: Alexandre de Siqueira, 1598, p. 160. Sousa misunderstands the term for *dōjuku*. See SOUSA, Lúcio de. *Op. cit.*, p. 255, n24.

⁸⁴⁸ HIGASHIBABA Ikuo. *Christianity in Early Modern Japan – Kirishitan Belief & Practice.* Leiden, Boston, and Köln: Brill, 2001, p. 27-8.

⁸⁴⁹ JapSin 20-II, f. 154. Higashibaba quotes the same letter, although he provides an English translation from Gonoï Takahashi’s Japanese translation, referencing another English translation by Joseph Jennes. See HIGASHIBABA Ikuo. *Op. cit.*, p. 27.

[They have some men who shaved their head and are called *kanbō*, who are respected by the Christians in the villages. They are in charge of keeping the churches clean and well-kept, teaching the doctrine to children, reading spiritual books for the villagers on Sundays, and during holidays, when no Priests, Brothers or *dōjuku* can come to preach. They also take care of the sick, call priests to confess, and inform them of any disorder, physical or spiritual needs on the part of the Christians in their villages. They baptize children when these are in danger and there is no time to call a priest, and also help in funerals, and other necessary things for the well-being of the souls.]

Although they could be understood as servants, the *kanbō* were protectors of church buildings. As for Jesuit servants in general, the treatment given to them reflected how one treated others. Considering that, Valignano also ruled that they should receive clean clothes, and when out of the residences should have vestments different than those used in the Jesuit houses. These clothes also should be easily identified as religious by the Japanese, and not serve as objects of curiosity for the locals.⁸⁵⁰

As Valignano believed that these customs should be kept even among the Jesuits, the fifth chapter of the text lists the rules that were to be observed in their residences. Servants were to take off their shoes when in presence of Brothers and *dōjuku*, except for the so-called *ashinaka* 足半, a kind of half-shoe made of straw which were not necessary to be taken off even in the presence of the priests unless local custom demanded it should be taken off, such as in Amakusa.⁸⁵¹ Spatially, the servants also had their own area, as determined by Valignano in accordance to Japanese architectural rules. The kitchen, pantry and other areas related to the house service were to be separated from the main buildings, in order to allow the servants to work continuously. In larger facilities, such as larger residences and colleges, these areas were to be separated by fences and have separate entrances, in order to make clear distinctions between Brothers and students and the servants.⁸⁵²

Aside from domestic servants, the Jesuits also could count on the service of peasants. As local Japanese lords such as the Ōmura and the Arima clans donated lands to the missionaries, residents in these areas were obligated to serve the priests regularly, following the system known as *kuyaku* 公役. A list of benefactors of the mission reproduced by João Alvares in the eighteenth century reads as follows:

“Avia nestas terras q[ue] nos deo arimadono muitas pouoaçoens de gente, e seruiço [sic] algumas 4 ou 5 mil almas todas sogeitas a companhia como se

⁸⁵⁰ VALIGNANO, Alexandro (auth.), SCHÜTTE, Josef Franz and CATTO, Michela (ed.). *Op. cit.*, pp. 152, and 304-6.

⁸⁵¹ VALIGNANO, Alexandro (auth.), SCHÜTTE, Josef Franz and CATTO, Michela (ed.). *Op. cit.*, p. 242.

⁸⁵² VALIGNANO, Alexandro (auth.), SCHÜTTE, Josef Franz and CATTO, Michela (ed.). *Op. cit.*, pp. 272-4.

forão seos criados, e estavaõ por concerto obrigados a servir a Compa[anhia]a cada homem certos dias na somana q[ue] era couza de muita importancia, seruiço e commodidade.”⁸⁵³

[There were in the lands given us by Arimadono many settlements of service people, some with four or five thousand souls, all subjected to the Company [of Jesus] as if they were their servants, and they were obliged to serve the Company every man for some days of the week, which was something very important to the mission, useful and convenient.]

The same seems to be true to the residents of areas donated by the lords of Ômura and Bungo. The text reads:

“Afora destas rendas q[ue] derão estes Tonos derão a Comp[anhia]a, avia naquellas lu... seruiço cô q[ue] se fazião as obras e outras couzas donde se tirava madeira e lenha, as quaes couzas e serv[iç]o pouco menos importavão q[ue] a mesma Renda.”⁸⁵⁴

[In addition to these land leases the Tonos gave to the Company, there were those... service with which construction work and other things were made, from which we obtained timber and firewood, and these things and service added to a little less than the leases.]

The Jesuits would use this labor force to build their churches and other facilities, as well as to obtain materials such as timber and fuelwood. The same text also mentions the port of Mogi 茂木, which was donated to the Jesuits together with Nagasaki in 1580.⁸⁵⁵ It reads as follows:

“Nestas mesmas terras em sal e peixe q[ue] os Pescadores estavam obrigados de nos dar, fruta, ortalice e madeira que se tirava dos matos para as nossas Igrejas, cazas e embarçaõens importava tudo isto pouco mais ou menos cada anno de Renda cento e sincoenta taeis.”⁸⁵⁶

[In these same lands [Mogi] where fishermen were obliged to give us salt and fish, [we obtained also] fruits, vegetables, and timber which was taken from the forests for our churches, houses and ships, which amounted every year to more or less [the same as] the lease, 150 taeis.]

Not only local residents were forced to work for the Jesuits, they also had to pay them tribute in the form of foodstuffs and wood. That means the missionaries were

⁸⁵³ Ajuda 49-IV-66, f. 99.

⁸⁵⁴ Ajuda 49-IV-66, ff. 98v-99.

⁸⁵⁵ MATSUDA Kiichi. *Ômura Sumitada Den: Nichiō Kōtsū Shōshi*. Tokyo: Kyōbunkan, 1978, pp. 243-5.

⁸⁵⁶ Ajuda 49-IV-66, f. 99.

receiving what in Japanese history is known as *nengu* 年貢, a corvée-like payment made. It seems these were an important source of supplies for the mission as well. The same arrangement the missionaries obtained from the local lords of Amakusa as well.⁸⁵⁷

In conclusion, the Jesuits had at their disposition a plethora of local forms of servitude, from the more formally religious *dōjuku* to common peasants. They used forced labor obtained from residents of areas donated to the mission. That also allowed them access to foodstuffs and supplies paid as taxes to the missionaries.

While away in India, Valignano assumed the post of Provincial of India for a few years. During his time in Goa, the Italian Jesuit elaborated a series of instructions for Superiors in Japan. Among the guidelines delineated, Valignano included only a single mention on the use of servants in Japan:

“15. *In locis in quibus nostri habitant poterunt haberi arma in loco aliquo tuto, ut apud eu[m] qui famulis praesti, aut servis, aut ubi cōm[m]odius videbit, quibus famuli, scilicet, alij comites utant[ur] ad nostrorum defensione du[m] iter faciunt.*”⁸⁵⁸

[In the places where we reside, we can have weapons in a vault of some sort, and give these [weapons] to servants, or slaves, or putting them wherever it is more convenient, and using these [weapons] the servants, or others that accompany us use it to defend us wherever we go.]

This disposition reminds us of some of the criticism drawn by the Franciscans against the Visitor himself. In 1595, Friar Jerónimo de Jesús accused Valignano of taking with him “*treientos y quatrocientos criados de lanças y armas*” [three to four hundred servants with spears and weapons]. The same criticism he aimed at the Jesuits in general, who he accused of “*andar en literas en hombros de hombres*” [walking on litters on the shoulders of men], as well as being transported “*en poderosos cavallos con muchos criados armados de espadas y lanças*” [on powerful horses with many servants armed with swords and spears]. Also, he commented that “*el P. Visitador andava con gente de armas quando salía fuera, y para hablarle, era menester más que para hablar al Pontífice.*” [The Father Visitor would walk around with men of arms when he walked outside, and it was more difficult to talk to him than to the Pope himself].⁸⁵⁹

Valignano’s text was a complement to the resolutions he had already given the missionaries in Japan after the 1580-81 consultation. At this point, Valignano had determined a number of rules for the use of servicemen by the Jesuits in the Japanese

⁸⁵⁷ Ajuda 49-IV-66, f. 99v.

⁸⁵⁸ Ajuda 49-IV-56, f. 194v.

⁸⁵⁹ PÉREZ, Lorenzo. *Fr. Jerónimo de Jesús: Restaurador de las Misiones del Japón – sus cartas y relaciones (1595-1604)*. Florence: Collegii S. Bonaventurae, 1929, pp. 47 and 76-7.

mission. Nevertheless, the instruction reveals that there were, in Valignano's interpretation of the Japanese society, two legal categories under which Japanese servants could be listed: *famulus* and *servus*. But it would be only by the end of the decade that Valignano's notion of servitude and his ideology of work would be presented in greater detail.

Valignano's regulations for the usage of servants in the Jesuits houses referred, as we mentioned before, more to the effects it had on local social perceptions than to conflicting practices between the use of servicemen and behaviors expected from Jesuits under the oath of poverty. The Visitor's rules would serve as the basis for the use of servants by the Jesuits but had nothing to do with the enslavement of Japanese or the sales and purchases of servants by European merchants in Japanese ports.

In India, Valignano would compile his history of the missions in Asia. This work offers a richer understanding of the place and role of the Japanese in his racial theory and taxonomy. The issues of servitude and slavery were yet to be brought to the table, but Valignano's writings reveal a gradual deepening of his understanding of the Japanese mission.

People of reason and understanding

Valignano left Japan in 1582, on a ship captained by Ignacio de Lima, along the four boys of the Tenshō embassy to Europe. On the following year, he completed the manuscript entitled *Historia del Principio y Progreso de la Compañía de Jesús en las Indias Orientales*, which covered the history of the Society of Jesus in Asia from 1542 through 1564. The history had been commissioned by Everardo Mercuriano in 1574, and Valignano consulted priests who did meet Xavier, like Henrique Henriques and Francisco Peres, to gather reliable information. The manuscript would also be included among the batch of documents submitted to help Xavier's canonization process.⁸⁶⁰ In the account, Valignano offers another description of the Japanese, now written after his first visitation to the country was completed. In it, the Visitor continues the process of constructing the Japanese as a people destined to conversion. However, his depiction of the Japanese becomes more sophisticated, as he draws a line between their natural characteristics and their social practices, praising one over the other. On this process, he makes his case for the necessity of Jesuit intervention in Japan in order to save the good-natured Japanese and their natural aptitude for Christianity.

⁸⁶⁰ WICKI, Josef. "Der Zweite Teil Der Historia Indica Valignano's". In: *Archivum Historicum Societatis Iesu*, Jan 1, n. 7. Rome: Societatis Iesu, 1938, pp. 277-8.

As it is inserted in a wider account regarding the action of the Jesuits in general in the Asian missions, one rhetorical argument that stands out is the comparison between the Japanese and other Asian peoples. One very interesting comparison is done between the Japanese and the Hindus, when Valignano describes legends and histories of the latter.

“...cuentan tantas cosas ridículas y fabulosas, repugnantes a todo sentido y razón, y tantas historias y transformaciones suzias y deshonestas, que exceden a las que cuenta Ovidio en su Metamorphoseos, de manera que parece cosa imposible hombres de razón y discurso poder creer cosas tan imposibles y monstruosas como ellos creen. En lo qual por cierto se echa mucho de ver quán grande es la gracia y luz que los christianos recebimos de Dios, sin la qual es averiguado que semejantes mentiras se encaxarían como verdades en nuestros entendimientos, assí como encaxaron en los griegos y en los romanos, que eran tan discretos y sabios, y agora son creydas de los japones, chinas y otras muchas naciones de grande entendimiento y juyzio natural.”⁸⁶¹

[They tell so many ridiculous and fabulous things, repugnant to all sense and reason, and so many dirty and dishonest stories and transformations, that exceed those told by Ovid in his *Metamorphoses*, in such way that it seems impossible for men of reason and discourse to be able to believe such impossible and monstrous things as they do. On which it is certain that it is a great thing the grace and light we Christians receive from God, without which it would be certain such lies would be understood as truths by our understandings, as did the Greeks and the Romans, who were so reasonable and wise, and now are believed by the Japanese, the Chinese and many other nations of great understanding and natural judging ability.]

Valignano uses this paragraph to make a clear cut distinction between mythological stories and Christian reason. His use of Ovid's *Metamorphoses* is not arbitrary: the tales presented by the Roman poet, which had transformation as a common theme, represent the most well-known compilation of pagan myths believed by the ancestors of the Christians, that is to say, Greeks and Romans. Under divine inspiration, these peoples abandoned their former beliefs in favor of the Christian faith. Valignano states that the myths believed by the Hindus surpassed those believed by antecessors of Christianity, thus indicating they were at a point where their salvation could be harder, if not impossible. As a result of his comparison, Valignano determined three natural orders of peoples according to their belief systems in relation to Christian salvation: Hindus, who were hard to be saved given the absurdity of their myths; Romans and Greeks, who were saved by God and became Christians; and the Japanese and Chinese, who had the same potential as the Romans and the Greeks and could be lead to the path of receiving

⁸⁶¹ VALIGNANO, Alessandro, and WICKI, Josef (ed.). *Op. cit.*, p. 34.

the Christian enlightenment. Thus, the comparison of Japanese and Chinese with Romans and Greeks was far from being gratuitous.⁸⁶²

Valignano defends the primacy of missions in the Far East by characterizing Japanese and Chinese as peoples of reason and understanding. When describing the reasons that made Xavier decide to go to Japan, Valignano reminds that the so-called Apostle of the Indies had been informed by Portuguese who had gone to the archipelago. These merchants described the many ingenious things, manners and customs of that people, how they were “white and reasonable” (“*blanca, y subjecta a la razón*”), and, overall, willing to convert to Christianity. Once more, Valignano uses comparison to defend the superiority of the Japanese as potential converts.

*“se encendió el P^e M. Francisco en un vivo desseo de yr a manifestar el nombre y Evangelio de Jesú Christo nuestro Señor en aquellas partes, paresciéndole que, siendo tal la gente y tan diferente de toda la gente negra, se haría en ella más fructo y más sevicio de nuestro Señor.”*⁸⁶³

[A burning desire to go to Japan appeared in Xavier, to propagate the name and Gospel of our Lord Jesus Christ in those parts, as it seemed to him that, as they were [white and governed by reason] and so different of all the black people, there would yield much more fruits and more service to our Lord.]

There is no subtlety. The Japanese were a people deserving of more effort on the part of the Jesuits because the missionary work would, by seizing their natural aptitudes, give more result in Japan. Interestingly, Valignano describes how Xavier obtained the help from a Japanese man – Anjirō or Paulo de Santa Fé – to go to the archipelago. The visitor describes him as a “*persona honrrada, del reyno de Sàxuma, que trahía consigo otros dos criados de la mesma tierra*” [honored man, from the kingdom of Satsuma, who brought along other two [Japanese,] servants from the same land.]⁸⁶⁴. Once more, Valignano joins the ranks of Jesuits who avoided the word *escravo* to describe Japanese servants. Also, it is interesting to notice that Anjirō was characterized as an honored person even though he had two Japanese servants. By using these terms, Valignano implies that the use of Japanese servants did not consist of an action that could bring

⁸⁶² In effect, since at least the mid-1550s the Jesuits repeatedly compared the Japanese to the primitive Christians. For example, Luís Fróis, commenting on the Japanese converts, wrote: “*A voz de todos homens que da China vêm hé que faz Deos nosso Senhor por este, he por outros muitos que acha dinos instrumentos, evidentíssimos milagres, como na primitiva igreja concedia, para mais corroboração he firmeza dos que se convertem.*” Gaspar Vilela also compares poor Christians to the faith of those in the primitive Church. DJ II, pp. 643-4, and 686.

⁸⁶³ VALIGNANO, Alessandro, and WICKI, Josef (ed.). *Op. cit.*, p. 111.

⁸⁶⁴ *Idem*, p. 111. On page 113, Paulo de Santa Fé is described as *señor* (master) of the three Japanese met by Xavier in Goa.

disgrace or dishonor to a person. As expected, there was no condemnation of Japanese slavery by Valignano.

Valignano's dedicates three chapters of his *Historia del Principio...* to describe the Japanese and their land before the arrival of Francisco Xavier in Kagoshima late 1549. Once more, he gives great attention to their manners and politeness – *aun los plebeyos y lavradores son entre si bien criados y a maravilla cortesses, que parece ser criados en corte*” [even commoners and farmers are very well raised among themselves, wonderfully courteous, that they seem to be court lackeys.] The Visitor goes on to the point of indicating they were politer than not only all peoples in Asia, but even more than the Europeans themselves. He again insists on their understanding capabilities, giving as example Japanese children who learned to read and write from an early age and what he now calls *gente baixa*, or “low-class people”. Even the lowest of all people in Japan were not as rude and incapable as were the Europeans. Instead, they are characterized as being people of good understanding, well-raised and smart. He draws attention to the overreaching power a father or master had over his children and people and explains the Japanese social hierarchy by describing each of its layers. The lowest of them all are gathered under the category of *lavradores y de servicio* [farmers and servicemen], which are described as performing all house chores and lower services outside of the household. Interestingly, Valignano points out that farmers and servants in Japan were far more numerous than in Europe.⁸⁶⁵

After a brief exposition on the bellicosity of the Japanese, the Visitor gives an outline of the punishments used in Japan. He says they have no incarceration, and that they had no punishment other than exile, capital, land overtake, and crucifixion. Valignano offers a detailed account of the ritual suicide known as *seppuku* 切腹. However, there is no mention of enslavement as punishment⁸⁶⁶.

The following chapter is dedicated to what Valignano referred to as “strange customs” of the Japanese. Here, he characterizes them as a people of contradictions: on one side, they had qualities that made them superior to the Europeans; on the other side, they also displayed features which put them on equal stand with other gentile nations. Even though the Japanese were described as rational and a people of understanding, Valignano remembers they were, after all, gentiles. As such, they were subjected to sinful laws, great vices, continuous wars, and other “bad qualities”, which contributed to corrupt part of their good ones. Exactly for the fact that their good qualities survived all these mistakes, Valignano believes they were naturally apt to the Christian faith. Writes Valignano: “(...) *entre ellos no hay blasphemias, ni juramentos, ni murmuraciones, ni detractions, ni palabras injuriosas, ni hurtos, sacando los que se hazen con especie de guerra, o de arrendadores, o de alguns piratas de la mar (...)*. [Among them there are no

⁸⁶⁵ *Idem*, pp. 126-30.

⁸⁶⁶ *Idem*, pp. 130-2.

blasphemies, no oaths, no gossiping, no treason, no injurious words, no stealing, except for those committed with the excuse of war, or lenders, or some sea pirates]⁸⁶⁷. Their nature, except for some considerable exceptions, was honored and just, despite their laws and gentile practices. Following that disclaimer, the Visitor proceed listing what he considered to be the five bad qualities of the Japanese: lustful vices, disloyalty towards their masters, lying, disregard for human life, and heavy drinking⁸⁶⁸. The chapter also describes other traits Valignano considered curious, such as the use of honorific language, medicine, food, tea ceremony, swords, etc. The Visitor says there were so many differences that “*no se podia escribir todo en pequeño volumen*” [one could not write everything in a small volume]⁸⁶⁹.

The last chapter dedicated to Japan before the arrival of Xavier is spent by Valignano the description of Japanese religions – how they entered the archipelago and how they were used to subjugate the Japanese to the will of the monks. He even compares the doctrine of Japanese religions to the doctrine of Luther, both taught by the Devil (“*el demonio, padre de ambos*”).⁸⁷⁰ Although Valignano is keen on building a positive image of the Japanese nature, he relentlessly demonizes their social and religious practices, thus putting forward the case the archipelago needed the missionaries. Even the loyalty of the Japanese to their masters, so praised by others, is described as different and untruthful, making them untrustworthy⁸⁷¹. There is a distinction between natural character and social relations, which becomes foggy when he deliberates on themes such as loyalty, which are natural features directly related to the social behavior. But even though the limits are unclear, Valignano credits the untrustworthiness perceived between masters and lackeys to their social practices, not their nature.

These three chapters would be revised and included on the beginning of his work especially dedicated to Japan: The *Sumario de Japón*, finished by the end of 1583 during Valignano’s stay in Kochi, a few months after he had penned his *Historia del Principio...*⁸⁷². The *Sumario* is a valuable source that presents an in-depth look at the Visitor’s interpretation of the missionary work in Japan and how it should be reorganized. It was elaborated while he spent months in Southern India with the Japanese ambassadors of the Tenshō Embassy to Europe. His first impressions on the character of the Japanese remain unchanged, but now, in an advisory style for the superiors of the order, he offers an account on the servants the Jesuits in Japan held and their usage in their residences. Valignano now makes a clear distinction between the *dōjuku* 同宿 and other servants, to

⁸⁶⁷ *Idem*, pp. 136-8.

⁸⁶⁸ *Idem*, pp. 138-42.

⁸⁶⁹ *Idem*, pp. 142-54.

⁸⁷⁰ *Idem*, p. 161.

⁸⁷¹ *Idem*, pp. 139-40.

⁸⁷² For a discussion on dating the manuscript and the reviews Valignano did to the three chapters, see ALVAREZ-TALADRIZ, José Luis. *Sumario de las Cosas de Japon (1583), Adiciones del Sumario de Japon, Tomo I*. Tokyo: Sophia University, 1954, p. 178*-90*.

which he refers as *gente de servicio*, *mozos de servicio* and other similar terms. From the start, the Visitor defends they were absolutely necessary: “who in Japan are indispensable in our houses” [“*que en Japón no se excusa en nuestras casas*”].⁸⁷³ The general of the order and other superior in Rome were aware of the number and use of servants in the Japanese mission since at least the early 1570s. Francisco Cabral, who acted as superior of the Japanese mission between 1570 and 1581, had criticized the use of servants by the Jesuits in a letter written in 1571. Cabral accused the missionaries of living luxurious lives, with abundance of food and servants, to such an extent that, according to the superior, in Japan “*mais parecia hum padre hum senhor que padre da Companhia*” [*a priest resembled more a lord than a priest of the Company*].⁸⁷⁴ In effect, Valignano affirms there was a total of about three hundred servants in all of the Japanese Jesuit houses, which added to all the other *dōjuku*, brothers and priests comprised of five hundred people working in the Jesuit mission, taking care of a Christian community of circa 150.000 Japanese converts.⁸⁷⁵

Throughout his text, Valignano repeatedly assess the necessity the Jesuits had of servants in their residences in Japan. He affirms that when priests had to travel, one always needed to be accompanied by one brother, at least one *dōjuku*, and two servicemen, “*que en Japón no se excusan*” [“which in Japan are indispensable.”]⁸⁷⁶ Valignano explained years later the differences between the *dōjuku* and what he called *mozos de servicio* (servicemen). While the former was a *mozo tenido por religioso* (a boy taken as clergymen), who helped on the religious services and acted as interpreters, the latter were inferior people, servants, who took care of horses, the kitchen, and shopped for groceries. As in Japan people had to take off their shoes when entering a residence, servants were needed to hold on the shoes, or else priests and the *dōjuku* would have to go back home barefoot. Valignano reminds that even in India the missionaries needed servants, and what happened is that they coordinated their customs to the manners of Japan. As for the servants in Japan, the Visitor explained that when a priest or brother went out of the house to somewhere in the same location, he needed one servant only; but when visiting some further place or that needed to spend the night outside of the house, then they should be accompanied by two servants.

To the Visitor, the missionaries needed to have servants in order to guarantee that Japanese converts and candidates to conversion would respect their authority.⁸⁷⁷ Francisco Cabral, a heavy critic of Valignano’s policies, said in a letter written one year after leaving Japan that the Visitor had allowed the missionaries to use the title of *chōrō* 長老, which implicated they could be carried around in litters (called *norimono* 乗り物

⁸⁷³ ALVAREZ-TALADRIZ, José Luis. *Op. cit.*, p. 73.

⁸⁷⁴ ARSI, *JapSin* 7-I, f. 21.

⁸⁷⁵ ALVAREZ-TALADRIZ, José Luis. *Op. cit.*, p. 73.

⁸⁷⁶ *Idem*, p. 151.

⁸⁷⁷ *Idem*, p. 240.

by Cabral and *coxi* 興 by Valignano), accompanied by a number of servants. According to the letter, there were some Jesuits who were carried by and accompanied by fifteen to twenty men, dressing the dresses made of the best Chinese silk and holding golden fans. Cabral, a firm believer on the austerity of the priesthood and of the Jesuit vows, strongly condemned the practice.⁸⁷⁸ In effect, Valignano had allowed the missionaries to adopt some of the honorific titles used by Buddhist monks, not only the aforementioned *chōrō* 長老 for the priests, but also *shuza* 首座 for the brothers, *zōsu* 藏主 for novices, and *jisha* 侍者 for the *dōjuku*, although the last one doesn't seem to have been used so often.⁸⁷⁹

Although it seems he also understood there were abuses, Valignano indicates that the priests were not entirely wrong in acting with such luxury, given that Buddhist monks acted on the same manner and they needed to be respected with an equivalent authority.⁸⁸⁰ The recommendations given by Valignano, which ordered the priests to be accompanied by servants, a brother and *dōjuku*, were misinterpreted as if he had recommended that the priests should own slaves. The Visitor had to explain himself a few years later, clarifying he meant the servants were owned by the Jesuit house, and would only accompany priests when they had to leave the house.⁸⁸¹ However, it was not only when outside that the missionaries needed servants. Valignano also defended that residences needed to have servants, although he does not offer any specific number of servicemen.⁸⁸² While Cabral defended a return to the original vows of the order, which did not recommend the use of servicemen, Valignano understood they were needed up to a certain point.

One theme that is present overall the *Sumario* is the exotic nature of Japan and the missionary work in the archipelago. Although it was not an uncommon observation made by many missionaries, Valignano used the argument to defend a higher level of autonomy in the Japanese mission.

“...es porque las cualidades, costumbres y modos de proceder de los japones son del todo tan contrario y incógnitos a los de India y de Europa, que esa poca comunicación que se puede tener no sé cuando podrá ser provechosa, porque lo que se pasa en Japón, a mi juicio, no se puede bien entender si no es por los que por vista y experiencia lo saben, y parece que no se puede dar a entender ni personalmente por los que saben mucho de Japón, cuanto menos por cartas (...)”⁸⁸³

⁸⁷⁸ Francisco Cabral to the Father General, Macao, November 20th 1583. ARSI, *JapSin* 9, II, ff. 186v-187v.

⁸⁷⁹ Alessandro Valignano to general Claudio Acquaviva, Kochi, December 20th 1586. ALVAREZ-TALADRIZ, José Luis. *Op. cit.*, pp. 252-3.

⁸⁸⁰ *Idem*, pp. 240-1.

⁸⁸¹ Alessandro Valignano to general Claudio Acquaviva, Kochi, December 20th 1586. *Idem*, pp. 254-5.

⁸⁸² *Idem*, p. 156.

⁸⁸³ *Idem*, p. 135.

[...] it is because the qualities, customs and behavior of the Japanese are all so contrary and mysterious in comparison to those of India and Europe, that I don't know when this weak communication channel that is available to us will be useful, given that what happens in Japan, as far as I know, cannot be understood but by those who by having witnessed and experienced know, and it seems that it is not possible to explain neither personally by those who know a lot about Japan, let alone via letters (...).]

It was not worthy to wait and endure the difficulties in communication between Rome, Goa and Japan given the different character of the work of conversion in the archipelago. It did not matter how the prelates and priests in Europe saw the situation in Japan, they were not capable of understanding the idiosyncrasies of the Japanese mission. Thus, Valignano defends that decisions should be made in Japan as long as the Jesuit Constitutions and other Catholic dogmas were followed.⁸⁸⁴ This method for solving doubts is certainly a reflection of the pragmatic stance taken by Francisco Rodrigues in answering questions regarding Japanese servitude. On the 20th chapter of his *Sumario*, Valignano makes a serious warning regarding slaves and other complex topics concerning confessions and the application of moral theology in Japan. While listing the risks superior faced in the Japanese mission, he writes:

“... las costumbre, leyes y casos de Japón son tan extraños y tan nuevos, que en la decisión y determinación de ellos no se puede hombre en ninguna manera guiar por las resoluciones de Cayetano ni de Navarro ni de otros sumistas de Europa, mas allende de las letras es necesario un gran discurso y prudencia en Japón para juzgar, adquiridos con mucha experiencia de las costumbres, gobierno y modo de proceder de Japón, con la cual, aplicando las reglas universales y naturales a los casos particulares de Japón, venga a determinar lo que se ha de seguir en casos tan dificultosos y nuevos; y como en éstos se incluyan muertes, cautiverios, destierros, pérdidas de hacienda y aun casos tocantes a la religión, acerca de lo que pueden o no pueden con los cristianos hacer acerca del obedecer a sus señores gentiles en lo que mandan que parece contener algún culto y servicio de sus ídolos, en los cuales permitiéndoles lo que de razón no se puede se hace[r] contra la religión, y prohibiendo (...) lo que no se puede permitir corren peligro muy grande los cristianos de ser muertos y desterrados y de perder sus haciendas, bien se entiende también cuán gravemente en todo esto se puede errar.”⁸⁸⁵

[The customs, laws and cases in Japan are so foreign and so new, that no one can use the resolutions of Cajetan and Navarro nor any other European summist when considering their decisions and determinations; rather, beyond

⁸⁸⁴ *Idem*, p. 223.

⁸⁸⁵ *Idem*, pp. 220-1.

letters, it is needed a great rhetoric and prudence in Japan to judge, acquired with much experience in the customs, government and way of proceeding in Japan, from which, applying universal and natural rules to particular cases in Japan, it will be possible to determine what should be done in such difficult and new cases. As these cases include deaths, captivities, exiles, loss of merchandise and some cases concerning religion, regarding whether [Japanese] Christians may or may not obey their gentile lords when their orders are somewhat related to cult or service regarding their idols: they can be allowed only at risk of going against their [Christian] religion, and if forbidden Christians would be at great risk of being killed, exiled or losing their goods, which must not be allowed, although it is well understood how seriously one may make a mistake.]

The difficulty to rule on these issues is repeatedly brought up on the *Sumario*. Valignano characterizes Japan as one of the “*mayores, más importantes y más dificultosas y peligrosas provincias que la Compañía tiene*” [“largest, most important and most difficult and dangerous provinces the Company has”]⁸⁸⁶. As an example of the differences in human relations in Japan, Valignano mentions how local converts were treated in Japan in comparison to what was used in other missions.

*“El modo de su gobierno es libre porque no tenemos en Japón ninguna jurisdicción ni los podemos compeler a más que a lo que ellos quieren hacer persuadidos de los Padres, y de la razón movidos, ni admiten palmatoadas ni azotes ni cárceles ni otras cosas que se usan comúnmente con los demás cristianos de Oriente (...)”*⁸⁸⁷

[Their form of government is free because we do not have in Japan any jurisdiction nor can we compel them to anything more than what they are willing to do when persuaded by the Priests and convinced by reason, nor are acceptable any slaps, lashes, jail or anything that is normally used with other Christians in the East.]

If these differences were noted in the relations missionaries had with their parishioners, the master-slave dynamic was also different. It has been noted by many authors before the severe differences of power exerted by masters over their servants, as we’ve seen before. Although Valignano makes no direct mention to the issue, as it probably did not fit the purpose of his advisory text, we can only infer that was the case. Slavery is, though, directly mentioned as one peculiar issue missionaries faced when hearing confessions in Japan. First, the difficulty is pointed as one of the many that mission superiors in the province needed to have in mind before going to Japan.

⁸⁸⁶ *Idem*, p. 223.

⁸⁸⁷ *Idem*, p. 168.

“La segunda cosa no menos necesaria es la experiencia de la tierra porque, como está dicho, son las costumbres, negocios, modo de proceder y todo lo demás tan contrarios a los nuestros, que aunque los hombres sean de mucha capacidad y prudencia y muy acostumbrados a gobernar en otras provincias, en Japón se hallan muy nuevos, embarazados y como ciegos hasta que tengan por mucho tiempo la experiencia de las cualidades y costumbres de la tierra (...).”⁸⁸⁸

[The second thing that is necessary is experience of this land, because, as it was said before, their customs, relations, form of proceeding and everything else so contrary to ours, that even though they [Jesuits] are men of great capacity and prudence, and used to govern in other provinces, in Japan they find themselves very unexperienced, hampered and blinded until they have enough time of experience in regard to the qualities and customs of the land.]

The differences in habits and customs meant a large deal of challenges for moral theology and casuistry – slavery was one of the issues superiors in Japan faced when evaluating cases of conscience. Valignano explains that they should be able to provide dispensations and accept exceptional cases whenever needed, thus requiring a considerable amount of ecclesiastical and legal autonomy⁸⁸⁹. Giving continuity to the defense of missionary autonomy stated by Rodrigues, Valignano believed firmly that even theological authorities such as Thomas de Vio and Navarro could not offer viable solutions for the delicate situation missionaries were living in Japan – although this argument must not be used as an excuse to ignore the influence casuistry and moral theology had on the Jesuit policies in Japan. However, under the influence of the Italian Visitor, slavery became a political issue between missionaries and local authorities in Japan. Now, they were entitled to give their own solutions to the issue, and address specific problems regarding the slave trade led by the Portuguese in Japan and the abuses against Japanese slaves taken out of the archipelago.

But before we move on, first we need to explain how enslavement and slave trade worked in Japan during this period. The following section offers a general explanation to the way low level warriors and pirates captured and traded slaves in Japan, and how it would become an important strategy for these people to survive the period of civil war in the archipelago.

⁸⁸⁸ *Idem*, p. 224.

⁸⁸⁹ *Idem*, p. 226.

A world of havoc and piracy

Japan during the second half of the sixteenth century was deep sunk in conflict and insecurity. Because of the constant state of chaos, the Japanese market for forced labor was supplied seamlessly with people captured in China, Korean and in Japan. The Jesuits, although foreign observers, were actively registering the chaos around them. In 1557, Cosme de Torres received news from Yamaguchi regarding attacks to the Castle Kōnomine 高嶺城 during the war waged by the Mōri 毛利 against the Ōuchi 大内. According to the Superior of the mission, “(...) *veo hu[m] grande Senhor sobre Yamánguchi, que ja estaua reedificado, o qual o destruyo, e assolou todo, & roubou, catiuando muita gente (...)*” [A lord attacked Yamaguchi, which was already rebuilt, and destroyed it, devastating everything, and plundered, capturing many people.]⁸⁹⁰

The practice was soon recognized as a usual custom. In 1561, Brother Luís de Almeida wrote to the provincial Antonio de Quadros and brothers and fathers of the order a letter describing his journey from Hakata to Funai. In the middle of the way, Almeida took a small boat with six other people, including a small boy who was heading Bungo to serve God. Before their next stop, they met another vessel which came at full speed in their direction. They managed to escape, but Almeida warned:

*“Assi irmãos, que quem muitas vezes andar nestes caminhos, por serem de muitos ladrões que vem doutras partes, algua hora será tomado de pressa, & com muita fome & trabalho tratado, & depois vendido a quem o ponha à enxada, porq[ue] este he o costume dos ladrões desta terra.”*⁸⁹¹

[That is how, brothers, those who wander these ways too many times, because they are full of thieves that come from other areas, will sometime fall captured, and be left with much hunger and forced to work, later sold to whoever puts you to work with a hoe, because this is the custom of the thieves of this land.]

People would prefer to flee rather than be caught and enslaved. In a letter written in 1571, Brother Miguel Vaz described how a “*home honrado, & rico*” [rich man of credit], who was ordered to apostatize by his lord, chose to exile himself and his family “*por arreçar mais o catiueiro de sua molher, & filhos que a sua morte, por ser custome quando matão os maridos catiuarem, & venderem os filhos, & molher*” [by fearing more the captivity of his wife and children than his own death, because it is customary when husbands are killed to capture and sell the children and wife].⁸⁹² Fróis, writing to Francisco Cabral in 1573, described the climate before Nobunaga invaded Kyoto.

⁸⁹⁰ Cartas I, f. 52v.

⁸⁹¹ *Idem*, f. 88v.

⁸⁹² *Idem*, f. 316.

*“Crecêdo cada vez mais o rumor, & aluroço no pouo, despejaraõse das mulheres, & filhas, mãdãdoas a diuersas partes, das quaes muitas eraõ salteadas, & roubadas nos caminhos.”*⁸⁹³

[With growing rumors and inquietude among the people, many sent their women and daughters away to various parts, but many of them were captured and stolen on the roads.]

Many noble women who did not manage to escape fell on the hands of the armies brought by Nobunaga to Kyoto.

*“(…) as quaes foraõ logo catiuas polos soldados de Mìnno e Voári, huas em riba de bois, outras a pe com os filhos nos braços, & outros polas mãos diãte dos soldados as leuauaõ em bandos atadas huas nas outras com cordas polas mangas dos quimoys a suas estancias que tinhaõ feitas, & as que polo desacustumado exercicio do andar não podiaõ ir por diante cõ as crianças q leuauaõ, ou lhes matauaõ os filhos ou lhes picauaõ com lanças pera as estimularem.”*⁸⁹⁴

[who were swiftly captured by the soldiers of Mino and Owari, some on transported on cattle, others on foot carrying their children, and others pushed ahead of the soldiers, who took them in groups tied one to the other with ropes through the sleeves of their kimono to the barracks they had made. Those who were not used with walking and could not continue because of the children they were taking with them would have their children killed or be poked by spears for stimulus.]

Those who ran from the soldiers would jump in the Katsura River, only to meet their demise on the waters. The corpses piled up on the bamboo traps installed by local fishermen. Some places would have twenty to thirty dead boys, other the same number of dead women. To choose death instead of captivity was not abnormal: the same would happen in 1581, when Kamachi Shigenami 蒲池鎮漣, lord of the Yanagawa Castle 柳川城, in Chikugo 筑後, was betrayed by Ryuzōji Takanobu 龍造寺隆信. The women in his group chose suicide rather than to fall into captivity.⁸⁹⁵ After plundering the city, Nobunaga’s soldiers went back to their barracks.

“(…) se tornarãõ pera suas estancias com as mulheres catiuas, & dali as hião resgatar os maridos, pais & parêtes do Miáco, & alguas ouue porq[ue] dauaõ mil & oitocentos cruzados sem os soldados condescendere[m] com elles, não sei se depois as acabaraõ de resgatar, ou se as leuaraõ catiuas pera seus

⁸⁹³ *Idem*, f. 340v.

⁸⁹⁴ *Idem*, ff. 345-6.

⁸⁹⁵ *Idem*, ff. 19-19v; HJ III, pp. 182-3.

Reinos, os pais andauaõ em busca dos filhos, os maridos das molheres, os parentes huns dos outros sem saberem se eraõ mortos ou catiuos.”⁸⁹⁶

[They went back to their barracks with the captured women, and from there husbands, fathers and relatives from Kyoto would rescue them, and some were offered 1,800 *cruzados* without the soldiers accepting. I do not know if later they were finally ransomed, or if they were taken as captives to [the soldiers’] kingdoms. Parents wandered searching their children, husbands their wives, relatives each other, without knowing whether they were dead or captured.]

The Jesuits lived themselves in constant fear of captivity. Father Lourenço Mexia, in a letter written in 1580, tells of one of the priests who was captured after leaving Kuchinotsu on his way to Nagasaki.

“(…) se encontrou cõ hus gentios que eraõ dos inimigos de Arima, & juntamente ladrões, estes arrebatando o padre com grande furia o despirão de seus vestidos, & maltratarão, & o leuaraõ á sua terra catiuo, mas polla deligencia de q os padres usaraõ, & com fauor dos Christaõs de Nãgaçáqui, que eraõ amigos dos ditos gentios, & com acodir a isso dom Bertolameu no cabo de sete ou oito dias o resgatareaõ por mais de cem cruzados, ale[m] de muitas outras cousas que se perderaõ. (...) estes, & outros perigos maiores saõ tam frequentes, & tam comu[n]s em Iapaõ que ja não parecem estranhos, porque por terra, & por mar, em casa, & fora vaõ sempre os padres, & os irmãos encomendados á prouidencia diuina, pois passaõ por terras de tantos gentios, & de tantos Bonzos, que sabem o malq ue lhe fazemos, & que nos quere[m] tanto mal, todauia não lhe permite Deos atègora mais que ameaçarnos, & meternos diuersos medos, e temores sem nunca chegar a cousa que nos toque de todo ao viuo.”⁸⁹⁷

[He met some of the gentiles who were enemies of Arima, and together with thieves, they took the priest with great anger and undressed him, mistreating him and taking him prisoner to their land. But with the favor of the Christians of Nagasaki, who were friends of said gentiles, and the help of Dom Bartolomeu [Ômura Sumitada], at the end of seven or eight days he was ransomed for more than one hundred *cruzados*, besides many other things which had been lost. These, and other larger dangers, are so frequent and common in Japan that they do not seem strange anymore, because on the land, and on the sea, at home and outdoors the Priests and the Brothers are always trusting the Divine Providence, because they go through lands of so many gentiles, and bonzes, who know the damage we cause them, that they want to do us so much harm, however God has not allowed

⁸⁹⁶ Cartas I, f. 346.

⁸⁹⁷ *Idem*, f. 567.

until now more than threats, putting so much fear and terror in us but without threatening our lives.]

Of course, the Jesuits would resent when damage was caused against their allies. In 1584, Fróis lamented the destruction brought on the lands of Sumitada by the armies of Ryuzōji Takanobu. When the enemy armies arrived in Ōmura:

“(...) começaraõ logo a fazer obras de Satanás seu mestre a hus dos Christaõs de Vómura matando, a outros queimandolhe as casas, a outros apanhandolhe o fato, molheres, & filhos: a outros catiuauao, dos quaes hus se liurauão por dinheiro, outros se acolhiaõ quasi nús escapando milagrosamente de seus insultos, & assi faziaõ ad libitum quantos males queriaõ (...)”⁸⁹⁸

[they soon started to make the works of their master Satan to some of the Christians of Omura by killing them, and other by burning their houses, and others by stealing their goods, women, and children, and capturing others, os which some would be set free in exchange of money, others would flee almost naked miraculously escaping their injuries, and thus they performed at their pleasure as many evil deeds as they would.]

In a summary written by Valignano in 1586, he described how these attacks provoked much loss and destruction to the mission, thus incurring in additional heavy expenses for the Jesuits. According to the Visitor:

“(...) como Jappão está sempre em contínuas guerras e revoltas de reinos, e não estão nunca as cousas em hum mesmo stado, muitas vezes acontece que apenas está acabado de fazer huma igreja ou huma casa, quando logo fica queimada e desfeita, porque as fábricas dahi são todas de madeira do feitio de Jappão, que custa muito e facilmente se queima. E ho costume universal de Jappão hé, que aonde entrão imigos, tudo queimão, com o qual se hão padecido e padecerão sempre em Jappão muy grandes perdas.”⁸⁹⁹

[As Japan is always in continuous wars and revolts of kingdoms, and things are never in the same state, many times happens that after just finishing building a church or a house, it is soon burned down and unmade, because buildings here are all made of wood in the Japanese style, which costs much and easily burns. And it is the universal custom of Japan that, wherever there enter enemies, they burn everything down, with which in Japan is suffered and still will suffer many losses.]

⁸⁹⁸ Cartas II, f. 110v.

⁸⁹⁹ MHJ I, p. 197.

Valignano continues describing the recent losses suffered because of wars and pillage: in 1579, ornaments and other stuffs, topping 1700 *cruzados*, were stolen from a church; in 1580, enemies of Nobunaga attacked a ship and the Company of Jesus lost more than five thousand *cruzados*; by the end of 1582, after the death of Nobunaga the Jesuit house of Azuki and others, which resulted in the loss of more than six thousand *cruzados* of investment.⁹⁰⁰

These attacks could be periodical, repeatedly perpetrated by the same people. For example, writing in 1585, Fróis described how the Kikitsu Castle 喜々津城, also known as Kaneo Castle 金尾城, on the opposite side of the Bay of Omura, was once ruled by the gentile lord of Isahaya until its final conquer by the Arima clan. The occupants of the castle would periodically attack the Christians of Omura provoking “*grandes danos, mortes e perdas de suas fazendas por serem estes belicозos e por mar davão saltos nos lugares de christãos, roubando e cativando os que podião (...)*” [great damage, deaths and losses of their goods because they were bellicose and by sea they would attack Christian villages, stealing and capturing whoever they could].⁹⁰¹

During the wars of the Shimazu clan against Bungo, the Jesuits did witness large numbers of people being captured in conflict. Fróis’s *Historia de Japam* is especially prone to describing these events. According to the chronicler, the armies of Bungo were so afraid that upon “*ouvindo nomear a gente de Sacçuma, ainda os robustos e fortes e exercitados em pelejar, logo trepidavão e batião os dentes e se rendião e sogeitavão, como se fora gente afeminada e que nunca tivera pelejado.*” [hearing the names of the people from Satsuma, even the tough and strong ones, and those experienced in fighting, soon were shaking and chattering their teeth and surrendering and subjugating themselves, as if they were effeminate people who had never fought before]. He proceeds:

*“Os de Sacçuma vendo que lhes socedia tão prosperamente seo intento, comessarão a queimar, destruir e assolar por aquellas terras do Nangun e pelas mais por onde passavão, que lhe não ficava nada em pé, e os que alguma couza lhe rezistião erão mortos logo. E o que não era de menor lastima, antes se podia reputar pela mayor, era ver a grande multidão de gente que levavão cativos, especialmente mulheres, meninos e meninas, com os quaes uzavão de estranhas cruezas, e entre estes havia grande numero de christãos.”*⁹⁰²

[Those from Satsuma, seeing that they were so successful in their intent, started to burn, destroy and devastate throughout those lands of Nangun and other were they went through, that nothing would stand still, and those who resisted a little soon were killed. And what was not the least shameful thing, but the greatest

⁹⁰⁰ *Idem.*

⁹⁰¹ HJ IV, p. 119; *Cartas II*, 1598, f. 128v.

⁹⁰² HJ IV, p. 296.

shame, was to see the great crowd of people they would take captured, especially women, boys and girls, to whom they committed the greatest cruelties, and among these there was a great number of Christians.]

The scenario is confirmed by the diary of Uwai Kakken 上井覚兼, a *bushi* at the service of the Shimazu clan. In the entry for the 12th day of the 7th month of Tenshō 14 – August 26th 1586 – he writes:

「一、十二日、早旦打立、湯之浦へ着候、路次すから、手負などに行合候、其外、濫妨人など・女・童など数十人引つれかへり候ニ、道も去あえず候、」⁹⁰³

[Item. Day 12, left early in the morning and arrived in Yunoura. On the way, I saw many wounded [warriors], as well as bandits and others, who were bringing home dozens of women, children and others, thus blocking the passage.]

Kakken witnessed dozens of captives being taken from Bungo to Higo. Possibly, these people would be kept while their capturers waited for ransom. Those who remained would later be sold to other areas of Japan and overseas and turned into forced labor.

On the other hand, Christian lords were also responsible themselves for capturing prisoners in military conflicts. In a letter written in 1566, Father João Cabral praised how soldiers of Ōmura Sumitada killed and captured fugitive enemies.⁹⁰⁴ In another letter of 1578, Fróis described how Ōmura Sumitada, in revenge for a previous loss, attacked lands of the Matsura clan of Hirado, capturing twenty vessels and 400 people.⁹⁰⁵

The Christians of Nagasaki also waged revenge upon the constant attacks they suffered from the pirates of Fukahori 深堀. These bandits would constantly attack ships entering the bay of the port-city, but finally in 1573 the converts had their revenge. After defeating the troops of Isahaya:

“Os gentios de Fucafori, admirados de verem o esforço dos christãos e o destroço que fizeram nelles sendo tão poucos, ficarão tão atemorizados que se não atreverão mais a cometer a Nangazaqui; antes, pelo contrario, os christãos os hião cometer a suas terras, fazendo-lhes maiores affrontas do que primeiro delles tinham recebidas, tomando-lhes prezas, queimando-lhe cazas e fazendo-lhe outras destruições muitas vezes em suas ilhas, que não pouco os metia em confusão e espanto.”

⁹⁰³ *Dai Nihon Kokiroku, Uwai Kakken Nikki, Ge.* Tokyo: Iwanami Shoten, 1957, p. 147. Mentioned in FUJIKI Hisashi. *Zōhyōtachi no Senjō: Chūsei no Yōhei to Doreigari.* Tokyo: Asahi Shinbunsha, 1995 (new edition in 2005), p. 15-6.

⁹⁰⁴ Cartas I, f. 228v.

⁹⁰⁵ *Idem*, f. 416v.

[The gentiles of Fukahori, admired of the efforts of the Christians and the destruction they did being so few, were so scared that they would not dare anymore to attack Nagasaki; on the contrary, the Christians would attack their lands, making the offenses larger than what they had received before, taking loots, burning their houses and making other destructions repeated times in their islands, which would put them in no small confusion or awe.]

The Jesuit would celebrate these revenges. They were victories for the Christian communities and represented an increase in the safety of the missionaries themselves as well. Nevertheless, slave trade was an important source of revenue for many local economies in Japan. The Jesuits were aware of the importance the trade had and dealt carefully with groups responsible involved. Slavery had been regulated in the eighth century, by the *Taihō-Yōrō Ritsuryō* 大宝・養老律令 system, which determined that only those of the *nubi* 奴婢 class could be traded. However, servitude was unregulated, as the one practiced by indentured servants or *nenkihōkōnin* 年季奉公人. Thus, they became an important part of the Japanese economy, especially in Kyushu.⁹⁰⁶ Up to the arrival of the Portuguese in Japan, there were mainly two groups or historical phenomena responsible for providing Japanese fields with this kind of labor, which could overlap and at times become indistinguishable from one another: the *wakō* 倭寇 and the *zōhyō* 雜兵.

Since the fourteenth century, there was a growing number of enslaved individuals from the Chinese coast and the Korean Peninsula, who were brought to Japan by organized pirate groups known collectively as *Wakō* 倭寇.⁹⁰⁷ In the early times of the phenomenon, pirates would aim mainly at sailors and farmers, who would be exchanged for rice and grains. Profits gained through this trade made Japanese clans such as the Ōuchi, Shimazu, Matsura and Sō strengthen their ties with the Korean Peninsula. But while Korean captives were directly returned to Korea in exchange of ransom, Chinese captives were mostly returned via the Korean Peninsula which, according to Taiwanese historian Cheng Liang-sheng 鄭樑生, explains the absence of cases of repatriation in Chinese sources.⁹⁰⁸ Fróis refers to these attacks as “*saltos nos lugares marítimos*” [assaults on maritime places].⁹⁰⁹ An important source that registers the presence of

⁹⁰⁶ OGAWA Sayuri. “Kirishitan no Dorei Kyūsai Katsudō ni tsuite.” In: *Kirishitan Bunka Kenkyūkai Kaihō*, 24 (2). Tokyo: Kirishitan Bunka Kenkyūkai, 1984, p. 44.

⁹⁰⁷ The bibliography on these pirates is vast. For a classic study on people captured by the *Wakō*, especially between the thirteenth and the sixteenth centuries, see AKIYAMA Kenzō. “*Wakō ni yoru Chōsen, Shinajin Dorei no Ryakudatsu to sono Sōkan oyobi Baibai.*” In: *Shakai Keizai Shigaku*, 2 (8). Tokyo: 1932, pp. 811-39. For a detailed and fairly recent research in Japanese on the *Wakō*, see ŌTA Hiroki. *Wakō – Shōgyō, Gunji teki Kenkyū*. Tokyo: Shumpusha, 2002. A comprehensive list of *Wakō* attacks as described by Chinese sources can be found in WÁNG Wànyíng. *Dōngnán Kōngdào – Míngqǐng Zhī jiāng Hǎiyáng Mào yì yú Shāngpǐn Jīngjì Yánjiū*. Beijing: Hǎiyáng Chūbǎnzhě, pp. 88-104.

⁹⁰⁸ Cheng Liang-sheng. *Min-Nichi Kankei-shi no Kenkyū*. Tokyo: Yūzankaku, 1995, pp. 248-66.

⁹⁰⁹ Fróis mentions specifically the case of the Shimazu, and that of the Maritime Army of Nōshima 能島水軍, whom he calls “*the greatest corsair of Japan*”. See HJ IV, pp. 248 and 292-3.

Chinese forced labor brought to Japan via these pirates is Zhèng Shùn-gōng 鄭舜功's *Ribēn Yìjiàn* 日本一鑑. The book was compiled during Zhèng's six-month trip to Bungo 豊後 in 1556, during the height of the Wakō activities in the region. In the section describing captives in Japan, Zhèng mentions that in Takasu 高洲, southern Kyushu, there were about two to three hundred Chinese people, "treated like cattle", originally from Fúzhōu 福州, Xīnghuà 興化, Quánzhōu 泉州, Zhāngzhōu 漳州 and other areas serving as slaves in the region.⁹¹⁰

But these servants were not fixed to a determined area, and their trajectories could be very dynamic. Historian Yonetani Hitoshi mentions the interesting case of Sū Bā 蘇八, a fisherman from Zhèjiāng 浙江 who was captured by Wakō in 1580. Sū was taken to Kyōdomari 京泊, a port in Satsuma – also frequented by Portuguese merchants since at least the 1560s – where he was bought by a monk for the price of four silver *ryō*. Two years later, the fisherman turned slave was sold to a Chinese merchant from Tsushima 対馬. In six years working in the island, Sū bought his freedom back, and left to Hirado 平戸, where he sold fish and fabric to survive. Finally, in 1590, he went to Luzón on board of a Chinese vessel and managed to go back to China in the following year. Back to his country, authorities were quick to get a hand on him. Sū was interviewed, and under torture gave plenty of information on the state of affairs in Japan.⁹¹¹

The Jesuits were quite afraid of these pirates as well. In a letter written in 1555, Luís Fróis tells how some missionaries were obligated to recourse to weapons to defend themselves against a group of Wakō:

*“Dalí [do Estreito de Cingapura] indo – pera no reino de Patane se negocearem e aviarem de muitas cousas, que aviam mister pera a matalotagem – e achando alguns navios de cosairos do reino de Japão, que andam por aquela costa às prezas, passou a caravella em termos de pelear com elles, e foi necessario pera defensam da vida largarem os Charissimos as lobas e ficarem em cabaias huns de spingarda e outros de rodellaa.”*⁹¹²

[From there [the Strait of Singapore] going to the kingdom of Patane to negotiate and ready many things that were needed for their provisions, they found

⁹¹⁰ Zhèng Shùn-gōng / Tei Shunkō (auth.), MIKAJIRI Hiroshi (ed.) *Nihon Ikkan*. [Unnamed place]: [Unnamed editor], 1937, pp. 482-3. KATAYAMA Harukata. “Nihon Ikkan no Kiso teki Kenkyū, Sono ichi.” In: *Komazawa Tanki Daigaku Kenkyū Kiyō*, 24, 15. 1997; KATAYAMA Harukata. “Nihon Ikkan no Kiso teki Kenkyū, Sono ni.” In: *Komazawa Tanki Daigaku Kenkyū Kiyō*, 24, 17. 1998; YONETANI Hitoshi. “Kōki Wakō kara Chōsen Shinryaku he.” In: IKE Susumu (ed.). *Tenka Tōitsu to Chōsen Shinryaku*. Tokyo: Yoshikawa Kōbunkan, 2003, pp. 146-7.

⁹¹¹ See YONETANI Hitoshi. “Kōki Wakō kara Chōsen Shinryaku he.” In: IKE Susumu (ed.). *Tenka Tōitsu to Chōsen Shinryaku*. Tokyo: Yoshikawa Kōbunkan, 2003, pp. 146-7.

⁹¹² NKKS II, pp. 303-4.

some ships of corsairs from the kingdom of Japan, who roar the region plundering. The caravel passed ready to fight them, and it was necessary to defend their lives for our dear associates to let their cassocks aside and stay only in coats, some holding rifles while others holding shields.]

In the same letter, Fróis also reveals how some of these pirates were coming from Southern Japan, and how these conflicts were in fact a great opportunity for Portuguese merchants.

“O ano passado [1554] polas naos que vieram da China soubemos aqui como avia grandissimas dissensoes e discordias antre a China e Japam, e como de Cangoxima se fizera prestes huma grande armada, que tinha destruido muitos lugares da China, que estam junto do mar, e huma mui populosa cidade, donde os japoens fizeram grande destruiçam e cativaram senhores mui grandes que nella estavam; as quais guerras diziam estarem travadas de maneira que em muitos annos se não apagarão. Esta discordia d’antre hos chinas e chapones hé grande meio pera hos portugueses quer[er]em irem a Japão; porque, como os chinas não vão lá pera tratar com suas fazendas, tem grande meio hos mercadores portugueses pera lá facerem seus proveitos temporaes.”⁹¹³

[Last year [1554], by the ships that came from China we knew how there were great strifes and disagreements between China and Japan, and how from Kagoshima came a great armada, which had destroyed many places in China, which are by the sea, and a very populous city, where the Japanese promoted great destruction and captured many important men who were in there. These wars are said to be conducted in such a way that it will not end for a long time. This strife between the Chinese and the Japanese is a great opportunity for the Portuguese who wish to go to Japan. Because as the Chinese do not go there to make their businesses, it is a great chance for the Portuguese merchants to go there and make their temporal profits.]

Fróis mentions that the pirates from Kagoshima had captured important people in China. This is a reference to the business that many of these groups were conducting, which was to kidnap significant people and ask for ransom, rather than simply enslaving them and selling for profit.

Of course, the Jesuits were also aware that Wakō were abducting people to enslave them, such as mentioned in the *Ribēn Yijiàn*. Writing in the early 1580s, Valignano also mentioned the *saltos* [assaults] done by Japanese pirates on the Chinese coast. In his *Historia del Principio...*, the Visitor wrote:

⁹¹³ *Idem*, pp. 307-8.

*“(...) al principio ciento y doscientos japones desembarcavan en el Chinchèo y salteavan a su voluntad toda aquella costa, recogiendo a Japón seguramente, agora de ordinario se pierden, y ni aun con mucho mayor número se atreven a desembarcar en el Chincheo, porque poco a poco se fueron ellos exercitando en las armas para defenderse de los japones, y vinieron a perder parte del miedo (...)”*⁹¹⁴

[In the beginning, one or two hundred Japanese would disembark in Chinchew, and assaulted at will all that coast, retreating safely to Japan. Now ordinarily they get lost, and not even with a larger number of people they dare to disembark in Chinchew, because little by little they [the Chinese] got better in the use of weapons to defend themselves against the Japanese and came to lose part of their fear.]

Valignano's text bears the dynamic of historical chronicles of its era, thus reading the phenomenon of the Wakō not just as a menace to the safety and security of sea travel in the region, but also as a factor for the relations between Chinese and Japanese in the sixteenth century. But less organized groups also threatened ships. Local maritime bandits, such as those described by Gaspar Vilela in a letter written in 1564, were a constant threat during travels.

*“(...) me mandarão com dous Iapões que em casa estauão pera a dita cidade do Miáco (...) me parti (...) embarcado sem alguã esperança de vida por causa dos muitos piratas, & salteadores de caminhos, como tambem por todos serem sogetos ao demonio, & cobiçosos (...)”*⁹¹⁵

[I was sent with two Japanese who were in our house to the said city of Miyako, and I left embarked with no hope of survival because of the many pirates and assailants on the way, as well as because they are all subjected to the devil, and very greedy.]

Even though it is very difficult to distinguish the Wakō phenomenon from locally active bandits, there were plenty of bands who attacked other areas in Japan and also were responsible for capturing many people. This was another source for labor in the Japanese forced labor market. For example, in 1566, Luís de Almeida wrote:

“De maneira q[ue] sendo esta terra [Arima] a mais pacifica q[ue] avia em Iapaõ, vieraõ hu[n]s ladrões do Reino de Firándo, e deraõ hum salto em hua ilha

⁹¹⁴ VALIGNANO, Alessandro, and WICKI, Josef (ed.). *Op. cit.*, p. 247.

⁹¹⁵ Cartas I, f. 140.

*deste Reino, e mataraõ, e feriraõ muitos roubando os do q[ue] tinhão, e leuarão catiuas vinte e sete almas.*⁹¹⁶

[Thus, being this land of Arima the most pacific of all Japan, came some thieves from the Kingdom of Hirado, and assaulted an island of this Kingdom, killing and injuring many, and stealing what they had, and capturing twenty seven souls.]

The relation the Jesuits had with this kind of local pirates was not always of fear. Fróis writes that in 1582, while the Vice-Provincial was living in Kuchinotsu, they tried to convert the residents of a small village near Katsusa. However, these were not common fisherman.

*“(...) porem estes, por serem piratas e vive[re]m de pilhagem, respondião: ‘Justa e santa nos parece a ley de Deos e vossos conselhos proveitozos e saudaveis, (...) mas como somos pobres não podemos deixar de furtar, e mais agora que à sombra destas guerras se offerece tão boa occazião para isso.’ E só esta escuza davão para não serem christãos.*⁹¹⁷

[But these [people] as they were pirates and lived of plundering, answered ‘Just and holy seems to us God’s law, and your advices useful and healthy, but as we are poor we cannot stop stealing, even more now that under the shadow of these wars there is such good occasion for that.’ And that was the only excuse they had to not become Christians.]

The missionaries did try to convert some of these bandits, although this was not a common situation. It is interesting to notice that because of the civil unrest that ruled Japan in this time, these fishermen turned thieves could not afford not seizing these opportunities. This passage illustrates exactly how they used war and conflict in their strategies to survive.

But forced labor was not offered only by pirates on the sea. In fact, the numbers may have been higher for internally captured and enslaved individuals, which are commonly described in Jesuit sources, as we saw above. The main source for local servant were the Zōhyō 雑兵, a category of low-class warriors who depended heavily on revenue obtained from spoils of war and war captives. They could be active in war or simply wait and rob those who were crossing their ways. According to Fujiki Hisashi, in the sixteenth-century, 90% of Japanese armies comprised of the Zōhyō. They could be divided in three main categories. First, there were the servants who fought side by side with their lords – these could be known as *kasemono* 悴者, *wakatō* 若党, *ashigaru* 足輕 and others, but

⁹¹⁶ *Idem*, 1598, f. 219v; HJ II, p. 138.

⁹¹⁷ HJ III, p. 295.

mostly were referred as *samurai* or *saburai* 侍. The second type comprised of the so-called *genin* 下人, and could be called *chūgen* 中間, *komono* 小者, *arashiko* あらしこ and so on, and mainly worked dragging horses, carrying equipment and other menial tasks. Lastly, there were the commoners or farmers, known in Japanese as *hyakushō* 百姓 but that could also be called *bu* 夫, *bumaru* 夫丸 etc. While the first class was allowed to take part in the fight, the second and third types were, in principle, excluded from the battlefield. They could however, get involved as a battle would get more intense.⁹¹⁸ When the Jesuits describe hundreds or thousands of captives in battles, probably they are referring to prisoners taken by these low-class warriors.

Luís Fróis, in his *Tratado em que se contem muito sucinta e abreviadamente algumas das contradições e diferenças de costumes entre a gente de Europa e esta provincia de Japão*, makes some references to these groups and the way of combat in Japan. For example, in comparing the organization of armies, Fróis wrote:

*“Antre nós há sargentos, cabos d’esquadra, decurios e centuriões;
os Japões totalmente se não curam nada disto.”*⁹¹⁹

[Among us there are sergeants, fleet corporals, decurions, and centurions;

The Japanese do not care at all about this [organization]]

The Jesuit registers and confirms the idea presented by Fujiki Hisashi: the Japanese armies were largely composed by bands of unorganized soldiers, the *Zōhyō*. Fróis also refers to the lack of organization regarding the payment of armies.

*“Os nossos reis e capitães pagam soldo aos soldados;
em Japão cada um há-de-comer, beber e vestir à sua custa enquanto anda
na guerra.”*⁹²⁰

[Our kings and captains pay salary to the soldiers;

In Japan every one eats, drinks and dresses at his own expense while he is in the war.]

In a reference to the *Zōhyō*, the Jesuit describes how every Japanese soldier was responsible for his own provisions and weaponry during a conflict. There was no

⁹¹⁸ FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, pp. 4-6.

⁹¹⁹ FRÓIS, Luís. *Europa / Japão, um diálogo civilizacional no século XVI*. Lisbon: Comissão Nacional para as Comemorações dos Descobrimentos Portugueses, 1993, p. 118.

⁹²⁰ *Idem*, p. 118.

organized pay distributed by the authorities. Men took part in war interested in other things than honor or money.

*“Antre nós se peleja por tomar lugares, cidades e vilas e suas riquezas;
a peleja quasi sempre em Japão é pera se tomar o trigo, arroz e cevada.”*

[Among us we fight to take places, cities and villages and their wealth;
War in Japan is almost always waged to take wheat, rice and barley.]

Fujiki Hisashi used this paragraph to illustrate how war in Japan was waged as a form of obtaining foodstuffs, especially in the time before the closure of all battlefields in Japan by Hideyoshi by the end of the 1580s. The Japanese historian interpreted a second deeper level of this passage: according to Fujiki, the Jesuits understood that while European wars were aimed at territorial expansion, Japanese wars were waged as a form of survival.⁹²¹

In conclusion, the Jesuits were aware of the dangers in Japan: roads and seaways were threatened by people struggling to survive in a time when conflict was spread all around. Forced labor was a sub product of these struggles, and the Japanese slave market became dependent not only on Chinese and Koreans captured by Wakō, but also on servants captured domestically. In a world of havoc and piracy, the Zōhyō and the Wakō fighting to survive while causing a deep impact on individual lives and larger societies around them.

Redeeming captives

In 1558, the daimyō of Bungo 豊後, Ōtomo Sōrin 大友宗麟, donated a piece of land for the Jesuits in the merchant city of Hakata. Located on the northern part of the isle of Kyushu, the offer was readily accepted by the superior of the mission, Cosme de Torres, who dispatched Priest Baltasar Gago and Brother Guilherme Pereira. Their mission was to build a church in the city, both a building and a Christian community. After a year preaching in Hakata, the Jesuits fell victim to an attack. Chikushi Arima-no-Kami Korekado 筑紫有馬守惟門, lord of Gokasan 五箇山, had turned his back to the Ōtomo and pledged allegiance to the army of Mōri Motonari 毛利元就, lord of Aki 安芸, present day western part of the Hiroshima Prefecture. In the midst of the war between the Mōri and the Ōtomo, Chikushi Korekado invaded Hakata with two thousand men.⁹²² The

⁹²¹ FUJIKI Hisashi. *Op. cit.*, pp. 3 and 207.

⁹²² YOSHINAGA Masaharu. *Chikuzen Sengoku-shi*. Fukuoka: Ashishobō, 1976, pp. 23-7 and 390.

Jesuits, along with a Portuguese man and a Japanese Christian named Silvestre, hid in a Japanese ship, just to find out it was captained by an ally of the invaders. After four days imprisoned in the vessel, the missionaries were handed over to armed men in three boats. Gago described these as “*gente baixa*” [low-class men], a description that certainly fits the one proposed by Fujiki for the Zōhyō that would be participating in the siege alongside the Chikushi. The Zōhyō must have been numerous – Fróis accused Chikusi Korekado of waging war as an attempt to enrich his men and himself with the spoils.⁹²³ The Jesuits were stripped naked and treated “*como em gales de Turcos*” [as in galleys of Turks]. Upon arrival at the beach, an argument broke between the Zōhyō regarding the spoil. Some of the Zōhyō threatened the missionaries with swords, ordering them to give up silver they were believed to have; others wanted to tie them up with ropes and take them back to their villages. One side defended the Jesuits were to be killed, while others wanted them alive. According to Gago, the Zōhyō apparently believed the Jesuits could grant them access to the Portuguese ship – they intended to trade the priest and the brother with the Portuguese for heavy weaponry and the whole *nau*. That seemed to be the only reason they were kept alive. The missionaries were thrown in a pit, and as they were to be executed, a “*soldado homem de respeito*” [honored soldier] took them out and gave them an ultimatum, demanding the priest and the brother to give up their silver. In the meanwhile, Silvestre, who managed to escape, brought a Japanese Christian from Hakata named Catocu João, who knew the invaders and succeeded in taking them to his own house. However, Brother Guilherme Pereira was not in the group anymore – Catocu João had to search for him and a slave of the Jesuits. When found, both were in the hands of a soldier, who after much negotiation agreed on handing them over in exchange of a ransom of 20 *cruzados*.⁹²⁴

One could say Gago and Pereira were lucky that a local Christian risked himself to rescue both from the hands of Zōhyō. One could say the Japanese convert felt some kind of obligation or compassion towards the missionaries. This obligation and compassion were, in fact, part of the Christian doctrine as taught in Japan since the beginning of the mission. The teachings of the Jesuits presented the act of redeeming captives as a pious duty. As pointed by Ogawa Sayuri, this belief was deeply connected to Christ’s atonement of sins. Mankind was slave to sin, and Christ sacrificed himself in order to redeem humanity.⁹²⁵ Based on the imitation of Christ as a means of salvation, the Jesuits taught that redemption of captives and slaves was one of the so-called works of mercy that should be practiced by Christians⁹²⁶. Ogawa and Kataoka explain that these deeds were explicitly exposed in the *Dochirina Kirishitan* どちらなきりしたん, a

⁹²³ HJ I, pp. 127-8.

⁹²⁴ Cartas I, ff. 62 and 65-66. DJ II p. 709, HJ I, pp. 127-33. Catocu João also recovered a breviary in exchange for a ransom of silver.

⁹²⁵ OGAWA Sayuri. *Op. cit.*, p. 49-50.

⁹²⁶ In the Constitutions published in Goa in 1568, the works of mercy included rescue of captives as the fourth corporal work of mercy. DHMPPO Vol. 10, p. 608.

manual for Japanese converts first published in 1592.⁹²⁷ However, a letter written by Cosme de Torres in 1557 indicates Christ's atonement was a teaching passed on to converts since much earlier in the missionary work.

“(…) y cómo por causa del pecado fue el ombre apartado de Dios, caído en erros, adorando criaturas, y cómo fue nesessario, por causa de la justiça y misericordia, que em Deos hes huna cousa, venir Christo Hijo de Dios por los qualquer merecimientos todo hombre se puede salvar (...)”⁹²⁸

[And because of sin man parted from God, falling in errors, adoring creatures, and as it was necessary, by justice and mercy, which in God are one thing only, Christ the Son of God came, by which any men could be saved.]

Torres complements on the same letter mentioning that when Ōtomo Sōrin 大友宗麟 visited him in September 1557, he did not lose the opportunity to teach the daimyo, who was struggling with local conflicts, “*cómo por la justicia e obras de misericordia se acresemtavan los reinos e en paz se sustentavan*” [that by justice and works of mercy kingdoms would become richer and be kept in peace.]⁹²⁹ The value of the redemption of captives was also present in the biblical stories presented by the missionaries and reproduced in theatrical pieces produced by the Jesuits. One of the chosen passages was the captivity of Loth, described in Genesis 14:12 through 16, which was represented, for example, in a play performed during the Christmas of 1561.⁹³⁰ Although Japanese converts would have to wait until 1592 to receive an organized work of Christian teachings, the idea of redemption was present since much earlier in the mission.

In fact, redeeming captives was one of the main activities of the Society of Jesus in various parts of the Portuguese Empire. In 1548, Jesuit priests João Nunes Barreto and Luís Gonçalves da Câmara – future confessor for king Dom Sebastião – were commissioned by then king Dom João III to go to Morocco to redeem Christian Portuguese captured by various Moroccan cities, especially Ceuta and Tétouan. In 1554, Barreto brought back to Portugal 34 Christian captives. In Lisbon, he managed to collect

⁹²⁷ OGAWA Sayuri. *Op. cit.*, p. 49-51. Kataoka explains the act was among the 14 articles of the *Dochirina*. See KATAOKA, Inácia Rumiko. *A Vida e a Acção Pastoral de D. Luís Cerqueira S.J., Bispo do Japão (1598-1614)*. Macao: Instituto Cultural de Macau, 1997, p. 189. Sousa disagrees with Kataoka – he argues that with the unification of Japan there were no more “*excedentes humanos de guerra*” [human surplus of war], thus the Jesuits could not have been acquiring slaves to free them afterwards. SOUSA, Lúcio de. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, p. 272. The argument is though not valid, given the internal conflicts that assailed the early years of the Bakufu, including the siege of the Osaka Castle in 1615 and the Shimabara Rebellion in 1639. NOSCO, Peter. “Intellectual Change in Tokugawa Japan”. In: TSUTSUI, William (ed.). *A Companion to Japanese History*. Wiley-Blackwell, 2007, pp. 109-10.

⁹²⁸ DJ II, p. 738.

⁹²⁹ *Idem*.

⁹³⁰ Cartas I, 101v

enough funds to free other 200 captives from Algiers. In 1574, Gabriel B. del Puerto brought back from Morocco 28 women, children and sick men.⁹³¹

In Japan, the Jesuits could celebrate at times military victories – including numbers of captured prisoners – obtained by Christian lords, but they did encourage local converted rulers to redeem captives. For example, Afonso de Lucena describes in his memoir how the Jesuits visited distant villages to convert, heard confessions, and gave the sacraments and so on. As for the local lords, or *tono* 殿, Lucena says that the missionaries did actively influence warlords on these issues:

*“Por onde cada dia e cada hora alembrava ao Tono mandasse aos seus capitães e soldados que não ouvesse nenhuma desordens, nem insultos nas igrejas, nem cativeiros nos christãos, pois não tem culpa nenhuma nem sabem nada destas contendas e desavenças que há entre os Tonos.”*⁹³²

[Every day and every hour they would remind the *Tono* to order his captains and soldiers to not cause disorder, nor insults in the churches, nor capture Christians, as they have no blame nor do they know anything about disputes and disagreements between the *Tonos*.]

Lucena goes on to tell that in March of 1587, during a battle in the Castle of Nagayo 長与城, a few Christians invaded a church and did exactly the opposite of what the priests had been calling for. Lucena writes:

*“(…) alguns christãos de nome somente e que não tinham mais que o nome de christão, arremeterão à igreja e cativaráo alguns e os levárão presos: outros, que primeiro tinham escrúpulo de os cativarem, como tiverão roim exemplo nos primeiros 3 ou 4, tomárão também a todos os que achárão metidos na igreja, e serião entre homens, mulheres e mininos mais de 300.”*⁹³³

[Some Christians only in name and that had nothing but the name of Christians lashed out against the church and captured some people, taking them as prisoners. Others, that at first were hesitant of capturing them, as they had the bad example of the first three or four, they also captured every one they could find hidden in the church, and the men, women and children summed up to more than three hundred people.]

⁹³¹ CARVALHO, J. Vaz de. “Marruecos” in: O’NEILL, Charles and DOMÍNGUEZ, Joaquín (ed.). *Diccionario Histórico de la Compañia de Jesús Biográfico-Temático III*. Rome and Madrid: Institutum S.I. and Universidad Pontificia Comillas, 2001, pp. 2516-17.

⁹³² LUCENA, Afonso de (auth.), SCHÜTTE, Josef Franz (ed.). *Erinnerungen aus der Christenheit von Ômura, De algumas cousas que ainda se alembra o P^e Afonso de Lucena que pertencem à christandade de Ômura*. Rome: Institutum Historicum S.I., 1972, p. 118.

⁹³³ *Idem*, p. 120.

Because of a few bad converts, others proceed to capture 300 people who were taking shelter in the church. Upon hearing the case, Lucena asked Ōmura Sumitada 大村純忠, the local authority, to intervene and respond to that great “*injúria e desacato que se tinha feito à igreja*” [injury and contempt that had been done against the church]. Furthermore, the Jesuit asked Sumitada to free the captives, and that “*por esta obra de misericórdia que lhe pedia que fizesse, Christo N.S. se alembriaria delle e lhe daria saúde no corpo (...) e lhe perdoaria os pecados de sua alma e lhe daria a glória e bem-aventurança que esperava.*” [by that work of mercy that he was being asked for, Our Lord Christ would remember him and give him bodily health, and forgive all the sins of his soul, and give him the glory and bliss he was expecting for.]⁹³⁴

In reply to Lucena’s request, Sumitada “*mandou logo sob graves penas que todos os que tivessem alguns destes cativos os posessem em sua Liberdade, o que tudo logo se comprio sem réplica nenhuma*” [ordered under severe penalties that all those who had any of these captives should set them free, and all was carried out without any objection.] This passage of Lucena’s text indicates that Sumitada enacted a *hitogaeshirei* 人返令, ordering the return of captives to their original places.⁹³⁵ But Sumitada’s action could not be restricted to a single event. If we analyze Lucena’s choice of words, it could also be that Sumitada enacted a law against the captivity of Christians. The following sentence of the Jesuit’s text calls the order a *mandado*, which could refer to a *sadame* 定, *hatto* 法度 or any other form of legal provision against the enslavement of Christians in Lucena’s text.⁹³⁶ It would not be a strange reading given that during this time the phenomenon of including provisions regarding the return of captives and others was widespread among local lords in Japan.⁹³⁷

According to the Jesuit, if the daimyō had not acted in such short notice, those who had money could pay for their own ransom, but those who did not would be sold to other *reinos e províncias* [kingdoms and provinces], where they would be stripped from their freedom in perpetuity, be put to serve to gentiles, and would never see the priests again, being taken away from the path to Christian salvation.⁹³⁸ The passage is a testimony of the fate of prisoners of war in Japan, and it also hints to the existence of a locally enacted provision against Japanese slavery – or at least against the enslavement of Japanese Christians – about four months before Hideyoshi’s provisions against Christianity.

⁹³⁴ *Idem.*

⁹³⁵ FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, p. 47.

⁹³⁶ In a different section of the text, Lucena refers to the edict of expulsion of 1587 as a *mandado* as well. See LUCENA, Afonso de (auth.), SCHÜTTE, Josef Franz (ed.). *Op. cit.*, p. 180.

⁹³⁷ FUJIKI Hisashi. *Sengoku Shakai Shiron*. Tokyo: Tokyo Daigaku Shuppankai, 1974, p. 220.

⁹³⁸ LUCENA, Afonso de (auth.), SCHÜTTE, Josef Franz (ed.). *Op. cit.*, p. 120.

Lucena's text also includes the redemption of captives as one of the many merciful deeds done by Sumitada. In his description of the lord's personality, the priest wrote the following:

*“Era também muito esmoler e fazia muitas esmolos a homens pobres e a seus criados também pobres, e quando sabia que algum pobre estava em necessidade logo o socorria com alguma cousa. E a renda que lhe costumavão dar os lavradores das terras que lavrarão lha perdoava quando sabia que estavam em necessidade, e isto hé cousa nova e nunca vista em todo Japão. Algumas vezes cativavão os inimigos no tempo da guerra a alguns de seus criados e, não tendo obrigação nenhuma de os tirar de cativo (pois ordinariamente têm posse pera se resgatarem polos estados de renda que cada hum tem) senão de conselho de Christo e de santa Madre Igreja que conselha remir os cativos, dava muita prata pera se porem em liberdade.”*⁹³⁹

[He was also very [good] almoner and gave many alms to poor men and their also poor servants, and when he knew of some poor in need he would soon help him with anything. And the tenancy money he would receive from croppers of [his] lands he would forgive when he knew they were in need, and that is something new and never seen before in Japan. Sometimes, during wars, enemies would capture some of his servants and, even though he had no obligation of ransoming them from captivity (because ordinarily they would have enough capital to ransom themselves, given the income each of one had), because of Christ and the holy Mother Church's advice, which advices one to redeem the captives, he would give much silver to set them free.]

Even though we must take this description with a grain of salt, given that Lucena was writing an appraisal of Sumitada's virtues as a good Christian lord, other letters and sources confirm that the redemption of captives, as a work of mercy, would be encouraged by the Jesuits. In order to corroborate his description of Sumitada, Lucena wrote in the following paragraph:

*“E alembra-me que sendo tomado em huma embarcação grande hum seu criado de arrezoadá renda e estado, e cativo com sua molher e filhos, e elle morto com alguns seus criados no conflito que tiverão em se defender, não tendo estes cativos que erão muitos tanta posse pera se resgatar, pedi ao Tono que desse alguma ajuda de prata pera o seu resgate, o que elle fez de muito liberal e boa vontade. E com esta ajuda e com outras achegas se resgatarão a viúva com muitos filhos e criados que tinha o defunto (...).”*⁹⁴⁰

⁹³⁹ *Idem*, p. 140.

⁹⁴⁰ *Idem*.

[And I remember that once a large vessel was captured with one servant of his, a man of reasonable income and properties, captured with wife and children, and he was killed with a few of his servants in the skirmish they had when they tried to defend themselves. As those servants did not have enough to ransom themselves, I asked the *Tono* for some silver for their ransom, which he did very liberally and willingly. And with this help and other aids the widow and many children and servants the deceased had were rescued.]

This passage is a double appraisal of Sumitada as an ideal Christian lord. It refers to his mercifulness in helping redeeming the captives, but it also refers to his liberality, which was a very important characteristic of Christian rulers. For example, Isidoro de Barreira, Father of the Order of Christ, explained in a treatise on symbols published in 1622 that Alexander the Great was the most liberal of all leaders, while Marcus Antonius was his opposite. And quoting Saint Chrysostom: “*Quem neste mundo tendo abundancia de cousas nam reparte dellas cõ os pobres, acharseha (...) deseparado de todos, faltandolhe huã gota de agoa*” [Who in this world, having abundance of things, does not share those with the poor, will find himself abandoned by all, having not even a drop of water].⁹⁴¹ Even though that was the ideal image of Christian ruler that Lucena wished to attribute to Sumitada, converted *daimyō* would hear that the redemption of captives was one of the many acts they had to perform in order to praise God. But, according to Lucena, Sumitada was not responsible only for ransoming poor people or his own lackeys: he did also ransom a Jesuit Brother who had been captured by the *tono* of *Isahaya* 諫早, a neighboring fief.⁹⁴²

Lucena is not the only one to praise Sumitada. Fróis also, in a long letter written in 1587, praised the redemption of captives as one of the last good acts performed by the ruler of Ōmura before his death. Fróis wrote:

“*E porque em suas terras tinhamo seus criados algu[n]s catiuos que podiaõ chegar a duzentos, que lhe causauaõ algum escrupolo por lhe dizer o padre [Afonso de Lucena, seu confessor] que eraõ mal catiuos, pedio a todos pera consolação de sua alma os quisessem libertar, o que fizeraõ e ficaraõ todos libertados, sendo cousa que parecia mui difficultosa acabarse.*”⁹⁴³

[And because in his lands his servants had some prisoners which could mount to two hundred, who caused him some concern because the priest said they were unjustly captured, he asked all for the consolation of his soul to set them free,

⁹⁴¹ BARREIRA, Isidoro de. *Tractado das significaçoes das plantas, flores e fructose que se referem na Sagrada Escripura tiradas de diuinias, et humanas letras, cõ suas breues consideraçoes*. Lisbon: Por de Pedro de Craesbeeck, 1622, pp. 432-5.

⁹⁴² LUCENA, Afonso de (auth.), SCHÜTTE, Josef Franz (ed.). *Op. cit.*, p. 142.

⁹⁴³ Cartas II, f. 201.

which they did and all were freed, being a thing that [at first] seemed so hard to do.]

It seems Lucena's memoir passage on the battle of the Nagayo Castle in March of 1587 and Fróis's letter refer to the same fact.⁹⁴⁴ However, it is interesting to notice Lucena's concern with the legitimacy of the prisoners' captivity. That was one final good deed, a final settling of scores with God, in order to retribute badly captive prisoners before Sumitada's imminent death.

As explained by Schütte, Lucena did, in fact, mention this last settlement of scores done by Sumitada with God in a letter written to Valignano. Since the Christmas of 1586, Sumitada's health had badly deteriorated, and everyone had lost their hope. Seizing the opportunity, Lucena warned Sumitada that he needed to:

*“contribuir e satisfazer com algumas cousas que nesta terra se fizerão contra toda rezão e justiça, as quais, se elle não acodia, não avia maneira pera se remediarem, e huma dellas era o cativeiro injusto, com que os de Vomura cativarão aos de Toquiççu e Nagae, como aconteceu o ano passado, quando este Tono pelejou com essa banda e a tomou; e que, se não mandasse a todos os seus que allargassem aos que retinhão injustamente, que o não podia confessar. E posto que o Tono, quando se tomou Nagae, não mandou que se cativasse a ninguém, antes mostrou muitos sinais que lhe pezava de os cativarem e venderem, não deixou de ter alguma culpa em dissimular com os seus neste género de cativeiro. E pera se porem todos em sua liberdade, permitio Deus que chegase ao extremo da vida; e forçado por via da confissão, fizesse com todos os seus criados que os alargassem; e assi, por este meyo, se poserão em sua liberdade perto de 200 almas (...)”*⁹⁴⁵

[contribute and satisfy some of the things done in this land which, if he ignored, would not be possible to be remediated afterwards. One of these was the unjust captivity, which had been used by those from Ōmura when captured those from Tokitsu and Nagae, as had happened the year before, when this Tono fought that area and took it over. And if he did not order all of his people to set free those they retained unjustly, that I would not be able to hear his confession. Even though the Tono, when took Nagae over, did not order the capture of no one, he showed many signs of regret because they had been captured and sold, and he was not entirely blameless because he had ignored his people concerning this kind of captivity. In order for all to be set free, God allowed he [Sumitada] to live longer,

⁹⁴⁴ LUCENA, Afonso de (auth.), SCHÜTTE, Josef Franz (ed.). *Op. cit.*, p. 120.

⁹⁴⁵ *Idem*, pp. 116-7. The original letter is in JapSin 10 II, ff. 240-243v.

and forced by the means of confession, made all his vassals set free [the captives]; thus, by this means, around 200 souls were set free.]

Although it was a last settlement of scores, Sumitada was forced by Lucena, who threatened refusing confession if the captives were not freed. It is not an unknown fact that the Jesuits used these strategies, such as refusal of hearing confession and giving other sacraments, to force their parishioners, especially those with great political power, to act in favor of their own interests.

Hubert Cieslik and Inácia Rumiko Kataoka, by reading the inquiry sent to Gabriel Vázquez via the envoy Gil de la Mata (see Chapter VII of this thesis), suggested that the Jesuits did use ransomed servants in their facilities. According to the scholars, the missionaries would rescue prisoners before they were bought by infidels and, in exchange, make them work for a number of years on their residences. Cieslik uses, besides the inquiry to the Spanish theologian, the case of Jerónimo Jō ジェロニモ城, a Japanese Jesuit who had been rescued as a kid and later studied in their college.⁹⁴⁶ Also, Nawata-Ward explains how the Japanese brotherhoods, such as the *confrarias* and the Nagasaki *Misericórdia*, used to rescue Japanese slaves, often women, from ships and brothels.⁹⁴⁷

The use of enslaved individuals as a symbol of redemption, thus referencing the redemption of the slaves in Egypt, Loth's captivity or Christ himself, the Redeemer, was recurring during this period. But redemption was not always an act of uninterested mercy. For example, when a Christian freed his slave in his last will, it had more to do with spiritual trade with God rather than good Christian will. As stated by Henry Charles Lea, "*The Church was willing to promise remission of sins on any terms (...)*", and that included the liberation of slaves as "*a work of charity which served to gain pardon for sin.*"⁹⁴⁸ Pope Boniface VIII, famously responsible for reorganizing canon law in the thirteenth century, celebrated "*the mercantile nature of these transactions*", when he wrote in 1298: "*Terrena in coelestia et transitoria in aeterna felici commercio commutando.*" [The happy trade of exchanging earthly for celestial, and transitory for eternal].⁹⁴⁹ Servants were, in a way, the unit used when making deals with God. In Irish and Welsh medieval canons, for example, fines could be "*provided rated at the price of*

⁹⁴⁶ CIESLIK, Hubert. *Kirishitan Jidai no Hōjin Shisai*. Tokyo: Kirishitan Bunka Kenkyūkai, 1981, pp. 225-7; CIESLIK Hubert (auth.) and KŌSO Toshiaki (ed.). *Kirishitan no Nihonjin Shisai*. Tokyo: Kyōbunkan, 2004, pp. 240-2; KATAOKA, Inácia Rumiko. *A Vida e a Acção Pastoral de D. Luís Cerqueira S.J., Bispo do Japão (1598-1614)*. Macao: Instituto Cultural de Macau, 1997, p. 189.

⁹⁴⁷ NAWATA WARD, Haruko. *Women Religious Leaders in Japan's Christian Century, 1549-1650*. Surrey, UK: Ashgate, 2009, pp. 318-20.

⁹⁴⁸ LEA, Henry Charles. *A History of Auricular Confession and Indulgence, vol. II*. Philadelphia: Lea Brothers, 1896, pp. 157-8.

⁹⁴⁹ DIGARD, Georges, FAUCON, Maurice, and THOMAS, Antoine (eds.). *Les Registres de Boniface VIII; recueil des bulles de ce pape, vol. 2*. Paris: E. de Boccard, 1884, p. 12.

*male and female slaves.*⁹⁵⁰ It seems that also in the Iberian culture of this period when one was facing his or her final demise, nothing was more reasonable than liberating all slaves in order to rectify one's debts on Earth and Heaven.

Powerful words

The deep level of understanding Jesuits had in regard to Japanese labor relations and the mechanisms behind the slave trade was developed during the decades Jesuits were established in Japan. There are two key sources that can be used to illustrate their level of understanding: the 1595's Latin-Portuguese-Japanese Dictionary⁹⁵¹, and the 1603's Japanese-Portuguese Dictionary 日葡辞書.

In 1590, when the Jesuits gathered in Katsusa 加津佐, they agreed that the Visitor Alessandro Valignano was to indicate some knowledgeable priests from Europe and brothers from Japan to compile a “*vocabulario perfeito, e bem ordenado*” [a perfect and well-ordered vocabulary].⁹⁵² The first product of this order was the 1595 trilingual dictionary, printed in Amakusa 天草. Its full title reads: *Dictionarum Lusitanicum ac Japonicum ex Ambrosii Calepini volumine depromptum in quo omissis nominibus propriis tamque locorum quam hominum ac quibusdam alijs minus usitatis omnes vocabuloru[m], significationes, elegantioresq[ue] dicendi modi apponuntur: in usum & gratiam Iaponicae inuentuti, quae Latino idiomati operam nauat, nec non Europeoru[m] qui Iaponicu[m] sermonem addiscunt.* The dictionary was based on the work of Ambrogio Calepino, an Italian monk who published his first Latin dictionary in 1502. Until the 1590 Basil edition, the dictionary was expanded to include up to eleven languages. The 1595 Japanese edition is the first of the Calepinos elaborated in the sixteenth century to include Portuguese, given that no European edition had included the language before.⁹⁵³ Crossing references from the Lares Rare Database and the bibliography available, it is possible to point at least six copies extant of this dictionary: one in the Bodleian Library (Oxford), one in the School of Oriental Studies (London), two in the Pei-t'ang Library (Beijing), one in the Bibliothèque de l'Institut (Paris), and one in the Library of the University of Leiden.⁹⁵⁴

⁹⁵⁰ LEA, Henry Charles. *A History of Auricular Confession and Indulgence, vol. II.* Philadelphia: Lea Brothers, 1896, pp. 108 and 150.

⁹⁵¹ FUKUSHIMA Kunimichi and MITSUHASHI Takeshi (ed.). *Raponichi Taiyaku Jisho - Dictionarium Latino Lusitanicum ac Japonicum.* Tokyo: Benseisha, 1979.

⁹⁵² *JapSin* 51, ff. 162-162v.

⁹⁵³ VERDELHO, Telmo. “O Calepino em Portugal e a obra lexicográfica de Amaro Reboredo.” In: *Revista Portuguesa de Filologia*, Vol. XXIII, 1999-2000, pp. 125-7.

⁹⁵⁴ BUESCU, Maria Leonor Carvalhão. “O Dicionário das três línguas”. In: CARNEIRO, Roberto e MATOS, Artur Teodoro de (org.). *O Século Cristão do Japão – Actas do Colóquio Internacional Comemorativo dos*

A letter from 1595 comments the following on the printing of the Calepino.

*“Imprimiose também hũ Calepino de tres lingoas, Latina, Portuguesa, & Iapoa, com suas frases, & modos de fallar, que será de grande proueito, assi pera os Iapões, que aprêdem Latim, como pera os nossos de Europa, que aprendem Iapão.”*⁹⁵⁵

[A three-language Calepino was also printed, in Latin, Portuguese and Japanese, with sentences and ways of speaking, which will be of great use, as for the Japanese who study Latin as for our men from Europe who are learning Japanese.]

In a letter written in March of 1595, the Franciscan Friar Jerónimo de Jesús also drew optimistic commentaries on the possible usages of the dictionary: *“Un calepino de lengua de Japon y de portugués y de latin acabarse ha para Agosto.”*⁹⁵⁶ [A Calepino [dictionary] of the Japanese language, as well as Portuguese and Latin, will be finished by August.] But it seems the Calepino was not sufficient for the missionaries, as it allowed consultations on the meaning of Latin words in Japanese only. A second dictionary, the 1603’s Japanese-Portuguese Dictionary 日葡辞書, which was followed by a *Suplemento* in the following year, became another important tool to overcome linguistic and conceptual differences. Entitled *“Vocabulario da lingoa de Japam com a declaração em Portugues, feito por alguns Padres, e Irmãos da Companhia de Iesu”*, this work of over 30 thousand entries would complement the trilingual 1595 Calepino, allowed the consultation of the meaning of Japanese terms in Portuguese, thus making the task of learning the local language easier for foreign missionaries. Although its authorship has been attributed to João Rodrigues and Francisco Rodrigues, it is now consensus that the dictionary is the result of a collaborative work between all the missionaries. The Laures Rare Books Database indicates five copies extant of this volume: one in the British Library (London), one in the Bodleian Library (Oxford), one in the Bibliothèque Nationale (Paris), one in the Biblioteca Pública de Évora, and one in the Dominican Convent of Manila.

By analyzing these dictionaries and crossing their references, it is possible to notice some of the major tendencies on the translation of Japanese ideas to Portuguese and, more important, to Latin. The Latin language offered a degree of conceptual stability

450 Anos de Amizade Portugal-Japão (1543-1993). Lisbon: Centro de Estudos dos Povos e Culturas de Expressão Portuguesa da Universidade Católica Portuguesa and Instituto de História de Além-Mar da Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa, 1994, p. 442; VERDELHO, Telmo. “O Vocabulario da lingoa de Iapam (1603), uma fonte inexplorada da lexicografia portuguesa.” In: RUFFINO, Giovanni (Ed.). *Atti del XXI Congresso Internazionale di Linguistica e Filologia Romanza, Vol. III Lessicologia e semantica delle lingue romanze*. Tübingen: Max Niemeyer Verlag, 1998, p. 959.

⁹⁵⁵ REBELLO, Amador (ed.). *Op. cit.*, pp. 91-2.

⁹⁵⁶ PÉREZ, Lorenzo. *Fr. Jerónimo de Jesús: Restaurador de las Misiones del Japón – sus cartas y relaciones (1595-1604)*. Florence: Collegii S. Bonaventurae, 1929, p. 48.

that was very difficult with the Portuguese and other vernacular languages of the period. This stability derived from the fact that Latin was the language used not only in every official document produced by the Roman Church, but also because it was the language used by all summists and theologians, from Augustine to Navarro. Thus, it allowed precise translations of what the missionaries meant in their understanding of the Japanese language. Also, it offers precise evaluations of non-European concepts in consideration of canonical law and moral theology. With that in mind, we chose from Calepino's translated dictionary those entries that show the words missionaries may have chosen when speaking to their Japanese listeners in reference to slaves and other subaltern laborers.

Considering Calepino's work was primarily a Latin-Portuguese dictionary which later was translated to Japanese, the 1595 edition's entries make no reference to concepts and ideas specific to the Japanese society. It was apparently a tool more useful to Jesuit teachers explaining Western concepts to Japanese students who would use it in the study of Latin. This dictionary offers an idea of the most general terms used by the Jesuits in this period to translate ideas related to slavery. The word slave in its possible Latin equivalents could be translated as follows:

Latin	Portuguese translation	Japanese translation ⁹⁵⁷
Ancilla, ae	Criada	Guegio (下女), guefu (下婦)
Captivus, a, um	Homê catiuo, ou preso na guerra	Iqedori (生捕), torico (虜), torauarebito (捕われ人)
Famula, ae	Criada	Guegio (下女), guefu (下婦)
Famulus, i	Criado	Fiquan (被官), guenin (下人)
Gerdius, ij	Moço	Varabe (童), comono (小者)
Puer, eri	1) Seruo, ou criado 2) Menino, moço	1) Fiquan (被官), guenin (下人) 2) Varambe (童)
Serua, ae	Criada, ou escraua	Guegio (下女)
Seruitium, ij	1) Catiueiro 2) Criados, ou escrauos	1) Yatçucuni naru cotouo yù (奴になることを言う) 2) Gueninra (下人ら), yatçucora (奴ら)
Seruus, i	Escrauo	Yatçuco (奴)
Seruulus, i	[Escrauo]	[Yatçuco (奴)]

It becomes apparent in a first analysis that the Jesuits used very generic legal terms to explain Latin concepts to their Japanese audience. The classic Roman concepts *ancilla* and *servus*, translated to *criada* and *escravo*, respectively in Portuguese, become the generic terms *gejo* 下女, *gefu* 下婦, and *yatsuko* 奴 (or *yakko*, in the modern Japanese

⁹⁵⁷ The kanji are not included in the original dictionary. Japanese characters in all of tables in this section were based on the YAMADA Kiyoshi. *Hōyaku Nippo Jisho Gyakuhiki Sakuin*. Tokyo: Kasama Shoin, 1998.

reading). The Latin *captivus*, which was also a common word in its Portuguese form *cativo* in this period, is translated to the Japanese *ikedori* 生捕, *toriko* 虜, and *torawarebito* 捕われ人. Although neither necessarily refers to slavery, one of the definitions of *servitium*, which was the Latin for servitude, is translated into the Portuguese *cativeiro* and the Japanese *yatsuko ni naru koto wo iu* 奴になることを言う, which means “to become a servant”, or either “to become a slave.” Therefore, it establishes a link between captivity with slavery and servitude. Nevertheless, it is interesting to notice that the term slave is used exclusively as an equivalent to the Latin *servus* and related terms, thus not being equated to *famulus* or *ancilla*. *Escravo* or *escrava* are equaled only to very loosely defined Japanese terms: *gejo* 下女, *gefu* 下婦, and *yatsuko* 奴.

In general terms, the dictionary offers as alternatives for the condition of servants the following words in Portuguese: *criado*, *cativo*, *escravo*, *moço*, *servo*, *menino*. These terms seem to be interchangeable to a certain point, which has probably more to do with daily use of the servitude vocabulary than an attempt to mask illegality, as it has been suggested before.⁹⁵⁸ For the Japanese definitions, the dictionary offers the following entries: *gejo* 下女, *gefu* 下婦, *genin* 下人, *ikedori* 生捕, *toriko* 虜, *torawarebito* 捕われ人, *hikan* 被官, *warabe* 童, and *yakko* 奴.

However, there are other entries that offer translations and equivalents related to slavery. The following table presents entries that contain one or more terms and their equivalents concerning servitude and related terms.

Latin	Portuguese translation	Japanese translation
Ancillaris, e	Cousa que pertence a criada;	Guegioni ataru coto.
Circumpedes, um	Moços de seruiço;	Qinjono xû, qinpenni tçucawaruru xû (近所の衆、近辺に使われる衆)
Conciliatum mancipium	Escrauo comprado	Caitoraretaru fudaino mono (買い取られたる譜代の者)
Degrassor, aris, ssatus	Saltear, ou roubar;	Gôdô suru, sanzocu suru (強盗する、山賊する)
Depeculator, oris	Ladrão dos bens da republica	Coccano tacarauo ranbô suru mono, nusumu mono (国家の宝を濫妨する者、盗む者)
Depopulatio, onis	Roubador, destruidor	Ranbô suru mono, saccô surumono (濫妨する者、)
Depopulator, aris, Depopulo, as	Roubar, saquear	Ranbô suru, saccô suru (濫妨する、作興する)

⁹⁵⁸ Sousa believes the use of *moço* was an attempt to mask infractions against the 1570 law on Japanese slavery, a position we disagree with. See SOUSA, Lúcio de. *Op. cit.*, p. 258-9.

Deprehentus hostibus ab	Tomado aos imigos	Iqedoraretaru mono (生け捕られたる者)
Dignôro, as –	Pôr marca, ou ferrote;	Yaqijiruxiuo suru (焼き印をする)
Diripio, is, vi, eptum	Arrebatat, saquear;	Vbaitoru, ranbô suru (奪い取る、濫妨する)
Excursio, onis	Assalto dos soldados;	Buxino ranbô, rôjeqi (武士の濫妨、狼藉)
Expopulatio, onis –	Roubo, sacco;	Gôdô, ranbô (強盗、濫妨)
Expopulatur, aris	Roubar, saquear	ranbô suru (濫妨する)
Famula, ae	Criada	Guegio 下女, guefu 下婦
Famulator, adu	Humildemente, como seruo	Guegiono yôni 下女のように, tçuxxinde 謹んで
Famulare, adu	Como seruo	Guegiono yôni 下女のように
Famularis, e	Cousa que pertence a criado, ou criada	Fiquanni ataru coto 被官に当たる事
Famularia iura dare	Mandar, ou dominar como Rey	Teivôno yôni guegio nasu 帝王の様に下女なす
Famulatio, onis	Multidão de seruos	Fiquanxu no atçumari, yoriai 被官衆の集まり、寄り合い
Famulatus, i	Serviço	Gueninno fôcô 下人の奉公
Famulitas, atis	Serviço	Fôcô (奉公)
Famulitium	Copia de criados	Gueninno atçumari 下人の集まり
Famulor, ins	Seruir	Tçucauaru uru 遣われる, fôcô suru 奉公する, mazzucô まずこう?
Famulus, i	Criado	Fiquan 被官, guenin 下人
Famulus, a, um	Cousa pertencente a criado	Fiquanni ataru coto 下人に当たる事
Heteromaschala	Vestidos felpudos de hua parte accomodados pera escauos	Gueninno qiru ippôni queo vori ida xitaru yxô (下人の着る一方に毛を織り出したる衣装)
Imaginarius emptor	O que fingidamente com o proprio dinheiro de escauo o côpra	Fudaino monono canenite sono fudaino monouo caitoru fito (譜代の者の金にてその譜代の者を買取る人)
Incurro, is	1) Arremeter a alguém 2) Roubar, ou destruir campos dos imigos	1) Mononi faxiri cacaru (者に走りかかる) 2) Teqino chiquiôni itte ranbô suru (敵の知行に行つて濫妨する)
Insultatio, onis	Agrauo, ou auexação	Rôjeqi, accô, zôgen (狼藉、悪行、雑言)
Insulto, as	1) Saltar a miude com impeto sobre algua cousa 2) Fazer insultos, ou agrauos	1) Saisai xeiuo idaxite monono vveni tobi agaru (細々精を出して者の上に飛び上がる) 2) Fitoni rôjequuo xicaquru, accô, zôgonuo yû (人に狼藉を仕掛かる、悪行、雑言を言う)
Interpolatum mancipium	Escauo velho enfeitado q pareça moço, pera o vêder;	Vacaqu mixete vru tameni jinbutçuo tçucuritaru fudaino mono (若く見せて売る為に人物を作りたる譜代の者)

Inûro, is	Ferrar com ferro quente;	Yaqejiruxiuo tçuquru (焼印を作る)
Latrocinos, aris	1) Saltear, roubar 2) Militar por estipendio	1) Faguitoru, vbaitoru, gôdô suru (剥ぎ取る、奪い取る、強盗する) 2) Fuchiuo totta buxiuo suru (扶持を取った武士をする)
Liberta, ae	Escaua ja liure	Jiyûni naritaru guegio (自由になりたる下女)
Libertatus	1) Seruo libertado 2) Filho do que se libertou	1) Jiyûni naritaru guenin (自由になりたる下人) 2) Jiyûninaritaru guenin no co (自由になりたる下人の子)
Libertus, i	Escauo ja forro	Jiyû uo yetaru yatçuco (自由を得たる奴)
Mancipatus, a, um	Vendido, & entregue ao dominio dalguem	Mucaxi Romani voite fazuuo totte xitaru baitocuno yacusocu (昔ローマにおいてははずをとってしたる買特の約束)
Mancipio dare	1) Entregar, ou alienar alguã cousa cõ certa solemnidade que costumauam os Romanos 2) Entregar, ou apropriar alguã cousa a alguem	1) Mucaxi Romanite sadamaritaru fattoni xitagatte vri vatasu (昔ローマにて定まりたる法度に従って売り渡す) 2) Monouo fitono xindaini nasu (者を人の身代に成す) ⁹⁵⁹
Mancipium, Mancupium	ii, 1) Escauo, ou homem tomado na guerra 2) Dominio, & poder	1) Yatçuco (奴), Qiùxenni torauaretaru fito (弓箭に捕われたる人) 2) Xindai (身代)
Manubiae, arum	Despojos	Bocudori, ranbôdori (僕捕り、濫妨捕り)
Manubias sacore	Fazer presas, ou tomar despojos	Râbô suru, bocudoriuo suru (濫妨する、僕捕りをする)
Manubialis	Cousa que pertence a despojos ou presa	Bocudori, ranbôni ataru coto (僕捕り、濫妨に当たる事)
Manumissio, onis	Liuramento do escauo	Yatçucouo jiyûni nasucoto nari (奴を自由に為す事也)
Manumitto, is, si, ssû	Libertar o escauo	Yatçucouo jiyûni nasu, itomauo idasu (奴を自由に為す、暇を出だす)
Mediastinus, i	Escauo baixo	Iyaxiqi yatçuco (屋敷奴)
Mercenarius, ij	Iornaleiro	Chinnnite yatouaretaru mono (賃にて雇われたる者)
Natales, ium	Direito natural da propria liberdade q a natureza deu aos homens	Ninguenzo xôtocu jiyûnaru tocoro uo yû (人間の生得自由なるところを言う)
Restituere natalibus	Da o principe ao escauo forro dignidade, e priuilegio de homem que nunca foy catiuo	Teivô xôgun yori jiyûwo yetaru yatçucouo yatçuconi arazaru monono nami ni nasaruru (帝王、將軍より自由を得たる奴を奴に非ざる者の並に為さるる)

⁹⁵⁹ Definition under *Mancipium*.

Natalibus restituti	Escrauos forros em foro de homês que nunca foram catiuos	Miguino yatçuconi arazaru monono namini nasaretaru fito (右の奴に非ざる者の並に為されたる人)
Operae libertorum	Seruiços que os escauos forros fazem a seus senhores em sinal de agradecimento	Jiyûuo yetaru yatçuco vonxôtoxite suru fôcô (自由を得たる奴恩賞としてする奉公)
Orcinus libertus	Escauo que fica forro por morte do senhor	Xujinno saigoni jiyûuo yerare yatçuco (主人の最期に自由を得られ奴)
Patrônus, i	1) Padroeiro, ou defensor 2) O que libertou ao escauo	1) Xugonin, fijqi suru mono (守護人、贖肩する者) 2) Yatçuconi itomauo yaritaru xujin (奴に暇をやりたる主人)
Pax	1) Paz 2) Licença ou perdão 3) Misericórdia ou fauor	1) Bujî, ancan (無事、安閑) 2) Yuruxi, itoma, xamen (許し、暇、赦免) 3) Auaremi, chisô (憐れみ、馳走)
Populabili, e	Cousa que se pode saquear, ou robar	Ranbô xeraruru coto canô mono (濫妨せらるる事可能物)
Populabundus, a, um	O que rouba, e destrue campos etc	Râbô, rôjequi suru mono, gôdô, denbacuni aru monouo nusumi toru mono (濫妨、狼藉する者、強盜、田畠にある物を盗み取る者)
Populario, onis	Roubo, destruição	Ranbô, saccô, cuzzusu coto nari (濫妨、作興、崩す事成)
Populatus, us	Roubo, destruição	Ranbô, saccô, cuzzusu coto nari (濫妨、作興、崩す事成)
Populator, oris	Roubador, destruidor	Ranbô, saccô suru mono (濫妨、作興する者)
Populatrix, icis, foem	Roubador, destruidor	Ranbô, saccô suru mono (濫妨、作興する者)
Populatus, a, um	Cousa roubada, destruída	Ranbô xerareraru mono, cuzzusaretaru mono (濫妨せられる物、崩されたる物)
Populo, as, & Populor, atis	Roubar, saquear, destruir	Ranbô suru, saccô suru, cuzzusu (濫妨する、作興する、崩す)
Populitor, aris	Roubar, saquear, destruir	Ranbô suru, saccô suru, cuzzusu (濫妨する、作興する、崩す)
Potitus hostium	Sometido ao poder dos imigos	Teqino xindaino xitani naritaru mono, teqini iqedoraretaru mono (敵の身代の下に成りたる者、敵に生け捕られたる者)
Recipere seruum	Recolher, ou esconder o escauo em sua casa	Yatçucouo vaga iyeni cacuxi voqu (奴を我が家に隠し置く)

Redemptio, onis	1) O redimir, ou resgatar 2) compra ou subornar	1) Fudaiuo nogaruru tameni ataiuo idasu coto nari (譜代を逃るるために価を出す事成) 2) Monono caitoru coto nari, vairouo atayuru coto nari (物の買い取る事成、賄賂を与ゆる事成)
Redemptor, oris	Resgatador, ou redentor;	Ataiuo idaite fudai yorijiyuni nasu fito (価を出いで譜代より自由に為す人)
Res mancipi, vel mancipii	Cousas que estão em nosso dominio, & poder	Vaga xindaino mono (我が身代の物)
Scapularis seruus	Escrauo cujas costas se despem pera os açoutes, e que tem os vergõis dos continuos açoutes	Xigueqi uxirouo chôchacu xerare, buchi atono tavezaru yatçuco (刺激後ろを打擲せられう、ぶち痕の耐えざる奴)
Seruilis, e	Cousa seruil, ou que pertence a escrauos	Guenin, yatçuconiataru coto (下人、奴に当たる事)
Seruiliter, adu	Seruilmente, ou como escrauo	Guenino, yatçucono gotoqu (下人、奴の如く).
Seruio – is, ius, itum	Seruir, ou ser catiuo	Tçucayaru, yatçucoto naru (仕やる、奴となる)
Seruitium, ij	Catiueiro	Yatçuconi naru cotouo yù (奴になる事を言う)
Seruitia, seruitiû	Criados, ou escrauos	Gueninra, yatçucora (下人ら、奴ら)
Servitus	1) Catiueiro 2) Seruiço, ou foro que se paga dalguã herdade.	Gixi, giniataru cuyacu (ぎし、ぎに当たる公役) ⁹⁶⁰
Statua veruecea	Escrauo bestial, e que tem pouca diferêça de hû carneiro	Fenocono tamauo toraretaru vofitçujini fito xiqi yatçuco (陰核の玉を取られたるお羊に等しき奴)
Sub corona vaenundari	Serem vendidos os escrauos coroados	Fudaiga camuriuo qite uraruru (譜代が冠を着て売らるる)
Sui mancipii, vel mancipii esse	Ser liure sem sujeição a ninguem	Jiyûno mi[ni]naru (自由の身になる), vaga mama[ni]naru (我が儘になる)
Trifurcifer	Seruo, ou catiuo insigne q por delicto trazia no pescoço hum modo de forquilha;	Tçumino quataito xite mataguino yônaru dôguuo cubini caqefaxe carameraru cacuremo naqi yatçuco (罪の堅いとして股木の様なる道具を首にかけはせ絡めらる隠れも無き奴)
Venalitius, ij	1) O q vende ou mata os escrauos novos 2) O que emfeita os escrauos velhos para que pareçam moços, e assi os vender melhor	1) Ataraxiqi yatçuco uo vru mono (新しき奴を売る者) 2) Toxiyorino yatçucouo tacaqu vuru tameni micaqui yoqu naxi, uobutuo

⁹⁶⁰ We could not identify the correct characters.

		tçucuru mono (年より奴を高く売る為に見かけ良く成し作る者)
Venality, ij	1) Lugar onde se vendem escravos 2) Multidão de seruos postos em vêda	1) Yatçucouo vuru tocoro (奴を売る所) 2) Uraruru yatçucodomono atçumari (売らるる奴共の集まり)
Verna, ae	Escraua, ou escrauo nacido em casa, ou nacido de nossa criada, ou escraua	Xujinno iyenite vmaretaru yatçuco, vagua gugio yori vmaretaru yatçuco (主人の家にて生れたる奴、我が下女より生れたる奴)
Veterator, oris	Escrauo astuto, e malicioso que seruia a muitos senhores	Anatano xujinni tçucouaretaru damatta yatçuco (あなたの主人に仕われたる騙った奴)
Vindex, icis	O que vinga a injuria	Chijocuuu susugu, rojequiu xicayesu mono (恥辱を濯ぐ、狼藉を仕返す者)
Vindicis, arum	1) Liuramento q alcança o seruo por via de justiça	1) Tadaxite no qiúmeini yotte yatçucouo jiyúuo vrucotouo yú (糾しての糾明によって奴の自由を得る事を言う)
Vindiciae secundum seruitutem	O ser julgado por escrauo por sentença de juiz	Tadaxiteno racugiacuni yottéfudaino yatçucouo nasaruru (糾しての落着によって譜代の奴に成さるる)
Dicere vindicias secundum libertatem	Dar a alguê por liure em juizo	Tadaxiteno racugiacuni yotte jiyúuo yesasuru? (糾しての落着によって自由を得さるる)
Dare vindicias secundum seruitutem	Dar o juiz a alguê por catiuo ate que conste de certo se o he ou não	Fudaino yatçucoca, yatçucouonite naqicatono cujiuo sumu made, tadaxiteno racugiacuuo motte yatçucouoni nasu (譜代の奴か、奴にて無き事の公事を済むまで、糾しての落着を以て奴に成す)
Postulare à pretore vindicias secundum libertatem	Pedir o seruo ao juiz, ou governador que o deixe estar em sua liberdade em quanto a demanda se não desfinda	Fudaica, fudaide naicatono xêsacuno sumu made, jiyúni vocaruru yôni tadaxiteuo tanomu (譜代か、譜代でないのかとの詮索の済むまで、自由に置かるる様に糾してを頼む)
Vindicare aliquem ab iniuria	Defender, ou liurar a alguê da injuria, ou infamia	Chijocu, rôjeqi yori fitouo nogasu (恥辱、狼藉より人を逃す)
Vindicare aliquem in libertatem	Libertar a alguê, e po-lo em sua liberdade	Yatçucouoni jiyúuo yesasuru (奴に自由を得さする)
Vindicta, ae	1) Vingança, ou castigo 2) o forrar os escravos pôdolhes hua varinha na cabeça 3) Hua certa vara que punhã na cabeça do seruo quando o forravã	1) Rôjeqino tempôuo suru cotouo yû, xeccam (狼藉のてんぼうをする事を言う、折檻) 2) Fudaino mono ni itomauo totasuru xiruxitoxite cōbeni muchiuo atçuru cotouo yû (譜代の者に暇をとらたする印として頭に鞭を充つる事を言う)

		3) Mucaxi fudaino monouo jiyûni nasu xiruxitoxite cõbeni atçuru rotochi (昔譜代の者を自由に為す印として頭に充つるろとち)
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The list above not only presents the many attempts to translate and adapt notions of slavery to the Japanese language, but it also contains entries concerning related processes, such as capture, manumission, redemption and enslavement. By comparing the translations between Portuguese and Japanese entries, we can build a list showing, on one side, the Portuguese words used and, on the other side, the Japanese words that were equated to explain slavery. This method expands the first list by including definitions hidden in other entries, thus expanding the ways in which slavery could be presented to a Japanese audience. Most importantly, it offers a more complex notion on the lenses Jesuits used when approaching servitude in Japan.

Portuguese word	Japanese equivalents
Criada	Fiquan (被官), guegio (下女), guefu (下婦), yatçuco (奴)
Criado	Fiquan (被官), guenin (下人), yatçuco (奴)
Cativo	Iqedori (生捕), torico (虜), torauarebito (捕われ人), yatçuco (奴), fudaino yatçuco (譜代の奴)
Escrava	Guegio (下女), yatçuco (奴)
Escravo	Guenin (下人), yatçuco (奴), fudaino mono (譜代の者), fudai (譜代), fudaino yatçuco (譜代の奴)
Menino	Varambe (童)
Moço	Varabe or varambe (童), comono (小者)
Servo	Guegio (下女)
Serva	Fiquan (被官),

By analyzing these equivalents, it becomes clear that the Japanese word of choice to be used almost with any acception when referring to servitude was *yakko* 奴 (*yatçuco*, in the original text). Maki Hidemasa understood that the Japanese categories of laborers working in agriculture and domestic service included in the *Nippo Jisho* were identified by the Jesuits as slaves. The Japanese historian also believed that the reason behind this identification was the alienation of such labor as merchandise, given that such categories

in Japanese society were fundamentally constituted because of their subjectivity to sale and purchase.⁹⁶¹

Thomas Nelson makes it clear that one thing we can understand from these definitions of the Nippo Jisho is the uncertainty which surrounded the categories of forced labor in this period. As Nelson explains, *nuhi* 奴婢, a term commonly associated with slavery in Japanese history, was already in disuse. The word does not appear in written sources of this period, with the exception of legal texts “*where the authors were influenced by the terminology used by the editors of the ritsuryō codes.*” According to Nelson, the most common terms were, instead, *genin* and *shojū*, and the difference between both was more of nuance than of substance, with the two terms overlapping in meaning.⁹⁶²

However, instead of *genin* and *shojū*, the most generic term we could identify was indeed *yakko*. We may consider three different aspects indicated by the use of this term: physical attributes, social position, and judicial status. On the first field, words such as *menino* and *moço* – here translated as *warabe* 童 and *komono* 小者 – point to the physical general appearance of the servant, equating them to children and thus reiterating their position as subaltern individuals in a household. The second aspect, social position, can be perceived in words such as *criada*, *criado*, *escrava* and *escravo* – all translated to Japanese as *gejo* 下女, *gefu* 下婦, *hikan* 被官, and *genin* 下人. They seem to indicate the subaltern position of the enslaved individual as low-class laborers, pointing to their role and the expectations their social peers had towards them as subaltern labor. Lastly, their legal and social status – *cativo* and *escravo* are the two words which mainly could be used to indicate their situation in comparison to free individuals. The Japanese terms seem to confirm this usage: *fudai no mono* 譜代の者, *fudai no yakko* 譜代の奴 or simply *fudai* 譜代, indicating the lack of freedom and permanence of their status. Thus, they are terms that strengthen the bond between the laborers and their masters.

Words such as these resemble each other in meaning and could be interchangeable in many situations. However, etymological attributes seem to push them toward specific meanings, reminding the speaker or author of a historical documents of a specific process that resulted in the present situation to which the individual is subjugated. The use of the word *cativo* suggested to the reader, the speaker and the listener the condition of an individual as a captive, a prisoner in a just war. We agree with Oka and Sousa, as they echo much of the Brazilian and Portuguese historiography explaining to Japanese readers

⁹⁶¹ MAKI Hidemasa. *Nihon Hōshi ni okeru Jinshin Baibai no Kenkyū*. Osaka: Yūkaikaku, 1961, pp. 194-5, and 220. See also NELSON, Thomas. “Slavery in Medieval Japan.” In: *Monumenta Nipponica*, Vol. 59, No. 4. Tokyo: Sophia University, 2004, pp. 472-4.

⁹⁶² *Idem*, pp. 473-4.

that the use of the word *cativo* indicates the condition of captured slave.⁹⁶³ This term reiterates the legitimacy of the servile condition. On the other hand, *moço* and *menino*, although were much used to refer to subjugated and subaltern individuals that were, in many circumstances, slaves, have the power to reinforce their position as lower-class labor, subjugated to a higher-class master, thus reiterating social hierarchies. Alberts echoes the same opinion: “*Like children their will was subject to another, they could not make decisions for themselves and could easily be led astray.*”⁹⁶⁴ On the other hand, Oka and Sousa consider that *moço* and *moça* were used to indicate Japanese slaves, in a strategy to avoid being “caught” on D. Sebastião’s prohibition against Japanese slavery.⁹⁶⁵ That supposition, however, fails to explain why slaves from other geographical origins, such as Chinese and Southeast Asians, were also called *moços* and *moças*, and why documents such as the Jesuit letters that preceded the charter used the same expressions.

With these ideas in mind, we may proceed to the analysis of the Japanese-Portuguese dictionary of 1603, the so-called *Nippo Jisho* 日葡辞書. Analyzing this dictionary may indicate how the missionaries translated and explained to newly arrived members of the Society of Jesus in Japan the local practices regarding subaltern labor.

Japanese entry	Portuguese translation
Ainobu 相の夫	Gente de serviço, ou carroto que leva o fato de muitos juntos.
Bo 坊	Moço pequeno rapado que serve.
Bocu 僕	presa feita na guerra, ou despojo
Bocuuu furu 僕をする	Fazer preza, oa tomar despojo na guerra, ou roubar, e saquear na guerra.
Bocudô 僕童	Moço de serviço
Bocujû 僕衆	Criados e servos
Bôji 坊士	Homem de serviço que acarreta fato, etc
Bu 夫	Homem que carreta, ou leva carga
Buchin 夫賃	Aluguel de homens de carga.

⁹⁶³ SOUSA, Lúcio de, and OKA Mihoko. *Daikōkai Jidai to Nihonjin Dorei*. Tokyo: Chuokoron-Shinsha, 2017, p. 22. In the seventeenth century, António Vieira criticized the use of this euphemistic language, such as *resgate* and *cativo*, drawing attention to the violence of the process. See BOSI, Alfredo. *Dialética da Colonização*. São Paulo: Companhia das Letras, 1992, pp. 139-42. In fact, this equation put the acquisition of slaves and the ransoming of Christian captives in Africa as actions with the same level of moral responsibility. Also, the equation of slaves to war captives was a result of the popularization of the vocabulary presented first by the Summa Astensis, which classified slaves obtained through just wars as *capiant servi*. See *Summa Astensis*, Prima Pars, Liber Primus, Tit. XXIX, *De bello*.

⁹⁶⁴ ALBERTS, Tara. *Conflict and Conversion: Catholicism in Southeast Asia*. Oxford: Oxford University Press, 2013, p. 195.

⁹⁶⁵ SOUSA, Lúcio de, and OKA Mihoko. *Op. cit.*, pp. 20-1.

Bumaru 夫丸	1) Homem que leva o fato de carroto na guerra, trabalhador ou gastador ⁹⁶⁶ 2) Soldado de pé ⁹⁶⁷ 3) Mariola ou homem que carreta fato ⁹⁶⁸
Cachidachi 徒出	Gente ou soldados de pé
Cachigoxô 徒小性	Pagem que vai à pé
Cataye, Cataye nomono 傍、傍の者	Gente ou pessoas de serviço que não são das mais altas nem das mais baixas
Catayeno nhôbô 傍女房	Mulheres de serviço das ordinárias que não são muito baixas
Caxacu 呵責	Açoutes, pancadas, e tormentos. Xujin uchino monou caxacu xeraruru, O senhor dá pancadas ou açouta aos moços.
Chôji 停止	Proibição. Fitono uricaio chôji suru. Proibir compra e venda de gente.
Chôxin 寵臣	Criado privado, ou que contenta ao senhor.
Chû 忠	Serviço. Chû aru hito. Homem que tem feito muito serviço.
Chûcô 忠功	Grandes serviços como os que faz um criado na guerra ao senhor.
Chûfu 忠否	Derviços e desserviços.
Chûgui 忠義	Serviço assinalado.
Chûqin 忠勤	Serviços assinalados.
Chûxet 忠節	Serviço assinalado.
Chûxetuo nuqinzzuru 忠節を擢ずる	Assinalarse em fazer serviços ao senhor ⁹⁶⁹
Chûxin 忠臣	Criado de grandes serviços.
Cô 功	Obediência de filho para o pai, ou mãe. Vt. Qimini chufucacu, bumoni cô aru hito. Homem de serviços para com o senhor, e obediente aos pais.
Coban 火番	Homem de serviço que nas Teras dos Ienxús serve de cozinheiro.
Cobô 小坊	Moçozinho rapado que serve como Comono.
Côin 拘引	Chamar a alguém, e leva-lo consigo enganado, ou furtado.
Cojôrô 小女郎	Molheres de serviço que servem nas casas dos senhores.
Coxin 小臣	Bom criado, & obediente.
Coxô 小性	Page[m], ou criado honrrado.
Coxôxu 小性衆	Page[m], ou criado honrrado. ⁹⁷⁰
Cuji 公事	Direito, ou serviço que impoem o senhor. Cojiuo tçutomuru, Comprir com a obrigação dalgum serviço do senhor.
Cunuon 君恩	Benefício do senhor, ou Rei.
Cunxi 君子	Senhor, & Mestre.
Cunxin 君臣	Senhor, & criado.
Cunxin 君親	Senhor, & pai.

⁹⁶⁶ Definition under *Bufyô*.

⁹⁶⁷ Definition under *Bufyô*.

⁹⁶⁸ Definition under *Jichô*.

⁹⁶⁹ Definition under *Nuqinde*.

⁹⁷⁰ Definition under *Coxô*.

Cunxu 君主	Senhor.
Curobô 黒坊	Cafre, ou homem negro.
Decauari 出変わり	Iremse os que servirão em certo tempo determinado, & virem outros, scilicet, na segunda lua, & na oitaua. Decauarino jibungia, He tempo dese trocarem os trabalhadores, ou gente de serviço, &c.
Dôbô 童坊	Certos rapados q seruem no paço dalgum Yacata, ou senhor grande.
Dôbocu 童僕	Seruidores, ou homens de seruiço.
Dôji 童子	Menino.
Dôjuku 同宿	Moços, ou gente rapada que serue aos Bonzos nas teras.
Dôngo 童女	Minina.
Faiji 拝仕	Seruiço q se faz com reuerencia a pessoa honrrada.
Fataraqi 働	Trabalho, ou seruiço em alguã obra. Item, Batalha, ou combate.
Faxiri, u, itta 走り	... Fugir do seruiço do senhor, acolherse da guerra, &c.
Faxirimai 走舞	Priuido de algum senhor grande que tudo faz, & a tudo acode com presteza.
Faxirimai, ô, ôta 走舞	Seruir com presteza.
Faxirimono 走り者	O que fugio do seruiço do senhor.
Faxita 端	Certa laya de mulheres baixas que seruem em casa dos senhores. ⁹⁷¹
Faxitamono 端者	Certa laya de mulheres baixas que seruem em casa dos senhores.
Ficare 引かれ	Ser leuado, ou guiado. Teqini ficaruru. Ser tomado, ou leuado dos inimigos.
Figoro mexitçucôta fiquan 日頃召し 使うた被官	Criado de que hum se servio muito tempo ⁹⁷²
Fiqifuxi 引き伏し	Leuar consigo gente.
Fiquan 被官	Criado.
Fito aqibito 人商人	Mercador que trata em cõprar, & vender gente.
Fitocadoi 人勾引	O que chamando alguem o leua cõsigo enganado, ou furtado.
Fitocadoi 人勾引	Chamar a alguem, e leva-lo consigo enganado, ou furtado. ⁹⁷³
Fitocaibune 人買い船	Embarcação que leua escauos, ou gente comprada.
Fittori	Aleuntar o arrayal, ou tornar da guerra. Ginuo fittoru, arrebatat, ou tomar por força da mão, &c.
Fitouo iqedoru 人を生け捕る	Catiuar, ou tomar viuo na guerra. ⁹⁷⁴
Fôcô 奉公	Serviço
Fôcônin 奉公人	Homem que serue a algum senhor, & tem delle renda, ou tença, &c.

⁹⁷¹ Definition under *Faxitamono*.

⁹⁷² Definition under *Mexitçucaï*.

⁹⁷³ Definition under *Côin*.

⁹⁷⁴ Definition under *Iqedori*.

Fouzanoxu 法座の衆	Gente, ou criados amigos que ha muito tempo seruem a algum senhor.
Fuchú 否忠	Deseruiços.
Fuchúno mono 否忠の者	Pessoa que fez, ou faz algum agrauo, ou deseruiço. ⁹⁷⁵
Fucô 不孝	...Desobediencia pera com o senhor, ou mestre.
Fucôna 不孝な	Desobediente ao pay, ou mãy, ou ao senhor, & mestre.
Fudai 譜代	Cousa de muitas idades.
Fudaino guenin 譜代下人	Criados de muitas idades, & antigo. ⁹⁷⁶
Fudaino mono 譜代の者	Catiuo, ou criado por descêdencia de muitas idades.
Fudai sôdenno mono 譜代相伝の者	Criado antigo que vem por descêdencia de seu pay, auós, &c. ⁹⁷⁷
Fudaino xujin 譜代の主人	Amo de muitas idades, & antigo. ⁹⁷⁸
Fuguiuo camayuru 不義を構ゆる	Ser desobediente, ou mal criado pera com o senhor. ⁹⁷⁹
Funcotu 粉骨	Grande seruiço, ou trabalho.
Guchûuo nuqinzuru ぐちゅうを擢ずる	Assinalarse, ou auenturarse aos outros no seruiço da guerra ⁹⁸⁰
Guecocujô 下剋上	Sendo baixo, & criado, por suas boas partes, & industria, ou fortuna vir a valer, & ser senhor, & o senhor vir a ser criado, ou baixo.
Guedat 解脱	Liurar, ou libertar.
Guefai 下輩	Gente baixa, ou de inferior grao.
Guefaino fito 下輩の人	Gente baixa, ou de inferior grao. ⁹⁸¹
Guegu 下愚	Gente baixa ou inferior.
Guegio 下女	Escraua ou molher de seruiço baixa.
Guegi[o]uo nasu 下女を為す	Mandar como senhor a criado, &c. ⁹⁸²
Guenin 下人	Seruo, ou pessoa de seruiço.
Guenindomo 下人共	Criados e servos
Guenrô 元老	He criado antigo, & sabio.
Guefu 下婦	Escraua, ou escraua.
Guifei 義兵	Soldados, ou gente de guerra.
Guirameqi 煌めき	... Mostrar uiueza, & feruor no seruiço. Carega fôcôua fatçucaguirameqino tonoride arôzu. O seruiço daquelle durara cô feruor por vinte dias.
Guixin 義臣	Criado fiel, & aprimorado.
Goxuyacu	Seruiço obrigatorio que hum faz ao senhor que o manda.
Gôriqi 強力	Moço, ou criado de Yamabuxi.

⁹⁷⁵ Definition under *Fuchú*.

⁹⁷⁶ Definition under *Fudai*.

⁹⁷⁷ Definition under *Fudaino mono*.

⁹⁷⁸ Definition under *Fudai*.

⁹⁷⁹ Definition under *Fugui*.

⁹⁸⁰ Definition under *Nuqinde*.

⁹⁸¹ Definition under *Guefai*.

⁹⁸² Definition under *Naxi*.

Gunbiô 軍兵	Soldados, ou gente de guerra.
Gunchû 軍忠	Seruiços feitos na guerra.
Guncô 軍功	Seruiços feitos na guerra.
Gunjei 軍勢	Gente de guerra, ou multidão de soldados.
Gunxin 群臣	Muitos criados juntos.
Giûdaino fiquan 十代の被官	Criado antigo de muitas idades. ⁹⁸³
Ichibocu 一僕	Hum criado baixo.
Iqedori 生け捕り	Catiuar, ou tomar viuo na guerra.
Iqimitama 生御魂	Cõuite q fazem os parentes, ou os filhos a seus pais, ou criados aos senhores no tempo da commemoração dos defuntos em gratulação de estarem viuos.
Itoma 暇	Licença.
Ittô 一党	Hûa companhia de gente, ou ladrões, &c.
Iyaxij mono 賤しい者	Escrauo, ou escraua. ⁹⁸⁴
Jaxin 邪臣	Mao criado.
Jichô 仕丁	Mariola, ou homem que carrega fato.
Jûjin 従人	Criado, ou pessoa de serviço
Jûrui 従類	Familia de criados
Jûrui qenzocu 従類	Criados, & familia de parentes remotos, ou gente que pertêce a alguã cousa
Jûza 従座	Criado, ou ministro que ajuda nos autos, farsas, ou bailos ao principal autor.
Jûzamuco 従座婿	Homem casado com a criada dalguem.
Matabiquan 又被官	Criado de outro criado
Mecaque 妾	Manceba
Memixe 目見せ	Manceba
Memixemono 目見せ者	Manceba
Merô 女郎	Moça de serviço
Mexitçucai, ô, ôta 召使	Seruirse de alguem
Miazucuai, ô, ôta 見扱い	1) Seruir a gente honrada. 2) Seruir a pessoa nobre, principalmente a Cûgues ⁹⁸⁵
Miazucaino nhôbôtachi 身扱いの女房達	1) Molheres de serviço 2) Molheres que seruem a pessoa nobre principalmente a cûgues ⁹⁸⁶
Migauarini tatçu 身代わりに立つ	Ficar, ou sir por outro em seu lugar na morte, perigo, catiueiro, &c ⁹⁸⁷
Miuchixu 身内衆	Gente, ou criados falando com honra, & reverencia
Monsa もんさ	Porteiro, guarda, ou vigia da porta
Môxitsugui 申し告ぎ	O q leua recados, ou intercede

⁹⁸³ Definition under *Giûdai*.

⁹⁸⁴ Definition under *Guefu*.

⁹⁸⁵ Definition under *Miyazzucai*.

⁹⁸⁶ Definition under *Miyazzucai*.

⁹⁸⁷ Definition under *Migauari*.

Mucô 無功	Não ter proueito nem premio do trabalho, seruiço, &ca
Munino chûxet 無二の忠節	Seruiços singulares, ou que não ha outros taes ⁹⁸⁸
Muxiroxiqui 筵敷き	Manceba, palavra pouco usada
Nacai 中居	Molheres de seruiço que não são das mais baixas
Nagarenomi 流れの身	Molher publica
Naxxo 納所	Certo officio de seruir entre os Bonzo como despenseiro, &c
Neixin 佞臣	Criado lisongeiro, e refalsado
Nene ねね	Molher como ama, que cria, & traz nos braços a criança ordinariamente ⁹⁸⁹
Nenqi 年期	Quantidade ou quantia de anos. Nenqiuo sadamuru, l, sasû. Determinar os anos, como de seruiço, etc. Nenqi ga sateta. Acabou-se a quantia dos anos de seruiço, etc.
Nhûdô 入道	Rapado
Nicô 尼公	Molher rapada
Ninbu 人夫	Homem de carga, ou que acarreta o fato
Ninchû	Homem, que carreta fato como mariola, &c. ⁹⁹⁰
Ninsocu 人足	Homem, que carreta fato como mariola, &c. Homem de carga, ou que acarreta o fato ⁹⁹¹
Nubi 奴婢	Moço ou moça de seruiço.
Nubibocujû 奴婢僕従	Moço ou moça de seruiço.
Nubocu 奴僕	Moço ou moça de seruiço.
Nurei 奴隸	Escravo, ou pessoa baixa de seruiço.
Nusumi idaxi 盗み出だし	Furtando tirar fora como gente pera vender, ou filha dalguem pera se casar a furto, &c
Nuxi 主	Dono, senhor, ou senhora de qualquer cousa
Qeino vtaguaxiquiوبا vomonjeyo, cõno vtaguaxiquiوبا caronjeyo 刑の疑わしいおば重んぜよ、功の疑わしきをば軽んぜよ ⁹⁹²	Quando ouuer duuida sobre castigar, ou matar alguem, examina, & pondera bem; quando ouuer duuida se he seruiço dalgû vasalo não facas tanto caso ainda que logo julgues por seruiço ⁹⁹³
Qeixei 傾城	Molher publica
Qenin 家人	Criado, ou homem que pertence a alguã casa, ou familia, ou por via dalgum parentesco, ou de seruiço, &c
Qenjô 献上	Premio que algum senhor dá pellos seruiços que lhe fazem. Posto que na igreja corre Quanjô. Mas a propria palavra se tem que he Qenjô. Qenjô voconauaru. Dar premio como renda, &c a alguem. Qenjôni azzucarû. Receber premio, ou paga pelo seruiço.
Qenixin 賢臣	Criado prudente. Qenixin jicunni tçucayezu. O criado prudente não serue a dous senhores.

⁹⁸⁸ Definition under *Muni*.

⁹⁸⁹ Used mainly in Kyushu.

⁹⁹⁰ Definition under *Ninsocu*.

⁹⁹¹ Definition under *Ninbu*.

⁹⁹² From the Heike Monogatari, Book 2.

⁹⁹³ Sentence under *Qei*.

Qeônu 凶奴	Escrauo, ou criado peruerso, & maluado.
Qerai 家来	Familia, ou gente de casa. Qeraino mono. Gente, ou criados, & familiares de alguã casa.
Qimi 君	Senhor. Qimiuo vocasu. Matar seu senhor, ou aleuantarse contra elle, &c.
Qimiua nanmenxi, xinua focumensu 君わ南面し、臣は北面す	O Rey esta virado pera a parte do Sul, & os criados deffronte delle pera a parte do Norte ⁹⁹⁴
Qinju 近習	Criados que seruem junto do senhor. Qinjuno fito, qinjuno xu. Homens que seruem de perto, ou andão sempre ao lado do senhor.
Qinpenxu 近辺衆	Os que seruem immediatamente ao senhor, ou andão à sua ilharga.
Qinxin 近臣	Criado proprio do Rey
Qiucô 旧功	Seruiços antigos. Qiucôno fito. Homem que tem feito muitos seruiços, & de muito tempo.
Qiugio 宮女	Molheres que seruem dentro do Dairi.
Qiunin 給人	Homem que tem alguã renda do senhor pera o servir.
Qiuxin 旧臣	Criado antigo
Qiuxu 旧主	Senhor antigo
Quangio 官女	Molher nobre que serue na casa do Dairi
Quanja 冠者	Moço fidalgo que serue no paço do Rey, esperando por mercê, & dignidade de Cungues
Quannin 官人	Criados del Rey
Ranbô 濫妨	O saquear ou roubar.
Ranxin 乱臣	Criado mao, & desordenado
Renmin 憐愍	Misericórdia, & piedade
Riôxin 良臣	Bom criado
Riôxu 良主	Bom senhor, ou amo
Riqi 力	Homem rapado que serue como de pagem da lança, leuando hua Naguinata diante do senhor
Riqixa 力者	Hu homem pagê da lança
Riyacu 利益	O salvar, ou liurar os homês
Rôcô 劳功	Fruito, ou merecimento dos trabalhos. Rôcôuo tçumu. Ajustar seruiços, & merecimentos com trabalho
Rocuxacu 陸尺, 六尺	Moços de seruiço que seruem a gête dos Machis dentro de casa
Rôdô 郎等	Soldados criados dalgum senhor
Rôjequiuo suru 狼藉をする	Fazer agrauo, ou desordem ⁹⁹⁵
Rôjequinin 狼藉人	O que faz injuria, ou agrauo
Rôjû 郎衆	Criados de casa dalgum senhor
Rônin 浪人	Desterrado
Rôxin 老臣	Criado velho

⁹⁹⁴ Sentence under *Nanmen*.

⁹⁹⁵ Definition under *Rôjequi*.

Sancô 参候	O ir diante do senhor, & assistir, ou estar prestes pera seu seruiço
Sobanhôbô 傍女房	Manceba
Sobiqi 誘き	Puxar por força. Xoninno saixidomouo sagaxiidaxite fiqi sobiqu. C. N. Lib 5. Dando busca às molheres, & filhos de todos, & achandoos os leuarão por força.
Soncu	Bõ, & honrado senhor.
Tachimochi 太刀持ち	1) Pagem do montante, ou Catana. 2) Pagem, ou criado que leua esta Catana ⁹⁹⁶
Taichû 大忠	Grande seruiço
Taicô 大功	Grandes seruiços
Tecaque 手かけ	Manceba
Varambe 童	Moço de seruiço
Varaua 童	Mínimo rapaz. Item, Moça pequena de seruiço. Varauoi naru (Varaua ni naru)
Vôvarua ni naru 大童になる	Soltarem os homens ou desamarrarem os cabellos espalhandoos pelo pescoço.
Varô	Mínimo ou moço de seruiço.
Vonmori 御守	Ayo de pessoa nobre ⁹⁹⁷
Ximobe 僕	Moço ou moça de seruiço. ⁹⁹⁸
Ximobedomouo ninjôxi, xetgai xitacotoua chicagoro funbetni voyobannu 僕どもを刃傷し、殺害した事は近頃分別に及ばぬ	O ferir, & matar os criados, ou seruos não o entendo. ⁹⁹⁹
Xinzanoxu 新座の衆	Os que ha pouco tempo começarão a servir a algum senhor. ¹⁰⁰⁰
Yamabuxi no comono 山伏の小者	Moço, ou criado de Yamabuxi. ¹⁰⁰¹
Yatçuco 奴	Moço ou moça de seruiço. ¹⁰⁰²
Yatuçuco 奴	Moço ou moça de seruiço. ¹⁰⁰³
[Per met.] Yoi fiqanuo xinaxete te axiuo mogareta yôna 良い被官を死なせて、手足を腕がれた様な	Morrendo a algum hum bom criado he como se lhe cortassem of pees, & as mãos ¹⁰⁰⁴

If we take the Portuguese word for slave, *escravo*, as an indicator of instances where Japanese servitude was equated to slavery by the Jesuits, there is a clear distinction between the translations presented on Calepino's dictionary and on the *Nippo Jisho*. The

⁹⁹⁶ Definition under *Tachi*.

⁹⁹⁷ Definition under *Mori*.

⁹⁹⁸ Definition under *Nubocu*.

⁹⁹⁹ Sentence under *Ninjô*. Originally from the Heike Monogatari 平家物語, book 2.

¹⁰⁰⁰ Definition under *Fonzanoxu*.

¹⁰⁰¹ Definition under *Gôriqi*.

¹⁰⁰² Definition under *Nubi*.

¹⁰⁰³ Definition under *Nubi*.

¹⁰⁰⁴ Example under *Mogui*.

former equates *escravo* to such terms as *genin* 下人, *yakko* 奴, *fudaino mono* 譜代の者, *fudaino yakko* 譜代の奴 or *fudai* 譜代. On the other hand, the Japanese-Portuguese dictionary uses the term scarcely – it is given as a translation to the classical term *nurei* 奴隸, which is used in the modern Japanese word meaning *slave* – although the reading has changed to *dorei* – and few other entries. However, as pointed before, *nurei* 奴隸 was in disuse during the sixteenth and seventeenth centuries.

The source for this disparity is, as we see it, on the distinctive purposes of each dictionary. Even though both were elaborated in Japan by the missionaries around the same time, the Latin-Portuguese-Japanese dictionary was mainly a tool used to present Christian doctrine as well as canonical and legal principles to the Japanese, in order to explain mainly Western concepts. Thus, it had to present translations of *escravo* and its problematic Latin equivalent *servus*, frequent terms in Western canonical and secular law, casuistry and theology in general. The Jesuits ended up choosing the Japanese noun *yakko* 奴, a very generic term meaning any form of subaltern labor. This choice indicates not only the difficulty faced by the missionaries when translating the specifics surrounding the notion of slave in this period, but it also reflects the undefined nature of the term *servus* in canonical texts. The specifics of each entry are presented in a thesaurus-like way: for example, the *mancipium* was not only a servant or *yakko* 奴, but also a prisoner of war and an individual subjugated to the power of another person.

On the other hand, the scarce use of *escravo* to explain Japanese labor relations on the *Nippo Jisho* may indicate the Jesuits identified these relations as essentially different from the Western notion of slavery inherited from the Romans. As a result, it led them to prefer generic terms related to servitude and its various forms, such as *moços de serviço*. It seems the missionaries identified various degrees of servitude and bondage in Japanese society, which permeated other social levels above low class laborers. Servitude was, in this sense, a basic form of human bondage that could be found in various levels of Japanese social hierarchy. It expressed the link established between low class servicemen and their masters, as well as the loyalty dedicated to a warlord, for example. Japanese servitude, as it seems to have been understood by the Jesuits, was not restricted to the subjugation of a servant to a master associated to the loss of his or her freedom – it had a wider meaning, indicating all levels of bondage between masters and their vassals. Thus, according to the Jesuits, Japanese servitude was not to be equated to the Western notion of slavery.

The *Nippo Jisho* reserves the noun *escravo* for two situations: to translate the noun *nurei* 奴隸, as we mentioned above, and to indicate very low class laborers, such as *gejo* 下女, *gefu* 下婦 or *iyashiimono* 賤しい者. In fact, *iyashiimono* 賤しい者 indicates less a social class or rank, but it rather works as an epithet to indicate the lower status of an individual. In fact, the choice to use *escravo* to indicate these two archetypes reflects a

set of understandings associated with the term in the Portuguese language. *Escravo* was a specially charged noun used to indicate a very degrading situation. As a consequence, the missionaries cautiously used the term when registering in European languages events and developments regarding the Japanese society.

The *Nippo Jisho* also makes it clear that the missionaries had achieved a high level of understanding regarding the complexities of Japanese society. For instance, they apparently had a good grasp of the mechanics regarding the Japanese practice of temporary servitude, or *nenkihōkō* 年期奉公, as we can denote by the presence of entries such as *hōkōnin* 奉公人, *dekawari* 出変わり and *nenki* 年期.

In general, the Jesuits preferred to classify any subaltern laborers in Japan as *gente* or *moços de serviço*, including those on their payroll. Catalogues elaborated between the end of the sixteenth century and the first decades of the seventeenth century fundamentally divide those living in Jesuit quarters in three categories: missionaries, students and servicemen, although some like the *dōjuku* could be included on the first or second group according to the circumstances. These lists also give a general idea on the sheer number of hired servants working for the Jesuits. In 1583, a list presented, besides the priests, brothers, students and *dōjuku*, over two hundred servants and others which accompanied the priests, guarded the churches and helped to indoctrinate converts.¹⁰⁰⁵ Lists elaborated in 1592 and 1593 registered over 660 people living under the expenses of the Society of Jesus, including 154 priests, brothers and novices in Japan and China, 182 *dōjuku*, and over three hundred servants working for the missionaries in the Jesuit Province of Japan alone.¹⁰⁰⁶ In 1603, the total of members of the Society and its affiliates surpassed 800 people in Japan – 122 Jesuits, 254 *dōjuku*, and over 400 classified as *kanbō* 看坊¹⁰⁰⁷ and servicemen. The author of this last list warns that the number was higher before the Portuguese lost their monopoly over the trade between Japan and China at the beginning of the seventeenth century.¹⁰⁰⁸ Six years later, servicemen would account for 485 people in the whole ecclesiastical province – 425 if we exclude those serving the Jesuits in Macao.¹⁰⁰⁹ These were all classified as *gente* or *moços de serviço*, and their use was continuously justified by the missionaries as indispensable according to the “*custume desta nação*” [customs of this nation].¹⁰¹⁰

¹⁰⁰⁵ MHJ, pp. 178-81. Sousa refers to this number as well. SOUSA, Lúcio de. *Op. cit.*, p. 260.

¹⁰⁰⁶ MHJ, pp. 285-334.

¹⁰⁰⁷ On *kanbō*, see HIGASHIBABA Ikuo. *Christianity in Early Modern Japan – Kirishitan Belief & Practice*. Leiden, Boston, and Köln: Brill, 2001, pp. 27-8

¹⁰⁰⁸ MHJ I, pp. 450-1.

¹⁰⁰⁹ *Idem*, pp. 536-7.

¹⁰¹⁰ *Idem*, p. 551. Sousa uses these numbers to conclude the Jesuits used servicemen in their residences, and their numbers grew substantially with the expansion of the mission until 1614. See SOUSA, Lúcio de. *Op. cit.*, pp. 272-3.

When analyzing the Latin terms used by the Jesuits to classify their own servants in Japan, there is a clear distinction between made by the missionaries to describe servants used by them in Japan. By the turn of the seventeenth century, the term *servus* was already commonly associated to slavery. However, catalogues written by Valignano in 1593 and 1603 describe missionaries' servants in Japan and China as *famuli*, not *servi*.¹⁰¹¹ Valignano's choice of words indicates a careful consideration on the legal differences regarding Japanese serving the order and Japanese slaves serving other masters.

An example of the differences between *famuli* and *servi* are the entries in Jerónimo Cardoso's Latin-Portuguese dictionary, which had been published numerous times in Portugal since at least the 1560s. Cardoso's 1562 dictionary translates *escrauo* as *mancipium* or *servus*, while *famulus* is the translation given to *criado que serve* – a serving servant. Cardoso's 1570 edition repeats the same definitions: *ho criado que serve* is the translation for *famulus*, while *escravo* is given for *mancipium* – an individual turned property – and *servuus*. This equation of *servus* to *mancipium* is key to show the legal difference considered by the Jesuits in Japan. In fact, Cardoso translates *mancipio* as *apropriar pera si* [to take as one's own property].¹⁰¹² As it seems to be, *criado* and *escravo* were related terms, but not necessarily interchangeable words: while the former had a more general meaning, indicating any kind of person subjected to servitude, the latter necessarily denoted a lack of freedom, thus being a category included under the larger banner of *criado*.

Jesuits had servants working for them in Japan, including but not restricted to Japanese servants, but they marked a clear distinction by referring to them as *famuli*, not *servi*. As a result, Japanese servants were laborers bonded to the Jesuits, subjected to their will and included in the family-like legal unit headed by the missionaries, but not necessarily unfree workers forever marked by the spiritual stigma of slavery. This strategy preserved their souls and prevented them from being identified as freedmen once liberated, conserving their status as freemen.

After all, the main problem of equating *escravo* to any Japanese form of labor was the religious consequences of enslavement. Free people, those who have never been enslaved, were called *ingenui* by the Roman law. If a man or woman was a former slave, then these individuals would be referred as *libertini*.¹⁰¹³ For theologians, this difference was still valid. Thus, the fact that the Jesuits were referring to their servants as *famuli*, not

¹⁰¹¹ MHJ I, pp. 326, 462, 474 and 482.

¹⁰¹² CARDOSO, Jerónimo. *Hieronymi Cardosi Lamacensis Dictionarivm ex Lvsitanico in Latinum Sermonem*. Lisbon: João Álvares, 1562; CARDOSO, Jerónimo. *Dictionarivm Latino Lvsitanicum & vice versa Lusitanico latinû, cum adagiorum ser omniium iuxta seriem alphabeticam perutili expositione...* Coimbra: João Barreira, 1570.

¹⁰¹³ See ROBINSON, James J. *Selections from the Public and Private Law of the Romans with Commentary to Serve as an Introduction to the Subject*. New York, Cincinnati, Chicago: American Book Company, 1905, pp. 81-3.

servi, meant these servants conserved their legal freedom and their spiritual integrity as individuals untouched by the stain of slavery.

In conclusion, the Jesuits worked their way to classify and categorize Japanese labor relations through a careful use of Latin terminology, especially those practiced in Japan. In order to attend the demand for slaves on the part of coming Portuguese merchants, they issued permits and licenses, justified by the incapacity of theologians abroad to understand the intricacies of Japanese society. In fact, this is the exact reason why they managed to create an image of an impenetrable society, covered by a shroud of exoticism. Japan was sold as a place that could only be understood through local experience and study. As a result, the Jesuits quickly became intermediaries of the slave trade and regulators of the relations between Portuguese merchants and local *daimyō* such as Ōtomo Sōrin.

Among Japan Jesuits, servants were referred then by two types of terminology: local Japanese categories and attenuating Portuguese terms. It was inevitable for Jesuits in Japan, who were individuals inserted in a dense network of Japanese codes and concepts, to incorporate Japanese words into their own vocabulary. Thus, missionary sources incorporated words such as *comono* and *cambo* into their vernacular.¹⁰¹⁴ Nevertheless, when referring to these servants in Portuguese, they would choose euphemistic language and avoid charged words such as *escravo*.

With the arrival of Valignano, Japanese servants in Japan kept covered by a vocabular shroud, hidden under labels such as *moços de serviço* and *famuli*, until at least the early seventeenth century. This process led to three advantages for the Jesuits and their mission: first, they could use Japanese servants without directly infringing the rules of the order regarding the use of slaves in the Jesuit houses; second, the Japanese identity created by the Jesuits was kept apart from other non-Europeans, thus putting them in a higher hierarchical position above Africans and other “Black Asians”, but still below White Europeans – this would be confirmed in latter works, such as the dialogue of the four Japanese boys of mission to Europe; and, finally, it allowed them to avoid moral conflicts with theological definitions. The result was a special legal category for Japanese servants, disallowing their unregulated captivity and servitude by differentiating them from other slaves.

Everything was justified for the greater good of the mission and the conversion of Japanese souls. Their dictionaries, also, indicate how their deep understanding of Japanese labor relations complied with this idea of exotic and incommensurability, which they used to their advantage as long as the circumstances allowed. But everything would

¹⁰¹⁴ Sousa mistakes the use of *comono* as an euphemism masking slavery. See SOUSA, Lúcio de. *Op. cit.*, p. 272.

have to be reconsidered from 1587 on, with the first attempt of Toyotomi Hideyoshi to forbid slave trade in Japan. That will be the focus of the following chapter.

Chapter VI – The Land of the Gods

When Gaspar Coelho met Toyotomi Hideyoshi in May of 1586, the Japanese ruler seemed sympathetic to the priests, granting patents very favorable to the mission. But the Kanpaku 関白 was expecting the collaboration of the Jesuits on his ongoing campaign to conquer the southern island of Kyushu 九州 – in fact, he asked them to charter two Portuguese carracks to help him in his plan to invade Korea and China after establishing himself as the central authority of Japan. Even though Valignano had instructed the Jesuits not to meddle in local politics, Coelho ignored the orders and agreed not only with Hideyoshi's plan but promised to secure the help of the Christian *daimyō* against the Shimazu 島津 and the Ryūzōji 龍造寺, two of the most powerful warlords in Kyushu at the time.¹⁰¹⁵ The amicable relationship would drastically change the following year.

In the spring of 1587, Toyotomi Hideyoshi met Jesuit Vice-Provincial Gaspar Coelho and the Portuguese Domingos Monteiro, who that year was in Japan as *capitão-mor* of the ship from Macau. Hideyoshi would inquire Coelho on trading and religious issues on the even of St. James's Feast. The following day, however, they were caught by surprise with an edict expelling the missionaries from Japan. According to the historiography, that would become the first Japanese anti-Christian edict, and also the first instance of central Japanese authorities attacking Christianity in the archipelago.¹⁰¹⁶

There is still no consensus on why Hideyoshi changed his attitude towards the missionaries. Historians also dispute whether the Kanpaku's policies were directed at the missionaries, the merchants or the Japanese. The present chapter will focus on the effects the edict and a memorandum enacted by Hideyoshi in July of that year had on the slave trade.

Conflicting memories

When six Franciscans and other twenty Japanese Christian died in the martyrdom of 1597, Friar Jerónimo de Jesús wrote a report which included a historical account of the history of the Franciscan mission in Japan. Before describing the persecution against his

¹⁰¹⁵ BOXER, Charles Ralph. *The Christian Century in Japan, 1549-1650*. Berkeley, Los Angeles and London: University of California Press, Cambridge University Press, 1951, pp. 140-3.

¹⁰¹⁶ *Idem*, pp. 144-54. COSTA, João Paulo Oliveira e. *O Cristianismo no Japão e o Episcopado de D. Luís Cerqueira*. PhD thesis. Lisbon: Universidade Nova de Lisboa, 1998, p. 105. SUBRAHMANYAM, Sanjay. *The Portuguese Empire in Asia, 1500-1700 – A Political and Economic History, Second Edition*. Malden, MA and Oxford, UK: Wiley-Blackwell, 2012, p. 159; ANNO Masaki. *Bateren Tsuihōrei – 16 Seiki no Nichiō Taiketsu*. Tokyo: Nihon Editor's School Shuppanbu, 1989.

own order, he penned a short account on the previous persecution, against the Jesuits. It reads as follows:

“Quando el santo comissario Fr. Pedro Baptista vino al Japon con sus compañeros, estaban los Padres de la Compañía arrinconados y escondidos por la persecucion que havia levantado contra la christiandad Taycoçama; el qual, viendo el mucho poder de la Compañía, los muchos y muy obedientes christianos que havia y que ivan haziendo fortalezas y cavas en su ciudad de Nangasaque, y que havia artillería y galeota, y haziéndose reyes en tierra agena, determinó desterrarlos de su reyno, y assí lo mandó, y que los japones renegassen la fee; lo qual hizieron grande multitud de gentes, por no haver un Padre que osasse oponerse por muro y animar a los fieles en tan desastrado tiempo, y solo un señor, ll[a]mado Justo, públicamente confessó por no negar la fee, y assí le quitaron el reyno, etc.”¹⁰¹⁷

[When the saint commissary Friar Pedro Baptista came to Japan with his associates, the Priests of the Company of Jesus were cornered and hidden because of the persecution declared against the Christianity by Taikosama [Hideyoshi], who, upon witnessing the great power of the Company, and the many and very obedient Christians there were, and that they [the Jesuits] were making fortresses and underground refuges in his city of Nagasaki, and they had artillery and a galiot, and were becoming kings in a foreign land, decided to expel them from his kingdom, and so he ordered, and also to the Japanese to renege their faith, which a great multitude of people did, because there was no Priest who dared to oppose it to shield the Christians and encourage them in such a disastrous time, and only one lord, called Justo [Takayama Ukon] publicly declared he would not negate his faith, thus his kingdom was taken away from him, and so on.]

Written a decade after the expulsion of the Jesuits in 1587, the friar’s account shows what events had a greater impact and became part of the historical memory at the time. This section will analyze contemporary records of the process that lead to the ultimate decision by Hideyoshi and collate the chronologies as registered by European and Japanese sources.

After Oda Nobunaga 織田信長 perished in the Honnoji Incident 本能寺の変, in 1582, betrayed by his allies, Toyotomi Hideyoshi quickly raised to power assuming the main role in the central government. Five years later, Hideyoshi’s allies were campaigning to subject the island of Kyushu to his power. On early April of 1587, the Kanpaku 関白 left Osaka and headed to southern Japan. After crossing the Strait of Akamagaseki and arriving at the Taiheiji 泰平寺 temple in Satsuma 薩摩, he received

¹⁰¹⁷ PÉREZ, Lorenzo. *Fr. Jerónimo de Jesús: Restaurador de las Misiones del Japón – sus cartas y relaciones (1595-1604)*. Florence: Collegii S. Bonaventurae, 1929, pp. 75-6.

the news of the Shimazu's surrender on July 9th. Next, Hideyoshi granted the rule of Satsuma, Ōsumi 大隅 and part of Hyūga 日向 to the clan and proceeded to redistribute all of Kyushu's fiefs among local *daimyō*. The Ōtomo were granted back rule over Bungo 豊後, while the Ryuzōji, another powerful clan of the island, received a part of Hizen 肥前.¹⁰¹⁸

Before the Shimazu's surrender, Hideyoshi had arrived in Yatsushiro 八代 in May 26th when he was visited two days later by the Vice-Provincial Gaspar Coelho.¹⁰¹⁹ The Jesuits Coelho, Luís Fróis and Belchior de Moura – Jesuit superior in Kyushu – were accompanied by three Portuguese that had come on the ship from Macau. However, that year's *capitão-mor* Domingos Monteiro was not among the three Portuguese. Rather, he was represented by the ship's *feitor*, a Portuguese official who had arrived from Hirado to Nagasaki and followed the Jesuits to Yatsushiro bringing a gift from the crew and the captain to Hideyoshi.¹⁰²⁰ That was the first time the Kanpaku saw real Portuguese merchants, and he may have been disappointed to know that the captain was not among them, after all the ruler had big plans to discuss with the visitors. In fact, Hideyoshi confessed to the Jesuits and the Portuguese his intention to conquer China with two to three hundred thousand men after unifying Japan. According to Fróis, Hideyoshi then asked: “*folgarião os portugueses com isso?*” [Would the Portuguese be happy with that?]¹⁰²¹ It is unclear to what extent the Portuguese present at the meeting, including the Jesuits, could give a satisfactory answer to the Kanpaku, given that Coelho was the only high level authority present. Also, during the meeting, the Portuguese and the Jesuits negotiated with Hideyoshi at least two decrees: one was to allow Japanese merchants to come meet the Portuguese ship to trade even in times of war; another one was for local *daimyo* to favor the Portuguese ship wherever it entered. Although Fróis does not explain which one, Hideyoshi granted a patent to the Portuguese, ordering one copy to be taken to Macao and another one to be kept in Japan. The Kanpaku also declared he wished the Portuguese ship to come to a port near Sakai, as long as there was a port capable of receiving the vessel. Coelho promised the ship's pilot would go from Hirado to central Japan looking for an adequate harbor. In the end, Hideyoshi declared that if the Vice-Roy sent him an embassy, he would reply with an embassy to India as well. The meeting apparently ended abruptly as, according to Fróis, the Vice-Provincial could not negotiate issues related to the well-being of the Christians in Kyushu. The Jesuits superior managed to ask the ruler to free his prisoners of war, especially Buddhist monks, as it would serve to raise the status of the Society of Jesus in Japan.¹⁰²² Reading the Jesuit account, the

¹⁰¹⁸ YAMADA Kuniaki. *Zenshū Nihon no Rekishi Dai 8 Kan, Sengoku no Katsuryoku*. Tokyo: Shōgakusan, 2008, pp. 316-7.

¹⁰¹⁹ HJ IV, p. 367.

¹⁰²⁰ *Idem*, p. 366.

¹⁰²¹ *Idem*, p. 371.

¹⁰²² *Idem*, pp. 372-3.

Vice-Provincial seemed to be taking the lead, as he was certainly the highest authority representing the Portuguese side during the meeting. And even though they managed to receive a patent favoring the Portuguese traders, there were still issues unresolved that led Coelho to visit Hideyoshi once more in Hakata.

On his way back to central Japan, Hideyoshi stopped in Chikuzen Hakozaki 筑前箱崎, a locality outside the city of Hakata 博多, which had been destroyed by the military campaign. There, he dispatched orders, rearranged the power balance of the island, and even sent a letter to the Korean ruler asking him to come to Japan. In mid-July, Hideyoshi inspected the city from the bay guided by a merchant from Hakata 博多 called Kamiya Sōtan 神屋宗湛.¹⁰²³ During the inspection, he discovered the Portuguese *fusta* owned by the Jesuit Vice-Provincial Gaspar Coelho and boarded the vessel. That was their first meeting since they gathered in Yatsushiro, southern Kyushu. Fróis explains that the Jesuit superior decided to visit Hideyoshi again to discuss further issues that could not be debated before, as they were not “comfortable” enough for it.¹⁰²⁴ It is unclear what Fróis meant with his wording, but there may be a difference in the level of secular authority present in their meeting in Yatsushiro and in their meeting in Hakata. In the latter, Coelho had Domingos Monteiro in person by his side. That meant the group could discuss big issues regarding the Japanese-Portuguese relationship, as the Vice-Provincial and the captain represented both the highest Portuguese ecclesiastical and secular authorities in Japan. Taking the missionaries by surprise on Coelho’s boat, the unannounced visitor met Coelho, the Jesuit priest Luís Fróis, and the Portuguese captain Domingos Monteiro. During the visit, Hideyoshi carefully analyzed every inch of the ship, ate pickled lemons and ginger, drank Portuguese wine, took notes on some Portuguese words, and declared himself “a disciple of the missionaries”.

The Vice-Provincial seized the opportunity to ask Hideyoshi’s permission to rebuild the church of Hakata at the same place it had been built before its destruction, in the inner area of the city. The request also had political meaning: the Kanpaku did not allow Buddhist monks to build their temples in the inner city, but the Jesuits managed to receive the ruler’s permission. That put the priests in a better position than the monks and was considered a political victory by the missionaries. The next day, the Jesuits paid Hideyoshi a visit in his quarters in Hakozaki. The missionaries explained some of the Christian doctrine to the ruler’s closest vassals and obtained the necessary permission to leave Hakata back to Nagasaki. A few days later, Hideyoshi asked the Portuguese captain to bring his large Portuguese vessel that had come from Macau and was harbored in

¹⁰²³ Kamiya and Shimai Sōshitsu 島井宗室 would be a central piece on Hideyoshi’s plan to conquer Korea and China, as he planned to use Hakata as an important headquarters for his campaign. See KIDO Kiyotane (aut.), KAWAZOE Shōji (ed.). *Hakata Chikuzen Shiryō Buzen Oboegaki*. Tokyo: Bunken Shuppan, 1980, p. 184.

¹⁰²⁴ HJ IV, p. 390.

Hirado to Hakata. Domingos Monteiro, captain of the ship, worried about the number of pirates in the region, declined. He visited Hideyoshi with a present worth five hundred *cruzados* and politely refused the demand.¹⁰²⁵ The ruler understood the captain's reasons and gifted him back with a Japanese sword. This last visit happened on July 24th, the day the Kanpaku enacted an edict expelling the Jesuits from Japan.

The order of events of this July of 1587 are crucial to understand the process involving the expulsion. However, dates provided by sources are conflicting in most of the cases. As a result, it becomes more difficult to understand the process – a careful analysis is necessary in order to propose a chronology of the events that lead to the change of attitude on the part of Hideyoshi.

The first Jesuit letter to describe the events is one of the three epistles written by Fróis in October 2nd of that same year. The missionaries had just left Hakata and were back to Hirado, where Monteiro had his ship harbored and Portuguese merchants were dealing with local traders. Fróis registers the whole process, up to the edict enacted by Hideyoshi in July against the missionaries. Despite few differences, the timeline does not differ from the one presented in Fróis's definitive account included in his *Historia de Japam*. The chronology presented by the chronicler starts with Coelho and the author's departure from Nagasaki to Hakata. The Jesuits left Nagasaki in July, spent eight days in Hirado and seven days in Meinohama 姪浜 waiting for Hideyoshi. After the Kanpaku arrived, the Jesuits headed to Hakata. Hideyoshi built his barracks in Hakozaki, and ordered the reconstruction of the city, which had been destroyed by the wars. On July 19th, a Sunday, Hideyoshi enacted the order determining the land to be divided and rebuilt for its old inhabitants. Given the departure was registered by Fróis as July, Hideyoshi arrived, according to the Jesuit chronicle, sometime between the 15th and the 19th of July. That day, July 19th, while Hideyoshi was assessing the city on board of a vessel, the Jesuit *fusta* arrived on the coast next to where the Kanpaku was settled. Hideyoshi then proceeds to visit the ship. Next day, Monday July 20th, the Jesuits visited the Kanpaku's barracks. On the 22nd or the 23rd, the Christian daimyō Takayama Ukon 高山右近, baptized Justo, visited the Jesuit *fusta* to comment on the progress made on the negotiations with Hideyoshi. Although Fróis says the visit happened three days before St. James, which would be the 22nd, he also says that during the meeting between Takayama and the priests they could not imagine what would happen the following day, referring to the edict expelling the Jesuits, so the visit could have happened on the 23rd. Finally, the Jesuits accompany the captain Domingos Monteiro on the 24th on his visit to Hideyoshi to apologize for not being able to bring the Portuguese vessel to Hakata. On that same day,

¹⁰²⁵ Monteiro's gift was an appropriate one, according to Fróis own terms. The missionary registers that Japanese lords would offer Hideyoshi gifts worth one thousand, five hundred or three hundred *cruzados*. HJ IV, p. 369. Also, according to letters written by Fróis in 1587-1588, Hideyoshi had asked the Vice-Provincial for him to convince the Portuguese to bring the ship to Hakata before asking Monteiro. See Cartas II, ff. 204-204v.

the Kanpaku inquired the Jesuits on three topics: the propagation of Christianity in Japan, the reason the priests ate horse and cow meat, and the reason the Portuguese, Siamese and Cambodians bought Japanese slaves. Gaspar Coelho answered the inquiry, but after explaining himself the envoys show him a *sentença por capítulos* [sentence in chapters] against Takayama Ukon and condemning Christianity. The following day – July 25th – the Vice-Provincial is again asked by envoys from the Kanpaku. They ask him about the reasons why Christians destroyed temples and sanctuaries, to which Coelho replies he could not control more excited converts. Next, the envoys tell the Jesuit they had twenty days to leave Japan and hands over to Domingos Monteiro the edict expelling the Jesuits, dated 19 days of the sixth lunar month – the day before, July 24th.¹⁰²⁶ The table below resumes the chronology presented by Fróis.

Date	Event
Early July	Coelho and Fróis leave Nagasaki
Between 15 th and 19 th	Hideyoshi arrives in Hakata Hideyoshi orders the reconstruction of Hakata
July 19 th	Hideyoshi visits the Jesuit <i>fusta</i> and meets Coelho and Monteiro Hideyoshi asks Monteiro to bring <i>nau</i> to Hakata Coelho asks permission to rebuild the church in Hakata
July 20 th	The Jesuits visit Hideyoshi in Hakozaiki Hideyoshi gives permission for the Jesuits to return to Nagasaki
July 22 nd or 23 rd	Takayama Ukon visits the Jesuits
July 24 th	Monteiro and Coelho visit Hideyoshi Monteiro refuses Hideyoshi's demands and apologizes Hideyoshi orders Takayama Ukon's exile Fróis visits Hideyoshi's nephew Coelho orders small straw house next to Hideyoshi's quarters to be built the next day

¹⁰²⁶ HJ IV, pp. 390-407.

July 24 th , night	Hideyoshi sends envoys to inquire Coelho ¹⁰²⁷
July 25 th	Hideyoshi inquires Jesuits again via envoys Hideyoshi sends edict to Monteiro Hideyoshi's envoys transmit to Jesuits orders to leave Japan in 20 days

Japanese sources present a slightly different chronology for these events.¹⁰²⁸ According to the timeline described by Kawazoe, Hideyoshi left Satsuma sometime on late June and arrived in Hakata on July 9th. On the 15th, the Kanpaku was guided by Kamiya Sōtan, inspected the bay area to determine the division of the city to be rebuilt and visited Coelho's *fusta*. The next day he presented his plan to rebuild Hakata – the works started on the 17th. On July 23rd, Hideyoshi donated two hundred *koku* of rice to a local sanctuary and wrote poetry at a tea party in Hakozaiki Matsubara 箱崎松原 – one of the many gatherings he apparently held during the time spent in the area. On that same day he enacted a memorandum containing 11 articles referring to the trade with the Portuguese, one of which prohibited the slave trade in Japan. This memorandum, however, is not mentioned on any account of Hideyoshi's life. On July 24th, Hideyoshi condemned and executed two Christians who were part of his *kiboro* 黄衣母 – the group of selected guards of honor that protected the Kanpaku. Also, he enacted the 5-article edict expelling the Jesuits from Japan. Six days later, Hideyoshi leaves Hakozaiki.¹⁰²⁹ The following table summarizes the chronology most accepted by Japanese historiography according to Japanese sources.¹⁰³⁰

Date	Japanese calendar	Event
July 9 th	6th month,	Hideyoshi arrives in Hakata
July 15 th	6th month, 10th day	Hideyoshi inspects Hakata harbor Hideyoshi visits Jesuit <i>fusta</i>
July 16 th	6th month, 11th day	Hideyoshi delineates plan to rebuild Hakata
July 17 th	6th month, 12th day	Works of rebuilding Hakata start

¹⁰²⁷ For July 24th, Shimizu Hirokazu compiled a list of the events that took place that day to clarify the process which resulted in the loss of Takayama Ukon's fief. See SHIMIZU Hirokazu. "Takayama Ukon no Kaieki ni tsuite." In: KISHINO Hisashi and MURAI Sanae (ed.). *Kirishitan-shi no Shin Hakken*. Tokyo: Yūzankaku, 1996, pp. 43-70

¹⁰²⁸ To facilitate the comparison, all Japanese dates are converted to the Western calendar.

¹⁰²⁹ KIDO Kiyotane (aut.), KAWAZOE Shōji (ed.). *Hakata Chikuzen Shiryō Buzen Oboegaki*. Tokyo: Bunken Shuppan, 1980, pp. 56-7, 113-4, 134-5, 186-7, 228-9.

¹⁰³⁰ KUWATA Tadachika. *Toyotomi Hideyoshi no Subete*. Tokyo: Shinjinbutsu Ōraisha, 1981, p. 290.

July 23 rd	6th month, 18th day	Hideyoshi donates rice, holds tea party, writes 11-article memorandum
July 24 th	6th month, 19th day	Hideyoshi executes two Christian <i>kiboro</i> Hideyoshi enacts 5-article edict
July 31 st	6th month, 26th day	Hideyoshi leaves Hakozaki

The first difference between both timelines is the date given for Hideyoshi's arrival in Hakata. Fróis registers the Kanpaku as arriving between the 15th and 19th of July, while Japanese sources give a specific date – July 9th. Also, while the Portuguese sources mention at least three instances where the Jesuits met Hideyoshi in Hakata – July 19th, 20th, and 24th – Japanese documents mention only the first visit at Coelho's *fusta*. Furthermore, there is no consensus on the date Hideyoshi visited the Jesuits vessel – July 15th according to Japanese sources, 19th according to Fróis's *Historia*. However, the letter written by Fróis in Takushima describing the events does not mention a date.¹⁰³¹ Thus, it could very well be a mistake made by the chronicler when checking his notes for the *Historia*. If that is the case, the missionaries visited Hideyoshi in his barracks on the 16th, not the 20th as registered by the *Historia*.

To favor one chronology in detriment of the other is risky, but we can make polite guesses based on some of the data and attempt a combined, richer narrative for the events. The problem of dating Hideyoshi's entrance in Hakata is not a simple one, but we believe the Japanese sources are correct. The first reason is that the Jesuits chronicle does not state a clear date for his entrance, rather dating it in an indirect manner by mentioning the time the Jesuits left Nagasaki and the period they spent in Hirado (eight days) and in Meinohama (seven days) waiting for Hideyoshi. Fróis himself may have mistaken the word *julho* – July – for *junho* – June. Thus, if the Japanese sources are correct – that is to say, Hideyoshi entered Hakata on July 9th – then the Jesuits must have left Nagasaki circa June 24th. A combined chronology is presented below.

Date	Event
June 24 th	Coelho and Fróis leave Nagasaki
July 2 nd	Coelho and Fróis, probably with Domingos Monteiro, leave Hirado to Hakata. They arrive some time later.
July 9 th	Hideyoshi enters Hakata
July 15 th	Hideyoshi inspects Hakata harbor Hideyoshi visits Coelho's <i>fusta</i> .

¹⁰³¹ See Cartas II, f. 199v.

	Hideyoshi asks Monteiro to bring <i>nau</i> to Hakata Coelho asks permission to rebuild the church in Hakata
July 16 th	The Jesuits visit Hideyoshi in Hakozaki Hideyoshi gives permission for the Jesuits to return to Nagasaki Hideyoshi delineates plan to rebuild Hakata
July 22 nd or 23 rd	Takayama Ukon visits the Jesuits
July 23 rd	Hideyoshi donates rice, holds tea party, writes 11-article memorandum
July 24 th	Monteiro and Coelho visit Hideyoshi Monteiro refuses Hideyoshi's demands and apologizes Hideyoshi orders Takayama Ukon's exile Hideyoshi executes two Christian <i>kiboro</i> Hideyoshi enacts 5-article edict Fróis visits Hideyoshi's nephew Coelho orders small straw house next to Hideyoshi's quarters to be built the next day
July 24 th , night	Hideyoshi sends envoys to inquire Coelho
July 25 th	Hideyoshi inquires Jesuits again via envoys Hideyoshi sends edict to Monteiro Hideyoshi's envoys transmit to Jesuits orders to leave Japan in 20 days
July 31 st	Hideyoshi leaves Hakozaki

By rearranging the timeline, it is possible to see that the Jesuits had a longer time to consider their negotiations with Hideyoshi. Between July 9th and the 15th, they tried to arrange an official meeting with the ruler, but it seems that their failure led to a more desperate strategy: put the Vice-Provincial's *fusta* on the way of Hideyoshi's vessel while the Kanpaku inspected the Bay of Hakata.¹⁰³² Thus, it is highly possible that their maritime encounter was a planned coincidence on the part of the missionaries. After putting themselves on the Kanpaku's way, they finally had their session the following day in the ruler's barracks. There, Gaspar Coelho seized the opportunity to make his requests, including the reconstruction of the Jesuit Church of Hakata in the inner city.

¹⁰³² Hesselink also abides by the timeline as presented by Japanese sources. See HESSELINK, Reinier H. *The Dream of Christian Nagasaki – World Trade and the Clash of Cultures, 1560-1640*. Jefferson, NC: McFarland & Company, 2016, p. 78.

After that, things would go downhill. Hideyoshi executed two of his *kiboro* who were Christians, Domingos Monteiro refused to bring his *nau* from Hirado to Hakata, and the Kanpaku enacted a 5-article edict expelling the Jesuits from Japan. The ruler was impatient, and everything was decided in a two-day period between July 24th and 25th. This is the theme of the next section.

Three irrefutable offers

Close to the midnight of the 24th, envoys sent by Hideyoshi arrived to the Jesuit *fusta* in the bay of Hakata. They brought a message for the Vice-Provincial regarding some concerns the Kanpaku had with Christianity in Japan. Letters from the period do not give much detail about the message itself – instead, Fróis’s epistle registers a summary of the questions brought by the envoys.¹⁰³³ A more detailed account is offered in his *Historia de Japam*.¹⁰³⁴ That night, Hideyoshi sent envoys twice, but the historiography has been giving special attention to the first three questions brought to Coelho. The first message asked: the conversion of Japanese to Christianity by force; their habit to eat horse and cow meat; and the involvement of Portuguese merchants in the slave trade. But we believe that the questions were rather three offers that Hideyoshi made to the Jesuits, continuing the negotiations they had started in Yatsushiro. These were not moral concerns – instead, the ruler was worried about the economic and political impacts of the actions of the missionaries in Japan.

Negotiating legislation was a common practice in the period. As shown by Fujiki Hisashi, prohibition acts such as the *kinzei* 禁制 were negotiated between villagers and warlords, especially in times of conflict. Commoners would disburse money to pay for the intermediary negotiators, for the scribes, for the seal and so on. In the times of Hideyoshi, villages could pay up to 3,200 pieces of *eiraku-sen* 永楽銭, plus the necessary amount for the Kanpaku’s seal.¹⁰³⁵ Anno Masaki, who also points that this was an ongoing negotiation, indicates that Hideyoshi’s main objective was to forbid the destruction of temples and sanctuaries.¹⁰³⁶ However, we believe that, in fact, what was on the table may have been a different deal. For the Jesuits, their operations in Japan were at stake. The missionaries apparently tried to obtain from the ruler the necessary protections for the mission. As for Hideyoshi, however, the issues discussed point to a different direction. While he certainly may have been worried about the destruction of Japanese

¹⁰³³ Cartas II, f. 207v.

¹⁰³⁴ HJ IV, pp. 401-2.

¹⁰³⁵ FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, pp. 188-9.

¹⁰³⁶ ANNO Masaki. *Bateren Tsuihōrei – 16 Seiki no Nichiō Taiketsu*. Tokyo: Nihon Editor’s School Shuppanbu, 1989, pp. 221-2.

temples and sanctuaries, the economic safety of Kyushu was at risk because of the actions of the Jesuits. Thus, the Kanpaku was trying to ensure economic resources of the island.

The Jesuits were, however, uneasy about the method chosen by the ruler to negotiate these issues. According to Fróis, because the questions were sent via envoys, Coelho could not reply or negotiate with the necessary diplomacy or length needed to explain their reasons. The chronicler registers that the priests did not trust the offers made by Hideyoshi, as they believed the ruler used to make promises he would never fulfil. Also, they believed that because no one was able to discuss any issue freely with Hideyoshi, as all people were afraid of his anger, any reply sent by the Vice-Provincial via envoys would hardly be fully transmitted to the Kanpaku. For that matter, Coelho could not give longer and necessary explanations – so, he decided to keep his replies to succinct phrases that would not be lost in the transmission process. Furthermore, Hideyoshi sent a second dispatch asking the priests on the issue of Christians destroying temples and sanctuaries, even before Coelho answered the first batch of questions.

The three issues asked concerned the *modus operandi* of the Jesuits in Japan, the depletion of necessary beasts of burden because of Portuguese and missionaries eating horses and cows, and the transport of Japanese to far away lands on board of Portuguese vessels as slaves. The first question is presented by Fróis in his *Historia...* the following way:

“A primeira, qual hé a rezam porque vós outros fazeis¹⁰³⁷ nesta terra de Japão da maneira que athé aqui os fizestes? Melhor for a que vos accomodareis aos bonzos das outras seitas, os quaes pregão em suas cazas e templos, mas não andão com tanta sede incitando a gente de huma parte para a outra que se fação de sua seita como vós outros. Pelo qual daqui por diante vos recolhei todos cá no Ximo e não cureis de propagar vossa seita, mais que pela via ordinaria com que os religiosos bonzos de Japão procedem: e se não quizerdes fazer isto, podeis-vos todos tornar para a China. Eu mandarei tomar posse das cazas e igrejas do Miaco, Vozaca e Sacai, e vos mandarei dar o fato que nellas tendes. E se por não vir a nao da China este anno não tendes possibilidade para vos tornardes, nem despeza para o caminho, eu vos mandarei dar dez mil fardos de arroz, que valem perto de dez mil cruzados, com que vos torneis. – Mas todas estas promessas eram falsissimas.”¹⁰³⁸

[The first [issue] is why do you act the way you have been doing up to now in this land of Japan? It would be better for you to act like monks of other

¹⁰³⁷ Wicki's edition adds the word "christãos" between "fazeis" and "nesta" considering the context of the paragraph. We preferred to analyze the text in its original form, thus changing slightly the meaning from "converting people to Christianity" to "acting the way you do". HJ IV, p. 401.

¹⁰³⁸ HJ IV, p. 401.

sects, who preach in their houses and temples, and do not wander so eagerly inciting people from one part to another for them to convert to your sect like you do. From now one you shall gather in Kyushu and do not think about spreading your sect, not any more than the ordinary manner such as monks from Japan do. If you refuse to do so, you may all go back to China. I will take over your houses and churches in Miyako, Osaka and Sakai, and send you your belongings contained in them. And if because the ship from China happens to not come this year you cannot go back, or because you lack resources to do so, I will give you ten thousand sacks of rice, which are worthy around ten thousand *cruzados*, with which you shall return back to China. But all these promises were false.]

Fróis first wrote about the questions in a letter written in Takushima, on October 2nd of 1587.¹⁰³⁹ This version is slightly different and less polished than the former. It reads:

“a p^a qual he a Rezão p q vos outros fazeis nesta terra de Japão xpãos p[or] força [...] melhor fora q vos acomodarejs aos bonzos das outras ceitas os quaes pregão em suas cazas e templos mas não andão con tanta sede incitando os home[n]s de huã parte p^a outra como vos outros q se fação da sua cejta p[e]lo qual daqui p[or] diante vos recolhejs todos cá no ximo E não quereis de propagar Vossa Cejta, mas q pla via ordinaria com q os Religiosos de Japão proçedem E se não quizerdes fazer isto podei-vos todos tornar p^a a china. Eu mandarey tomar posse das cazas e jgreja de miaco, vozaca E sacaj E vos mandarej dar o fato q nellas tiuerdes E se p não vir a nao da china este anno não tendes possibiljdade p^a vos tornar nem despeza p^a o caminho Eu vos mandarej dar des mil fardos daRoz q valem dez mil cruZados cõ q vos torneis.”¹⁰⁴⁰

[The first is the reason why you make in this land of Japan Christians by force, it would be better for you to accommodate to the bonzes of other sects who preach in their houses and temples but do not wander so eagerly inciting the men from one part to another as you do to put them in your sect, and from now one you shall gather in Kyushu and do not think about spreading your sect, not any more than the ordinary manner such as monks from Japan do. And if you refuse to do so, you may all go back to China. I will take over your houses and churches in Miyako, Osaka and Sakai, and will send you your belongings contained in them. And if because the ship from China happens to not come this year you cannot go back, or because you lack resources to do so, I will send you ten thousand sacks

¹⁰³⁹ Fróis wrote three epistles on that same day. The quotation here is from the third letter. See JapSin 51, ff. 18-43 (first letter), JapSin 64, ff. 50-75v (second letter, incomplete), and JapSin 51, ff. 44-62 (third letter).

¹⁰⁴⁰ JapSin 51, f. 50v.

of rice, which are worthy around ten thousand *cruzados*, with which you shall return back to China.]

By reading both passages, it seems the first question does not refer only to forced conversions, but rather to the *modus operandi* used by the Jesuits in Japan: wandering around the land, preaching in places other than in their temples, actively spreading the religion between the people. But Hideyoshi's concern had to do more with the consequences of this proactive proselytism. Let us analyze the following sentence: “*não andão com tanta sede incitando a gente de huma parte para a outra que se fação de sua seita*” [do not wander so eagerly inciting people from one part to another for them to convert to your sect]. We may interpret this passage in two ways. First, Hideyoshi could be describing the way Jesuits wandered from one area to another. Second, he could be referring to the converts moving to different areas because of their religion. In fact, there were Japanese converts who did get misplaced because of political persecution. As when they opened the port of Yokoseura and the city of Nagasaki was built, persecuted populations fled to safer areas ruled by Christian lords. Thus, if that is the case, Hideyoshi's concern had to do more with the consequences of the conversions. By moving whole populations from other areas apart from their original lands, Christianization had a deep economic impact in regions where labor force was much needed. But there was also another factor that contributed for the displacement of converts: slavery. Hideyoshi was apparently worried that the Jesuits and other Europeans were contributing to the depletion of labor force in the fields of Kyushu by acquiring Japanese slaves. According to Fujiki Hisashi, this was not a moral concern, rather it resulted from a practical concern regarding securing labor for the field in Japan.¹⁰⁴¹ Local slave traders and authorities – such as the Ōtomo during the 1570s – could be sending away valuable workers to be sold to Portuguese merchants.

The first question to the missionaries was, in fact, a proposal. Hideyoshi offered to the Jesuits for them to abandon their proactive stance and work in their mission just like Buddhist monks, preaching in their temples and houses, instead of wandering the country. The Kanpaku gives them two options: the Jesuits could stay in Kyushu and preach in their temples only or be expelled to China. But Hideyoshi does not give any alternative to the mission in central Japan – he was determined to confiscate the churches of Kyoto, Osaka and Sakai. If the Jesuits refuse, they would be expelled.

Coelho's reply to the first question explains why Hideyoshi decided to expel the missionaries. The Vice-Provincial tries to convince the ruler that because the priests were foreigners and Christianity was new in Japan they had to go through the territory converting the population.

¹⁰⁴¹ FUJIKI Hisashi. *Oda, Toyotomi Seiken*. Tokyo: Shōgakukan, 1975, p. 219.

The second question asked by Hideyoshi refers to the alimentary habits of the foreigners: why did they eat horse and cow's meat? Fróis's *Historia...* and his letter present a very similar text, as it follows:

*“A segunda couza foi: qual hé a razão, porque vós outros comeis cavalos e vacas, sendo couza tão fora de razão: porque os cavalos são feitos para os homens aliviarem seo trabalho nos caminhos, e para acarratearem o fato e servirem na guerra; e os boys para lavrarem as terras com elles, e são instrumentos para os lavradores cultivarem a terra; mas, se vós outros os comerdes, ficão os reynos de Japão defraudados destas duas ajudas, que para os homens são tão principaes. E se os portugueses que vem na nao da China tambem se não atrevem a viver sem comer cavalos e vacas, e vós com elles: eu, que sou senhor de todo Japão, mandarei cassar muitos veados, porcos montezes vivos, adibes, rapozas, galinhas do mato, bugios e outros animaes, e os terei em hum viveiro para que vades comendo delles e não destruais a terra dos animaes necessarios para o bem da republica e, quando não, antes não quero que a nao venha a Japam.”*¹⁰⁴²

[The second issue was: what is the reason, because you eat horses and cows, being such an unreasonable thing: because horses are made to alleviate men from their work on the roads, and to pull carts with luggage and serve in war; and cows are made to plough the earth with them, and they are instruments for farmers to cultivate the land; but if you eat them, then the kingdoms of Japan will be depleted of these two assistances, which are so important for men. And if the Portuguese who come on the ship from China also do not dare to live without eating horses and cows, and you with them: I, that am the lord of all Japan, will command many deer, alive mountain pigs, foxes, monkeys and other animals to be hunted, and I will have them put into a cage for you to eat and thus not deplete the land of the animals that are necessary for the good of the republic and, when if not, I would rather not have the ship coming to Japan.]

Again, the Kanpaku seemed concerned with the economic impact of the actions of Jesuits and Portuguese in Japan. He explains the necessity they had of cows and horses in the country, as an important resource for war and manual labor. Hideyoshi also explains that eating these animals could deplete the land of this important resource. Once more, the ruler makes an irrefutable offer to the priests: if the Portuguese and the missionaries could not live without eating meat, Hideyoshi would order the construction of a facility to keep hunted animals to be consumed by the foreigners. That would secure animals needed for manual labor and warfare. Interestingly, Fróis choice of words indicate Hideyoshi's concern with the well-being of the society, as he explains the ruler was poised

¹⁰⁴² HJ IV, p. 401.

to build this facility to protect the republic. If the priests refused this offer, Hideyoshi would refuse to receive in Japan Portuguese ships for good.

Coelho refuses the offer explaining that the missionaries, especially those working in central Japan and other areas apart from Kyushu, were already used to the alimentary habits of the Japanese. If the Jesuits happened to eat meat with Portuguese merchants, that was only when these traders came to Japan and because they were with them. The Vice-Provincial declares he would inform the Portuguese merchants of the ruler's concern, but that he could not avoid anyone consuming meat in the case Japanese traders came to sell the produce to them.

The last question, which is the main issue of concern for our research, referred to the slave trade. The text on Fróis's *Historia...* and his letter are almost identical, and it reads as follows:

*“A terceira: eu tenho sabido que os portugueses e os sioens e cambojas que vem a estas partes fazer suas fazendas, comprão grande numero de gente e a levão cativa para seos reinos, desnaturando os japões de sua patria, de seos parentes, filhos e amigos, e isto hé couza insufrivel. Pelo que o Padre faça que todos os japoens que athé agora se venderão, para a India e para outras partes remotas, sejam outra vez restituídos a Japão; e quando isto nam for possivel por estarem longe em reinos remotos, ao menos os que agora os portugueses tem comprados os ponhão em sua liberdade, e eu darei a prata que lhe custarão.”*¹⁰⁴³

[The third: I have heard that the Portuguese, the Siamese and the Cambodians who come to these parts to make their trade buy great number of people and take them captive to their kingdoms, displacing the Japanese from their country, their relatives, children and friends, and this is an unbearable thing. So the Father may have all the Japanese that have been sold up to now to India and other remote places to be brought back and restituted to Japan; and whenever this is not possible for them being in kingdoms too removed, at least those that have been bought now by the Portuguese must be freed, and I will give back the silver used to buy them.]

The third issue was also Hideyoshi's last offer to the priests. He explains that Portuguese, Siamese and Cambodians were acquiring large numbers of people and taking them away from Japan. The consequence was that these Japanese were “*desnaturados*” [displaced] them from their land, and that was unbearable. One could interpret this as the result of a moral struggle, as if the Kanpaku would be suffering to hear that his own people was being mistreated and taken away from Japan.

¹⁰⁴³ HJ IV, p. 402.

However, the following sentences of the proposal shed some light on the objective of the Japanese ruler. Hideyoshi asks Coelho to use his influence to bring back Japanese that had been sold up to that moment to India – *Tenjiku* 天竺, for the Japanese at that time – and other remote areas. They were to be *restituted* to Japan, and this term is key to understand how the priests visualized Hideyoshi's understanding in regard to the situation and its seriousness.

Restitution was a grave matter for Christian moral theology and casuistry at that time. According to Thomas Aquinas, restitution meant the return of something unjustly taken to its former owner. It was the return of the possession and dominion over something that had been taken away, reestablishing the necessary equality and balance for penance and absolution.¹⁰⁴⁴ The fact Fróis chose this word to describe Hideyoshi's offer could indicate that this was not a matter of asking the Portuguese to simply return Japanese slaves. Instead, the priests understood that Hideyoshi was asking for sold individuals to be returned in order to restore the original order and repair the damage provoked on the Japanese republic by slave traders in Japan. For the priests, it seemed Hideyoshi saw the issue as unjust, and that he did not condone the practice.

Fróis was, in fact, explaining his audience that Hideyoshi's was poised to demand the return of people who were displaced by events such as war, kidnapping, or even people who had voluntarily fled their village. This kind of order has been known in Japanese historiography as *hitogaeshirei* 人返令.¹⁰⁴⁵ Japanese researchers tend to understand this type of provision as a demand for the return of war prisoners. It could be an order included in the articles of laws such as the *kinzei* 禁制, especially since the 1570s.¹⁰⁴⁶ However, Fujiki Hisashi explains that the *kinzei* originally worked in a slightly different way than a demand for the return of prisoners. The purpose of this kind of law was to guarantee the necessary safety for a village or locality that would negotiate with a military leader before the conflict began. The provision would then work to assure the return of any prisoners who happened to have been taken away during a battle. The village still had to negotiate a ransom, but any ransomed prisoners would be safely returned to their villages.¹⁰⁴⁷ Nevertheless, as shown by Kobayashi Seiji, Hideyoshi changed his legislative method in this period. Before defeating the Shimazu clan, Hideyoshi used to include provisions such as these in his *kinzei*. But after the rulers of Satsuma surrendered, he started to order the return of prisoners after battles ended in different types of law, such

¹⁰⁴⁴ *Summa Theologiae*, IIa IIae q. 61. See also HUTSON, Lorna. *The Invention of Suspicion: Law and Mimesis in Shakespeare and Renaissance Drama*. Oxford: Oxford University Press, 2007, p. 51; LEA, Henry Charles. *A History of Auricular Confession and Indulgences in the Latin Church*. 3 vol. Philadelphia: Lea Brothers & Co., 1896, pp. 43-63.

¹⁰⁴⁵ FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, pp. 47.

¹⁰⁴⁶ *Idem*, pp. 68-9.

¹⁰⁴⁷ FUJIKI Hisashi. *Asahi Hyakka Nihon no Rekishi Bessatsu Rekishi wo Yominaosu 15 Shiro to Kassen*. Tokyo: Asahi Shinbunsha, 1993, p. 70.

as *sadame* 定, or *jōjō* 条々. The Kanpaku would demand captives to be returned to their original places, thus eliminating the negotiation for ransom and turning it into a binding process. After defeating the Shimazu, Hideyoshi ordered in April of 1587 that the clan returned commoners – *hyakushō* 百姓 – and others to their original places. His laws had a double effect: they forced the return of prisoners, as well as guaranteed the safety of prisoners during their return in order to avoid captives being evaded to different destinations.¹⁰⁴⁸

Fujiki Hisashi demonstrated that a *hitogaeshirei* was mainly a kind of contract between local authorities, regardless of more general legal codes. It aimed at restoring and maintaining the relation between a local lord – *jinushi* 地主 – and croppers – *kosaku* 小作. Some *daimyō* had almost unrestricted agreements regarding the return of people, as for example between the Yasaka 八坂 and the Nagahiro 永弘 clans. These provisions gradually came to become local laws – *kokuhō* 国法 – during the 1550s and 1570s.¹⁰⁴⁹ Hideyoshi's decision to demand the return of Japanese purchased by the Portuguese was an extension of this process.

Furthermore, recent research has shown that the connection between orders such as the *hitogaeshirei* and the economic situation of a fief are deeper than thought before. Complementing Fujiki's interpretation, Noritake Yūichi showed that while commoners – *hyakushō* 百姓 – were responsible for crops, local authorities were responsible for providing the appropriate conditions for these laborers to produce. And the order for return of laborers to one's fief was one of the necessary maneuvers to guarantee these conditions. These people could be displaced not only by conflict or kidnappings, but also by fleeing economic and social conditions.¹⁰⁵⁰ These were moves occurring in all Japanese territory and were not restricted to areas of Kyushu.

Hideyoshi's proposal was to ask the Portuguese to bring back captives and guarantee that there would be no prisoners disappearing in the middle of the way until they reached their final destinations in Japan. The war had ended in Kyushu, the Kanpaku was apparently working with all the politically representative groups of the region to establish a viable balance of power in the island. The Jesuits, the Portuguese and the Christian *daimyō*, represented by Takayama Ukon, were one of these groups, which could

¹⁰⁴⁸ KOBAYASHI Seiji. *Hideyoshi Kenryoku no Keisei*. Tokyo: Tōkyō Daigaku Shuppankai, 1994, pp. 246, and 311-2.

¹⁰⁴⁹ FUJIKI Hisashi. *Sengoku Shakai Shiron*. Tokyo: Tokyo Daigaku Shuppankai, 1974, pp. 74, 103, 220, .

¹⁰⁵⁰ NORITAKE Yūichi. *Sengoku Daimyō Ryōgoku no Kenryoku Kōzō*. Tokyo: Yoshikawa Kōbunkan, 2005, pp. 264-9. See also ASAKURA Naomi. "Go-Hōjō Ryōgoku no Hitogaeshi ni Kansuru Ikkōsatsu." In: TOKORO Rikio (ed.). *Sengoku Daimyō kara Shōgun Kenryoku he*. Tokyo: Yoshikawa Kōbunkan, 2000, p. 111-26.

collectively be called *Kirishitan-tō* キリシタン党, as wrote Anno Masaki.¹⁰⁵¹ Their activities seemed to have enough impact to make Hideyoshi summon them and negotiate these edicts.

Furthermore, Hideyoshi's proposal included that, if the Priests could not order those slaves that had been sold up to that moment to be brought back to Japan, then the Kanpaku ordered those that had been sold to the Portuguese in that year to be freed. The ruler could not fathom the distance travelled by the Japanese that had been sold before. But he surely knew that Portugal was a far-removed kingdom, as he had interrogated the priests before on why they travelled years just in order to work in the Japanese mission. Thus, Hideyoshi, imagining that some of the slaves could not be brought back due to the distance, ordered that at least captives acquired by the merchants that had come on board of Domingos Monteiro's ship were to be freed. The fact that Hideyoshi offers himself to pay for the money they had used to buy the slaves is also an interesting detail. If Fróis's chronicle is correct, it shows that the ruler understood the limits of his power over foreign merchants. While Hideyoshi had enough jurisdiction to force local *daimyō* to return prisoners, according to the Jesuit's expectations he could not force enslaved men and women to be brought back without returning the initial investment made by the Portuguese.

Coelho's replied that slavery was one of the main issues he wished to discuss with Hideyoshi. He said he wanted to obtain from the Kanpaku a severe prohibition to put a stop to the trade not only between Japanese and Portuguese, but also between the Japanese themselves. According to the priest, he felt that the trade was something morally detrimental to the Japanese – *grande discredito e abatimento de gente de tanto primor e honra* [great discredit and humiliation to a people of such great excellence and honor]. Coelho explained also that the abuses were common in Kyushu, but not in central or eastern Japan, and that the priests had worked hard to try to stop the slave trade, although attained no success. According to the Vice-Provincial, the Kanpaku should focus his legislative efforts on controlling those local rulers who allowed the trade to go on. Coelho's idea was that legislation would be more effective if prohibition were directed to the *daimyō*, not the Portuguese. As explained by the Jesuit, the Portuguese were buying slaves only because the Japanese were selling them. In fact, considering the Jesuits were enacting permits or licenses to sell temporary servants such as Gaspar Fernandes, the Japanese man sold in Nagasaki to a Portuguese merchant in mid-1580s, banning the human trafficking could have no effect on the hiring of Japanese *hōkōnin* by the Portuguese. Considering that possibility, the Jesuits would rather gain a more central role

¹⁰⁵¹ ANNO Masaki. *Bateren Tsuihōrei – 16 Seiki Nichiō Taiketsu*. Tokyo: Nihon Editor's School Shuppanbu, 1989, pp. 202-5.

in negotiation Japanese servants with Portuguese merchants, as other local traders would be impeded to freely sell slaves to foreigners.¹⁰⁵²

In conclusion, the interrogatory sent by Hideyoshi shows that the ruler was more concerned with economic aspects and the impact of the way Jesuits acted in Japan rather than moral issues. The depletion of the fields of Kyushu from human and animal labor force was a serious issue to the local economy. This conclusion overturns what has been stated by the previous historiography, since Okamoto, who defended that Hideyoshi, upon arriving in Kyushu, discovered for the first time the horrors of the slave trade and, moved by anger, ordered its suspension.¹⁰⁵³ However, as we saw before, the practice was much older and most certainly known in the whole archipelago, although apparently restricted to Kyushu. Because the Kanpaku consolidated his rule over the island, conditions were favorable for him to enact such orders.

The Kanpaku made three irrefutable offers to the Jesuits, effectively establishing the conditions for them to stay in the archipelago. However, Gaspar Coelho dismissed the concerns Hideyoshi had in regard to the consequences of conversion, cattle meat consumption and the slave trade. He ignored the proposal, rather trying to keep the negotiation and explain the Jesuits' reasons. Coelho tried to keep things as they were, in order to maintain the freedom enjoyed by missionaries and their political networks. Coelho may have sub estimated Hideyoshi's intentions and powers – it may be an understandable reaction, given the political volatility that was so characteristic of Japanese administration in the period. Coelho may have thought of Hideyoshi as just one more ruler trying to unify Japan, that would fail and fall in the end. But the Kanpaku represented a deeper change in the way Japan was ruled. Because Coelho ignored his proposals, the Kanpaku had to choose the harsher alternative and enact the edict expelling the priests.

The issues discussed by Hideyoshi's envoys with Coelho were included in the edict and the memorandum the Kanpaku enacted at that same time. If we consider this discussion as a continuation of the talks the Jesuits, the Portuguese captain Domingos Monteiro, the Christian lord Takayama Ukon and Hideyoshi had during that month of July, then we may understand the process as a failure on the part of the Jesuits in the negotiations. The result was their expulsion from Japan. Even though Fróis and other contemporary sources, as well as many historians since at least the nineteenth century, try to understand why Hideyoshi changed his mind in relation to the missionaries, it seems that there was no change of attitude *per se*. The negotiations went sour, the Jesuits did not

¹⁰⁵² HJ IV, p. 403.

¹⁰⁵³ See OKAMOTO Yoshitomo. *Jūroku Seiki Nichiō Kōtsūshi no Kenkyū*. Tokyo: Kōbunsō, 1936, p. 734. Nelson shares the same opinion, although he does not cite Okamoto. NELSON, Thomas. "Slavery in Medieval Japan". In: *Monumenta Nipponica*, vol. 59, No. 4 (Winter, 2004), p. 465.

manage to keep their liberties, and Hideyoshi gave more importance to the local economic impact of the actions of the missionaries.

The Kanpaku signed two documents regulating the actions of the Jesuits in Japan and the trade between Portuguese and Japanese merchants in Kyushu. The two sources – an 11-article memorandum signed in the 18th day of the sixth month and a 5-article edict signed in the 19th day of the sixth month – have survived in various forms and reached us. On the next section we will analyze the type of documents the memorandum and the edict are to understand the possible impact they had on the slave trade.

A memorandum and an edict

According to Japanese historiography, Toyotomi Hideyoshi enacted two legal texts regarding the Jesuits in Japan and the trade with the Portuguese in 1587. The first was an *oboe* 覚, or memorandum, dated 18th of the sixth month of Tenshō 15 – July 23rd which had eleven articles fundamentally restricting the activities of the priests and regulating the commercial activities of Portuguese merchants including the slave trade. The second document was a *sadame* 定, or edict, dated 19th of the same month – July 24th – with five articles forbidding Christianity in Japan, expelling the Jesuits, and separating trading issues from religious matters. There are many interpretations regarding the relationship between both texts, their effects on the Japanese-Portuguese relations, the context in which they were enacted and the identity of their addressees.¹⁰⁵⁴ Here, we will make a formal analysis of the two sources and read both against the context in which they were elaborated.

The first text is the eleven-article memorandum. This source was discovered by Kuwata Tadachika in 1933 and first published by Watanabe Yōsuke six years later. Watanabe readily took notice of the difference in the tone used by the Kanpaku when compared to the edict enacted the following day.¹⁰⁵⁵ Since its discovery, at least other four other copies have been found. Anno Masaki points out that none of them are the

¹⁰⁵⁴ To list the historians that dealt into the analysis of these two documents and their relation to the history of Portuguese-Japanese relations would be a task that goes beyond the proposal of this thesis. For an example of two summaries of the many historical interpretations of these texts, see MATSUDA Kiichi. *Ōmura Sumitada Den*. Tokyo: Kyōbunkan, 1978, pp. 242-3; and ANNO Masaki. *Bateren Tsuihōrei – 16 Seiki no Nichiō Taiketsu*. Tokyo: Nihon Editor's School Shuppanbu, 1989, pp. 111, 130, 159-60, and 187-202. A more up-to-date review of the state of the discussion is given in SHIMIZU Yūko. "Hideyoshi ha naze Kiristukyō wo Kinshi shita no ka?". In: NIHONSHI Shiryō Kenkyūkai (ed.). *Hideyoshi Kenkyū no Saizensen – Koko made wakatta 'Tenkabito' no Jitsuroku*. Tokyo: Yōsensha, 2015, pp. 217-27.

¹⁰⁵⁵ 我が史料より見たる戦国時代東西交渉史」 [WATANABE Yōsuke. "Waga Shiryō yori Mitaru Sengoku Jidai Tōzai Kō shōshi." In: SHIGAKKAI (org.). *Tōzai Kōshō Shiron Jōkan*. Tokyo: Fuzanbō, 1939, pp. 40-7.

original, the oldest one being a copy made in 1696.¹⁰⁵⁶ The transcription below is based on the codex *Sanbō Kaigō Kiroku*, now accepted as the closest to the original and which was used in a recent compilation of documents enacted or written by Hideyoshi.¹⁰⁵⁷

¹⁰⁵⁶ ANNO Masaki. *Bateren Tsuihōrei – 16 Seiki no Nichiō Taiketsu*. Tokyo: Nihon Editor's School Shuppanbu, 1989, pp. 187-90.

¹⁰⁵⁷ NAGOYA-SHI Hakubutsukan (ed.). *Toyotomi Hideyoshi Monjoshū – San, Tenshō Jūyon kara Tenshō Jūroku*. Yoshikawa Kōbunkan, 2017, p. 143.

覚

- 一 伴天連門徒之儀ハ、其者之可為心次第事、
- 一 国郡在所を御扶持ニ被遣候を、其知行中之寺庵百姓已下を、心さしも無之所、押而給人伴天連門徒可成由申、理不尽成候段、曲事候事、
- 一 其国郡知行之義、給人被下候事ハ、当座之義ニ候、給人ハかはり候といへ共、百姓ハ不替もの候条、理不尽之義、何かに付て於有之ハ、給人を曲事可被仰出候間、可成其意候事、
- 一 式百町、二三千貫方上之者、伴天連ニ成候ニおゐてハ、奉得 公儀御意次第成可申候事、
- 一 右之知行より下を取候者ハ、八宗九宗之義候条、其主一人宛ハ心次第可成事、
- 一 伴天連門徒之儀ハ、一向宗方も外ニ申合候由、被聞召候、一向宗其国郡ニ寺内をして、給人ハ年貢を不成、並加賀国一国门徒ニ成候而、国主之富輕を追出、一向衆之坊主もとへ令知行、其上越前迄取候而、天下之さはりニ成候儀、無其隠候事、
- 一 本願寺門徒、其坊主天満ニ寺を立させ、雖免置候、寺内ニ如前々ニハ不被仰付事、
- 一 国郡又ハ在所を持候大名、其家中之者共を伴天連門徒押付成候事ハ、本願寺門徒之寺内を立て候よりも不可然義候間、天下之さわり可成候条、其分別無之者ハ、可被加御成敗候事、
- 一 伴天連門徒心さし次第二下々成候義ハ、八宗九宗之儀候間、不苦事、
- 一 大唐・南蛮・高麗へ日本仁を売遣候事可為曲事、付日本ニおいてハ人之売買停止之事、
- 一 牛馬を売買、殺し食事、是又可為曲事事、

右条々堅被停止畢、若違犯之族有之者、忽可被処嚴科者也、

天正十五年六月十八日

The title of the document, *oboe* 覚, has been traduced as “notice” or “memorandum;” we prefer the latter as it is known in English by most historians.¹⁰⁵⁸ Next is our translation based on George Elison’s:¹⁰⁵⁹

[Memorandum

- Item. The matter of [becoming] a sectarian of the Bateren shall be the free choice of the individual concerned.
- Item. That enfeoffed recipients of provinces, districts, and estates should force peasants registered in [Buddhist] temples, and others of their tenantry, against their will into the ranks of the Bateren sectarians is unreasonable beyond words and is outrageous.
- Item. Provinces and stipends are granted in fief with tenure limited to the incumbent. The recipient may change; but the peasants do not change. In case of unreasonable demands exerted upon any point, the recipient will be held in contumely. Act accordingly.
- Item. Persons holding above 200 chō, 2 or 3 thousand kan, may become [sectarians of the] Bateren upon obtaining official permission, acceding to the pleasure [of the lord of the Tenka].
- Item. Persons drawing stipends below the aforementioned: in the matter of choice among the Eight Sects or Nine Sects, the head of the house shall decide as he pleases, for himself only.
- Item. The Bateren sectarians, it has come to the attention [of the lord of the Tenka], are even more given to conjurations with external elements than the Ikkō Sect. The Ikkō Sect established temple precincts in the provinces and districts and did not pay the yearly dues to their enfeoffed recipients. Moreover, they made the entire Province of Kaga into [Ikkō] sectarians, chased our Togashi, the lord of the province, delivered the stipend over to bonzes of the Ikkō Sect, and, beyond that, even took over Echizen. That this was harmful to the Tenka is the undisguisable truth.
- Item. The bonzes of the Ikkō sectarians had temples built in every cove and inlet. Though they have been pardoned, they no longer regulate matters in their temple precincts in the same manner as before.

¹⁰⁵⁸ ŌHASHI Yukihiro. “New Perspective on the Early Tokugawa Persecution”. In: BREEN, John and WILLIAMS, Mark (ed.). *Japan and Christianity: Impacts and Responses*. London and New York: McMillan Press and St. Martin’s Press, 1996, pp. 52-3.

¹⁰⁵⁹ ELISON, George. *Deus Destroyed*. Cambridge (US): Harvard University Press, 1973, pp. 117-8.

- Item. That daimyō possession of provinces and districts or of estates should force their retainers into the ranks of the Bateren sectarians is even more undesirable by far than the Honganji sectarians' establishment of temple precincts and is bound to be of great harm to the Tenka. These individuals of no discretion shall be subject to chastisement.
- Item. Bateren sectarians by their free choice, [insofar as they] are of the lower classes, shall be unmolested, this being a matter of Eight Sects or Nine Sects.
- Item. The sale of Japanese to China, South Barbary, and Korea shall be considered criminal, as in Japan trade in human beings is prohibited.
- Item. Trade and slaughter of cattle and horses for use as food shall also be considered criminal.

The above items shall rest under strict prohibition. Any transgressor shall immediately be put to severe punishment.

Eighteenth day of the sixth month of the fifteenth year of Tenshō [23 July 1587].]

The gist of this document, in the classical reading of the Japanese historiography, has been summarized recently by historian Shimizu Yūko. She explains the main purpose of this memorandum was to forbid local authorities – *kyūnin* 給人 – to forcibly convert to Christianity people living in their lands. This can be seen on articles 1 through 3 and 6 through 9. Concurrently, articles 4 and 5 limit the freedom of conversion for high profile warriors. Lastly, article 10 forbids the exportation of slaves to China, Korea and the *Nanban* countries, while article 11 forbids the commerce and consumption of cow and horse meat. While a first reading may suggest that Hideyoshi was granting freedom of conversion – as article 1 may indicate – the document was in fact criticizing forced conversions by local lords. The memorandum effectively compares the Jesuits' work with the monks of the Honganji sect. These monks did not pay their taxes and expelled local authorities, becoming a real threat to the centralization of authority in Japan. Hideyoshi explains that the forced conversions were a larger threat than the acts of the Honganji sect.¹⁰⁶⁰

¹⁰⁶⁰ SHIMIZU Yūko. "Hideyoshi ha naze Kiristukyō wo Kinshi shita no ka?". In: NIHONSHI Shiryō Kenkyūkai (ed.). *Hideyoshi Kenkyū no Saizensen – Koko made wakatta 'Tenkabito' no Jitsuroku*. Tokyo: Yōsensha, 2015, pp. 217-8.

The second document is the edict enacted on the 19th day of the sixth month of Tenshō 15 – July 24th 1587. The original text in Japanese reads as follows.¹⁰⁶¹

定	一 日本ハ神国たる処、きりしたん国より邪法を授候儀、太以不可然候事。 一 其国郡之者を近付門徒になし、神社仏閣を打破之由、前代未聞候、国郡在所知行等給人に被下候儀者当座之事候、天下よりの御法度を相守、諸事可得其意処、下々として猥義曲事事、 一 伴天連其智恵之法を以、心さし次第二檀那を持候と被思召候へハ、如右日域之仏法を相破事曲事候条、伴天連儀、日本之地ニハおかせられ間敷候間、今日より廿日之間ニ用意仕可帰国候、其中に下々伴天連に不謂族申懸もの之ハ、曲事たるへき事、 一 黒船之儀ハ商買之事候間、各別に候之条、年月を経、諸事売買いたすへき事、 一 自今以後仏法のさまたけを不成輩ハ、商人之儀ハ不及申、いつれにてもきりしたん国より往還くるしからず候条、可成其意事、 已上
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天正十五年六月十九日

The five-article edict has been translated before to English, as for example in George Elison’s “*Deus Destroyed*” and David J. Lu’s “*Japan: A documentary history*”.¹⁰⁶² Most recently, the series “Sources of Japanese Tradition” has included an updated translation which we reproduce here.

“DECREE

¹⁰⁶¹ NAGOYA-SHI Hakubutsukan (ed.). *Toyotomi Hideyoshi Monjoshū – San, Tenshō Jūyon kara Tenshō Jūroku*. Yoshikawa Kōbunkan, 2017, pp. 143-4.

¹⁰⁶² ELISON, George. *Deus Destroyed*. Cambridge (US): Harvard University Press, 1973, pp. 115-6; LU, David J. *Japan: A documentary history*. New York: An East Gate Book, 1997, pp. 185-6.

1. *Japan is the Land of the Gods. That a pernicious doctrine should be diffused here from the Kirishitan Country is most undesirable.*
2. *To approach the people of our provinces and districts, turn them into [Kirishitan] sectarians, and destroy the shrines of the gods and the temples of the Buddhas is something unheard of in previous generations. Whereas provinces, districts, localities and fiefs are granted to their recipients temporarily, contingent on the incumbent's observance of the laws of the realm and attention to their intent in all matters, to embroil the common people is miscreant.*
3. *In the judgement of His Highness, it is because the Bateren amass parishioners as they please by means of their clever doctrine that the Law of the Buddhas is being destroyed like this in the Precincts of the Sun. That being miscreant, the Bateren can scarcely be permitted to remain on Japanese soil. Within twenty days from today they shall make their preparations and go back to their country. During this time, should anyone among the common people make unwarranted accusations against the Bateren, it shall be considered miscreant.*
4. *The purpose of the Black Ships is trade, and that is a different matter. As years and months pass, trade may be carried on in all sorts of articles.*
5. *From now on hereafter, all those who do not disturb the Law of the Buddhas (merchants, needless to say, and whoever) are free to come here from the Kirishitan Country and return. Be heedful of this.*

That is all.

*Tenshō 15.VI.19*¹⁰⁶³

The five-article edict was the document given to Domingos Monteiro on July 25th, one day after it had been written. Fróis promptly included a full translation in his annual letter sent to Europe in 1587 and in his *Historia de Japam*. The chronicler indicated the title of the decree as “*determinação*”, which is exactly the translation given for *sadame* by the *Nippo Jisho*. There are two Japanese copies of the original document that survived to our days.¹⁰⁶⁴ Even though the Japanese document lacks Hideyoshi's vermilion seal, Fróis translation indicates that it had a vermilion seal. The transcription included in the

¹⁰⁶³ De BARY, Wm. Theodore, GLUCK, Carol, and TIEDEMANN, Arthur E. *Sources of Japanese Tradition*, Second Edition, Volume Two: 1600 to 2000, Abridged, Part One: 1600-1868. New York: Columbia University Press, 2006, pp. 145-6.

¹⁰⁶⁴ See both in NAGOYA-SHI Hakubutsukan (ed.). *Toyotomi Hideyoshi Monjoshū – San, Tenshō Jūyon kara Tenshō Jūroku*. Yoshikawa Kōbunkan, 2017, pp. 143-4.

Kido Kiyotane's *Buzen Oboegaki* also gives the same indication.¹⁰⁶⁵ Other contemporary transcriptions of the edict include sources such as the *Kyūshū Jōun-Ki* 九州紹運記, also known as the *Takahashi Jōun-Ki* 高橋紹運記; the *Nagasaki Kongen-Ki* 長崎根元記; the *Ōsaka Jōchū Kabegaki* 大阪城中壁書, and others.¹⁰⁶⁶

One very interesting point concerning the edict is the phrasing at the beginning: *Nihon ha Shinkoku taru* 日本は神国たる, “Japan is the Land of the Gods”. Effectively, the word *shinkoku* was an old ideological mantra of Japanese politics. According to Takagi Shōsaku, it was first used in the *Chronicles of Japan*, or *Nihon Shoki* 日本書紀, written in 720. In the chronicles, Empress Jingū invades the Korean Peninsula, upon which the monarch of Silla allegedly said that “the country to the east was Japan, the land of the Gods” [東に神国有り。日本と謂ふ]. The expression was repeatedly used to reiterate Japan’s position as a main player in international politics under the eastern Asian world order centered in China.¹⁰⁶⁷ Kitabatake Chikafusa, author of the medieval text *Jinnō Shōtō-Ki* 神皇正統記 (*Chronicle of the Direct Descent of Gods and Sovereigns*) explains the expression in the following way:

「大日本者神国也、天祖ハジメテ基ヲヒラキ、日神ナガク統ヲ伝給フ。我国ノミ此事アリ。異朝ニハ其タグヒナシ。此故ニ神国ト云也」

“Japan is the divine country. The heavenly ancestor it was who first laid its foundations, and the Sun Goddess left her descendants to reign over it forever and ever. This is true only of our country, and nothing similar may be found in foreign lands. That is why it is called the divine country.”¹⁰⁶⁸

The editors of the “Sources of Japanese Tradition” collection explain that Kitabatake’s work was not only a history of Japan since its divine inception up to the fourteenth century, but also a political tract.¹⁰⁶⁹ The text has defined the legitimacy of the

¹⁰⁶⁵ KIDO Kiyotane (aut.), KAWAZOE Shōji (ed.). *Hakata Chikuzen Shiryō Buzen Oboegaki*. Tokyo: Bunken Shuppan, 1980, pp. 56-7.

¹⁰⁶⁶ ANNO Masaki. *Bateren Tsuihōrei – 16 Seiki no Nichiō Taiketsu*. Tokyo: Nihon Editor’s School Shuppanbu, 1989, pp. 108-9. For the *Kyūshū Jōun-Ki*, see KONDŌ Heijō (ed.). *Shiseki Shūran*, Vol. 15. Tokyo: Kondō Kappansho, 1902, pp. 491-564 – the edict is transcribed at p. 556-7; for the *Nagasaki Kongen-Ki*, see Kaihyō Sōsho. Vol. 4. Tokyo: Seizandō Shoten, 1985; for the edict in the *Ōsaka Jōchū Kabegaki*, see MINAMOTO Ryōen et alli (org.). *Koten Taikei Nihon no Shidō Rinen 4, Sōgyō no Shoshin 1, Chitsujo aru Jidai wo Motomete*. Tokyo: Daiichi Hōki Shuppan, 1983, p. 156.

¹⁰⁶⁷ TAKAGI Shōsaku. *Shōgun Kenryoku to Tennō – Hideyoshi, Ieyasu no Shinkokukan*. Tokyo: Aoki Shobō, 2003, pp. 7-8.

¹⁰⁶⁸ DE BARY, William Theodore, KEENE, Donald, TANABE, George, and VARLEY, Paul (ed.). *Sources of Japanese Tradition, Second Edition, Volume One: From Earliest Times to 1600*. New York: Columbia University Press, 2001, p. 358.

¹⁰⁶⁹ *Idem*.

emperor because of his divine ancestry and made a distinct difference between the national political unity and other foreign polities.

According to Anno Masaki, Fróis understood the sentence as “Japan, land of the Gods,” thus reiterating the opposition of Japanese creeds against the Christian religion. While the modern translation of the Japanese word *kami* 神 certainly is “god”, thus reiterating the contrasting differences between Japan as the land of the Gods and the country where the Christian God of the Jesuits ruled, its meaning has changed. The word used to indicate a respectful way of referring to living beings, thus *shinkoku* would indicate a boastful way of referring to Japan itself, as a polity, in contrast with the *Kirishitan Country*. It is a way of comparing two political entities, rather than two beliefs. In the case of Hideyoshi, the Kanpaku may have meant that Japan was “the wonderful land of the Emperor”, in a reference to his own political project. As the edict was enacted right after Hideyoshi completed the unification of Kyushu by defeating the Shimazu, the sentence comes as a reference to the restoration of the old order in the island under control of the Emperor and, subsequently, the Kanpaku.¹⁰⁷⁰ Takagi also indicates the importance of the political ideology of medieval Japan as a main motif for the enactment of the edict. The Japanese historian writes that, in their times, both Hideyoshi and Tokugawa Ieyasu – Kanpaku and Shōgun, respectively – prohibited and persecuted Christianity and Christians because it meant a threat to the very foundations of human relations in Japan, as a country based on the divinity of the Emperor. As stated by both, Japan’s peace and order, as well as its role in the larger scheme of international relations in East Asia, depended on the *shinkoku* ideology and, consequently, the prevalence of Shintoism and Japanese Buddhism.¹⁰⁷¹

The argument is reiterated by Shimizu Yūko’s observations on the view Hideyoshi had of foreigners.¹⁰⁷² She indicates that Fróis had previously registered Hideyoshi referring to himself as the helmsman of Japan, as well as the ruler’s concerns towards the side effects of cattle meat consumption and the slave trade on the domestic economy. She also points out Hideyoshi’s preoccupation with an invasion of Japan by the Portuguese, as well as the “spiritual control” Jesuits had over converts, threatening the Japanese central authority’s legitimacy. Finally, Shimizu reminds that Hideyoshi had ordered the construction of a giant Buddha statue in Kyoto the year before, thus while he was concerned on reinforcing the centrality of his power through religious ideology,

¹⁰⁷⁰ ANNO Masaki. “Bateren Tsuihōrei Saikō”. In: Kurosuwaado, 2. Hirosaki: Hirosaki University, 2000, pp. 4-5.

¹⁰⁷¹ TAKAGI Shōsaku. *Shōgun Kenryoku to Tennō – Hideyoshi, Ieyasu no Shinkokukan*. Tokyo: Aoki Shobō, 2003, pp. 7-8.

¹⁰⁷² Classical Japanese historiography considered that Hideyoshi saw the missionaries as an obstacle to the unification of the country. See SHIMIZU Yūko. “Hideyoshi ha naze Kiristukyō wo Kinshi shita no ka?” In: NIHONSHI Shiryō Kenkyūkai (ed.). *Hideyoshi Kenkyū no Saizensen – Koko made wakatta ‘Tenkabito’ no Jitsuroku*. Tokyo: Yōsensha, 2015, p. 224.

Christian converts destroying temples and sanctuaries in Kyushu represented a movement on the opposite direction of his plans.¹⁰⁷³

We may add that the expression “Japan is the Land of the Gods” had been used by other previous central authorities as well. In the beginning of the Kamakura Bakufu, Minamoto-no-Yoritomo 源頼朝 wrote in March of 1584 the phrase *Wagachō wa Shinkoku nari* 「我朝者神国也」 [Our country is the Land of the Gods]. It would be repeatedly used in diaries, letters and other documents of the period. The continuous use of the expression served, at the time, to reiterate the political importance of Shintoism and the Grand Shrine of Ise at times of crisis, as for example during the two failed Mongolian invasions of Japan.¹⁰⁷⁴ Thus, the presence of the *shinkoku* ideology in Hideyoshi’s edict does also historically reflect a concern for the integrity of the country and its ideological unification.

In reality, Fujiki Hisashi explains that the expression was one of the very first instances where we can see the beginning of Hideyoshi’s plan and the direction he was considering for his national and foreign policy. As the Kanpaku prepared the country for the invasion of Korean and China, the use of the phrase “Land of the Gods” reiterated his understanding of which international players mattered in international politics. The same can be said for his way to refer to the Ming Empire as *Daitō* 大唐 and the land of Southern Foreigners as *Nanban* 南蛮.¹⁰⁷⁵

Another main concern of historiography has been the relationship between both sources. The classical interpretation according to Japanese historiography is that the memorandum was elaborated with the local *daimyō* in mind, while the edict was addressed to the missionaries. The difference in the dates is explained as a gradual change of Hideyoshi’s policies towards those pressing issues concerning Christianity such as, for example, the forced conversions of Japanese men and women.¹⁰⁷⁶

The 11-article memorandum, however, has been seen as a highly problematic source by Japanese historiography, which led to a heated debate from the 1970s through the 1990s.¹⁰⁷⁷ Most of these issues have been solved, and the as Takayama Ukon had met

¹⁰⁷³ *Idem*, pp. 224-7.

¹⁰⁷⁴ KAMATA Jun’ichi. *Chūsei Ise Shintō no Kenkyū*. Tokyo: Yagi Shoten, 1998, pp. 26-7, and 43.

¹⁰⁷⁵ FUJIKI Hisashi. *Oda, Toyotomi Seiken*. Tokyo: Shōgakusan, 1975, pp. 217-20.

¹⁰⁷⁶ KODAMA Kōta and SASAKI Junnosuke (ed.). *Shinpan Shiryō ni yoru Nihon no Ayumi – Kinsei hen*. Tokyo: Yoshikawa Kōbunkan, 1996, p. 17.

¹⁰⁷⁷ See MIKI Seiichirō. “Kirishitan Kinrei wo Megutte.” In: *Nihon Rekishi*, n. 308. Tokyo: Yoshikawa Kōbunkan, 1974, pp. 92-105; ANNO Masaki. *Bateren Tsuihōrei – 16 Seiki no Nichiō Taiketsu*. Tokyo: Nihon Editor’s School Shuppanbu, 1989, p. 192; MIKI Seiichirō. “Kirishitan Kinrei no Saikentō.” In: *Kirishitan Kenkyū*, n. 23. Tokyo: Yoshikawa Kōbunkan, 1983, pp. 123-5; HIRAI Seiji. “Goshuin Shishoku Kokaku’ to Yamada Sanbō.” In: *Komonjo Kenkyū*, n. 25. Tokyo: Nihon Komonjo Gakkai, 1986, pp. 68-70; IWASAWA Yoshihiko. “Toyotomi Hideyoshi no Bateren Seibai Shuinjō ni tsuite.” In: *Kokugakuin Zasshi*, n. 80, 11. Tokyo: Kokugakuin Daigaku, pp. 264-7; SHIMIZU Hirokazu. *Shokuhō Seiken to Kirishitan – Nichiō*

Hideyoshi days before the memorandum was elaborated, it is highly probable the memorandum was the result of failed negotiations between the Christian daimyō and the Kanpaku. Both Hirai Seiji and Fujiki Hisashi support the provision forbidding the slave trade was addressed to the Japanese, not to foreigners.¹⁰⁷⁸ Thus, the export of Japanese slaves was hindered as a consequence of the main prohibition. Because of that, we understand Hideyoshi had in fact followed Coelho's advice, and acted to curtail the slave trade with legal actions aimed at Japanese rulers rather than foreign merchants.

Nevertheless, considering the liberty the missionaries enjoyed before July 1587, the 5-article edict was the worst of the possible results of the negotiation. It managed to take from the missionaries' control the Portuguese trade, by allowing merchants and others to keep coming to Japan as long as they did not intend to propagate the Christian religion. However, the effects of Hideyoshi's policies on the slave trade between Japanese and Portuguese merchants has to be considered separately from these issues. That is the theme of the next section.

Regulating the slave trade

For the Jesuits, the result of the Kanpaku's policies was the start of the repression against Christians. Reinier Hesselink explains that various headmen of Nagasaki's wards tried to meet Hideyoshi to see what the Kanpaku intended to do about their city, but the ruler refused to receive them. Instead, he sent two of his men to the city, to destroy its fortifications. The Jesuits then decided to stay under-cover, so as not to incite Hideyoshi's anger.¹⁰⁷⁹ They considered that until the day Hideyoshi died, they could not expand the community of converts in Japan because of the fear the Kanpaku had instigated in all local lords.¹⁰⁸⁰ However, Takase Kōichiro alerts to the fact that Hideyoshi's edict and the sequester of Nagasaki from the missionaries' control were not aimed at suppressing Christianity as a whole, or persecuting converts, but rather the beginning of his plan to control foreign trade. Hesselink agrees with this view, by reiterating that Hideyoshi's plan was to make a clear distinction between trade and religion, and that it is likely that he saw Nagasaki essentially as a *jinaichō* 寺内町, a temple town located in a major trade route.

Kōshō no Kigen to Tenkai. Tokyo: Iwata Shoin, 2001, pp. 292-3; IWASAWA Yoshihiko. "Toyotomi Hideyoshi no Bateria Seibai Shuinjō ni tsuite." In: *Kokugakuin Zasshi*, n. 80, 11. Tokyo: Kokugakuin Daigaku, p. 270; TAKASE Kōichirō. *Kirishitan no Seiki – Zabieru Tonichi kara Sakoku made*. Tokyo: Iwanami Shoten, 2013, pp. 155-6.

¹⁰⁷⁸FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, p. 47; FUJIKI Hisashi. *Sengoku Shakai Shiron*. Tokyo: Tokyo Daigaku Shuppankai, 1974, p. 44.

¹⁰⁷⁹ HESSELINK, Reinier H. *The Dream of Christian Nagasaki – World Trade and the Clash of Cultures, 1560-1640*. Jefferson, NC: McFarland & Company, 2016, p. 84.

¹⁰⁸⁰ *JapSin* 51, f. 158v.

Therefore, the Kanpaku “was treating Nagasaki as an important center of trade, which he wanted to preserve and if possible increase.”¹⁰⁸¹ In fact, when the missionaries had met the ruler in Yatsushiro a couple of months before the edict, Hideyoshi showed great interest in bringing the Portuguese trade to Sakai, right next to his headquarters in Osaka. As he could not achieve his objective, the Kanpaku rather decided to take Nagasaki as a whole.¹⁰⁸²

As for slavery, the Kanpaku showed great concern with the issue. On the seventh month of the 15th year of the Tenshō era, the following month after the edict was enacted, a chronicle entitled *Kyūshū Godōzaki* 九州御動座記 was completed.¹⁰⁸³ The document presents a chronology of the events that took place during Hideyoshi’s campaign to conquer the southern Japanese island. After a chronologically ordered first section, the author registers other facts that are not placed in the timeline. One passage registers in vivid colors the horror and gruesomeness of the slave trade between Japanese traders and Portuguese merchants as understood by Hideyoshi and his court. It reads as follows:

今度伴天連等能時分と思候て種々様々の宝物を山積弥一宗繁昌廻計略既後戸・平戸・長崎などゝてなんばん舟付毎ニ充滿シテ其国の国主をかたふけ諸宗を我邪法ニ引入、そののミならず日本仁を数百男女によらず黒舟へかい取、手足ニ鉄のくさりを付舟底へ追入、地獄の荷責ニもすくれ其上牛馬をかい取生ながら皮をはぎ坊主も弟子も手つから食し親子・兄弟も無礼儀上、今世より畜生道有様目前の様ニ相聞候。見るを見まねニ其近所の日本仁何も其姿を学、子をうり親をうり妻女をうり候由つくく被及聞召、右の一宗若後許容あらハ、忽日本外道の法ニ可成事案中候。然者仏法も王法も可相捨事を嘆被思召忝も大慈大悲被廻御思虜候て既ニ伴天連の坊主本朝追払の由被仰出候。

[Recently, Bateren and others have repeatedly loaded mountains of valuables of many types and qualities, being a sect which have advanced steadily in almost all of Goto, Hirado, Nagasaki and other areas, where they fill up Nanban

¹⁰⁸¹ HESSELINK, Reinier H. *Op. cit.*, p. 86.

¹⁰⁸² TAKASE Kōichirō. *Kirishitan Jidai no Bunka to Shosō*. Tokyo: Yagi Shoten, 2001, pp. 10-1.

¹⁰⁸³ The chronicle was first published by Shimizu Hirokazu as an appendix of his 2001 book. See SHIMIZU Hirokazu. *Shokuhō Seiken to Kirishitan – Nichiō Kōshō no Kigen to Tenkai*. Tokyo: Iwata Shoin, 2001, pp. 389-416.

ships and disturb local lords, converting them from various sects to their pernicious doctrine. Moreover, they purchase several hundreds of Japanese, regardless of sex, and take them aboard the black ships, putting iron shackles on their hands and feet and throwing them to the bottom of the ships. Their torment is worse than those in hell. Also, they purchase cows and horses, skin them alive and eat them with their bare hands, bonzes and apprentices alike. They have no courtesy between parents and children, or among brothers. It is said that hell has been made manifest on earth. Japanese who live nearby learn from them [Bateren] and mimic their behavior, and we often hear of them selling their children, selling their parents, selling their wives. If this sect is allowed, we imagine that Japan will be taken over by this foreign doctrine. If that happens, the law of Buddha and the law of the Emperor will be thrown away, which we believe would be a terrible thing. With infinite compassion and mercy, we already have ordered the expulsion of the bonzes of the Bateren sect from this country.]¹⁰⁸⁴

The description abounds in horror and awe. The horrific scenario described instantly reminds contemporary readers of the horrors of the slave trade between Africa and the Americas. However, there are issues that may be raised to question the text's accuracy. The chronicle sounds somewhat fantastic when describing the eating habits of the Portuguese. In fact, the description of Europeans as raw meat-eating monsters was quite common in East Asia. It appears in Chinese documents, as well as in the message transmitted from Hideyoshi to Gaspar Coelho before the missionaries were informed of the five-article edict.¹⁰⁸⁵ Thus, the chronicle's description of the slave trade as it happened in Nagasaki should be taken not as quantitative, but rather as a qualitative account. By hundreds, the author may be referring to the impact it had, or the horrific state in which a great number of Japanese – but not necessarily hundreds every year – would be thrown into.

Even though the *Kyūshū Godōzaki* may be read as a piece of text reflecting the “black legend” of the Portuguese in East Asia, it must not be ignored. That was, ultimately, the way Hideyoshi understood the situation, and his understanding is fundamental when considering legislative actions taken against human trafficking.

¹⁰⁸⁴ Although this translation is ours, we have followed some of the text by Nelson, who translated a shorter excerpt. NELSON, Thomas. “Slavery in Medieval Japan”. In: *Monumenta Nipponica*, vol. 59, No. 4 (Winter, 2004), p. 466.

¹⁰⁸⁵ The Dominican friar Gaspar da Cruz offers an account of the image the Chinese had regarding Portuguese merchants. See CRUZ, Frei Gaspar da (auth.) and LOUREIRO, Rui Manuel (ed.). *Tratado das Coisas da China (Évora, 1569-1570)*. Lisbon: Biblioteca editores Independentes, 2010, p. 177.

Besides the 11-article memorandum and the 5-article edict, Hideyoshi also acted against the Portuguese trade in 1587 by taking away the slaves they had acquired. Fróis writes:

*“E como rarissimamente [Hideyoshi] falla verdade, se não hé para com ella enganar alguém que cuida mentir-lhe, tendo dantes mandado dizer aos portuguezes que lhe mandaria a prata, pela qual tinham em a nao da China comprados alguns japoens, e que os puzessem em sua liberdade, depoés mandou que lhos tomassem, mas que lhe nam dessem nada, e assim se fez.”*¹⁰⁸⁶

[And as Hideyoshi rarely says the truth, unless it is to use it to deceive someone who he thinks might be lying to him, he told before to the Portuguese he would send the silver, which had been used to buy some Japanese that were in the ship of China, and to set them free, but later he ordered the Japanese to be taken away, and that nothing was to be given for them, and so was done.]

Hideyoshi did promise before to Gaspar Coelho that he would reimburse the Portuguese merchants in Hirado for the money they had spent buying slaves. But he failed to do so. As described by Fróis, it seems that upon returning to Sakai, the Kanpaku ordered the slaves to be taken by force. Considering the possible legal actions of this time, Fróis is probably referring a *hitogaeshirei* 人返令 enacted by Hideyoshi.¹⁰⁸⁷ However, the classic *hitogaeshirei* was aimed at commoners fleeing from conflict, punishment or other form of distress with or in the local society.¹⁰⁸⁸ The fact that the Portuguese were not reimbursed indicates that the Kanpaku was acting accordingly to his new policy regarding human trafficking. Hideyoshi's actions towards the *asservicement* of Japanese men and women, human trafficking and the bonding of commoners to fiefs were changing in this period.

Fujiki Hisashi explains that, after Hideyoshi entered Kyushu and the Shimazu surrendered, the political situation became in fact more chaotic since the summer of 1587. Local revolts became widespread. In response to the situation, the Kanpaku reenacted his 1587 decision with a law against the indiscriminate trafficking of Japanese men and women the next year, although this document has not been found yet.¹⁰⁸⁹

¹⁰⁸⁶ HJ IV, p. 453.

¹⁰⁸⁷ FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, p. 47; FUJIKI Hisashi. *Sengoku Shakai Shiron*. Tokyo: Tokyo Daigaku Shuppankai, 1974, p. 74.

¹⁰⁸⁸ Asakura Naomi, using the example of the Go-Hōjō clan in Eastern Japan, shows that people fleeing from war or areas torn by conflict were also a factor for the enactment of these orders. ASAKURA Naomi. “Go-Hōjō Ryōgoku no Hitogaeshi ni Kansuru Ikkōsatsu.” In: TOKORO Rikio (ed.). *Sengoku Daimyō kara Shōgun Kenryoku he*. Tokyo: Yoshikawa Kōbunkan, 2000, pp. 112-3.

¹⁰⁸⁹ FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, p. 54.

Fujiki also indicates a *sadame* where Hideyoshi ordered the annulation of any sale of human beings, the return of the sold individual to its original area, and the condemnation of both buyer and seller.¹⁰⁹⁰ It seems Hideyoshi's policies followed legal principles defined by the medieval code *Goseibai Shikimoku* 御成敗式目, or *Laws and Regulations for Judgment in the Honorable [Shogunal Court]*.¹⁰⁹¹ The code first enacted by the Minamoto clan 源氏 during the Kamakura Bakufu 鎌倉幕府, became the basis for the military administration of Japan. The 48th article, which prohibits the purchase and sale of inherited fiefs, determines that, if despite the provision a fief is sold, both buyer and seller were to be punished, and the sale invalidated.¹⁰⁹² This principle, known in Japanese historiography as *ryōseibai* 両成敗, seems to be applied to Hideyoshi's legislation on human trafficking, as it invalidates the sale of a person and punishes both parties.

In the same period, Hideyoshi sent two red-sealed letters partially dated as the second day of the eighth month of an undetermined year. One was addressed to Katō Kiyomasa 加藤清正 and Konishi Yukinaga 小西行長 and another one sent to Tachibana Muneshige 立花宗茂 and Mōri Hidekane 毛利秀包.¹⁰⁹³ The letter sent to Katō and Konishi reads as follows:

豊後之国之百姓、其外上下不限、男女童近年令売買、肥後国^二在
之者之事、申付急度可返付候、殊去年以来買捕候人之事、猶以可為買損
之旨、堅可申付候、於難涉者可為曲事旨、可申触候也、

八月二日

○ (秀吉朱印)

加藤主計頭 (清正) とのへ

小西撰津守 (行長) とのへ¹⁰⁹⁴

Meanwhile, the second letter, sent to Tachibana and Mōri, reads as follows:

¹⁰⁹⁰ *Idem*, p. 88; FUJIKI Hisashi. *Toyotomi Heiwarei to Sengoku Shakai*. Tokyo: Tokyo Daigaku Shuppankai, 1985, pp. 185-91.

¹⁰⁹¹ Title as translated by Sugihashi Takao and Ronald Frank. See Sugihashi Takao, "The Origin, Proclamation, and Implementation of the Goseibai Shikimoku", *The East Asian Library Journal* 7, no. 2 (1994), pp. 33-40, accessed October 29, 2016, available at:

https://library.princeton.edu/eastasian/EALJ/takao_sugihashi.EALJ.v07.n02.p033.pdf, p. 33.

¹⁰⁹² SATŌ Shin'ichi, IKEUCHI Yoshisuke (ed.). *Chūsei Hōsei Shiryōshū*, Vol. 1. Tokyo: Iwanami Shoten, 1955, p. 27. IKEUCHI Yoshisuke. *Chūsei Hōsei Shiryōshū – Bekkan Goseibai Shikimoku Chūshakusho Shūyō*. Tokyo: Iwanami Shoten, 1978, pp. 15, 54, 104-5, 185, 258, 339-40, 408, and 553-4.

¹⁰⁹³ *Fukuoka kenshi Kinsei shiryō hen yanagawa han shoki jou*, p. 407; *Kumamoto Kenshiryō chuseihen* 5, p. 323.

¹⁰⁹⁴ *Kumamoto Ken Shiryō, Chūseihen Daigo*. Kumamoto: Kumamoto-ken, 1966, p. 323.

豊後之国之百姓其外上下不謂男女童、近年令売買、筑後国^一在之者之事、申付急度可返付候、殊去年以来買捕之人之事、猶以可為買損之旨堅可申付候、於難渋者可為曲事旨、可申触候也、

八月二日

秀吉朱印

羽柴柳川[立花宗茂]侍從殿

羽柴久留米[毛利秀包]侍從殿¹⁰⁹⁵

These two passages indicate that individuals captured in Bungo were sold in Higo and Chikugo, both areas bordering Bungo. Fróis confirms this in his *Historia de Japam*:

*“Parte da gente que os de Saçuma cativarão em Bungo, forão vender ao reyno de Fingo, e por este anno haver tanta fome e trabalhos em os naturaes de Fingo, e não poderem sustentar a sy mesmos, quanto mais aos que comprarão, levarão-nos como carneiros ou vacas a vender ao Tacacu; e assim nas terras de Mie e Ximabara se achão às vezes quarenta juntos para vender, e dão as mulheres, meninos e meninas de Bungo, por se verem livre delles, por dous, tres tostões, e destes houve mui grande numero.”*¹⁰⁹⁶

[Part of the people those from Satsuma captured in Bungo, they to the kingdom of Higo to sell, and because this year there were much hunger and difficulties assailing the natives from Higo, and as they could not support even themselves, let alone those they had purchased. [So] they took them [prisoners] like sheep and cows to sell in Takaku. Thus, in the lands of Mie and Shimabara, one may find sometimes forty people clustered for sale, and they hand over the women, boys and girls of Bungo, to get rid of them, for two, three *tostões*, and there was a great number of people [prisoners] like this.]

According to the Jesuit chronicler, the traders of Higo, assailed by a hunger crisis, started reselling the people they had acquired before from the Zōhyō of Satsuma to Takaku 高来 in 1588. The captives were thus spread from Mie 三重 through Shimabara 島原, areas surrounding Nagasaki. Bundled up and sold for very low prices, women and children, mainly, were hauled like cattle from Higo.

Hideyoshi ordered their restitution to Bungo, and invalidated all purchases made since the year before. Fujiki points out that, although the year of both letters is unclear, it would be safe to assume that both documents were produced in the same context and the same date. Maki Hidemasa considers both as sent in the sixteenth year of Tenshō, that is

¹⁰⁹⁵ *Fukuoka Kenshi Kinsei Shiryōhen, Yanagawa-han Shoki (Jō)*. Fukuoka: Fukuoka-ken, 1986, p. 407.

¹⁰⁹⁶ HJ V, p. 41-2.

to say 1588.¹⁰⁹⁷ However, considering the edict of 1590 enacted by Hideyoshi for the eastern part of Japan, which determined that the general prohibition itself was promulgated in 1588, and the circumstances surrounding these two letters, Fujiki believes both were written between 1589 and 1591.¹⁰⁹⁸ Similar orders were also sent to Shimazu Yoshihisa 島津義久 and Terazawa Hirotaka in the same period.¹⁰⁹⁹ All in all, these sources confirm that Hideyoshi took concrete actions to reiterate his 1587 decision and curtail human trafficking in 1588.

But let us consider Fróis's *Historia*. The Jesuit chronicler affirms that, as soon as Hideyoshi arrived in Sakai, he ordered for the Japanese purchased by the Portuguese in Hirado to be taken away from them, thus breaking his promise of returning the silver they had spent buying their slaves. Also, according to Fróis, the Kanpaku at the same time ordered that the Portuguese were to sell him three hundred *picos* of silk at the rate of 126 *cruzados* for each *pico*, while other merchants were buying it for 138 *cruzados* per *pico*.¹¹⁰⁰ That would amount to 18 thousand kilograms of silk bought for 37.800 *cruzados*, while for the normal rate the total price would be 41.400 *cruzados*. It is not clear when Hideyoshi arrived in Sakai, but Japanese sources and the known chronologies of Hideyoshi may hint a date. According to the available documents, the Kanpaku left the port of Katayama in Bizen on the 15th and entered the Osaka Castle two days later.¹¹⁰¹ So, given that Hideyoshi was probably in Sakai on August 16th 1587 that would be the date for the first direct act against the slave trade conducted by the Portuguese. That would be when Hideyoshi enforced the July 1587 provisions specifically against the sale of Japanese to foreigners. By reading Fróis's text, it is possible to point out that the ruler was already voiding slave transactions and ordering the purchased Japanese people to be led back to their areas of origin, thus working on the same terms he would define for local authorities on the following year.

In fact, provisions forbidding human trafficking and nulling these transactions became the norm in many of the edicts enacted by the Kanpaku from this point on. Since 1586, Hideyoshi showed concern in regard to the displacement of *hyakushō* 百姓 – commoners or peasants – by human trafficking. In that year, he had forbidden commoners

¹⁰⁹⁷ MAKI Hidemasa. *Kinsei Nihon no Jinshin Baibai no Keifu*. Tokyo: Sōbunsha, 1970, p. 30.

¹⁰⁹⁸ FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, pp. 52-3.

¹⁰⁹⁹ Both dates are according to Fujiki. FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, pp. 46 and 53. For the orders to Shimazu Yoshihisa and Terazawa Hirotaka, see *Dai Nihon Komonjo Iewake Dai 16 Shimazu-ke Monjo no 1*, n. 371; and *Dai Nihon Komonjo Iewake Dai 16 Shimazu-ke Monjo no 2*, n. 968.

¹¹⁰⁰ HJ IV, p. 453.

¹¹⁰¹ In August 15th 1587, Hideyoshi was already in the area, as he ordered a registry of the lands of the Sumiyoshi Taisha, in Osaka. See KIDO Kiyotane (aut.), KAWAZOE Shōji (ed.). *Hakata Chikuzen Shiryō Buzen Oboegaki*. Tokyo: Bunken Shuppan, 1980, p. 230. For a list of sources written in this period, see MIKI Seiichirō. *Hideyoshi Monjo Mokuroku*. Nagoya: Nagoya Daigaku Bungakubu, 1989, p. 44.

of leaving their villages. Provisions prohibiting human trafficking were but an extension of his policy to control the movement of *hyakushō* in Japan.¹¹⁰² His military victories in Kyushu and eastern Japan were followed by these orders, which Fujiki considers as one of the necessary pillars for pacifying conflict areas.¹¹⁰³

The Kanpaku officially seized Nagasaki in 1588, nominating Nabeshima Naoshige 鍋島直茂 as his representative *daikan* 代官 for the government of the port city, and enacting strict regulations for the area, now under his direct authority, thus making the city a *tenryō* 天領 – directly under jurisdiction of the central government. Shimazu Hirokazu summarizes the seventeen legal actions Hideyoshi in the aftermath of the 5-article edict of 1587, but none refers to the purchase of Japanese servants, the exit of Japanese to overseas, nor human trafficking in the city.¹¹⁰⁴ Fróis's summary of the 19 orders and actions taken by the Kanpaku after the edict of 1587 also do not refer to slavery.¹¹⁰⁵

All factors considered, we can imagine Hideyoshi accepted the arguments presented by Gaspar Coelho when the Jesuit replied the Kanpaku's offer regarding slavery in July 24th 1587. The Vice-Provincial defended that the trade would be stopped only when Japanese people stopped selling their own, and not the other way around. All of the Kanpaku's actions after the meeting indicate that he did effectively take measures to address the issue, but rather in maneuvers aimed at local lords. However, the mention of Hideyoshi canceling the purchase of slaves done that year indicate that he was enforcing the 11-article memorandum against the Portuguese. As in the orders enacted towards Japanese *daimyō*, Hideyoshi nulled the sales and ordered the return of purchased Japanese.

The 11-article memorandum did in fact prohibited human trafficking in Japan and, as a consequence, the export of Japanese to China, South Barbary and Korea was forbidden. However, these terms are not exactly the same as in the general order that Fujiki Hisashi imagines Hideyoshi enacted in 1588. According to the Japanese historian and what is possible to read in subsequent documentation, the 1588 prohibition determined that the sale was to be invalidated, which were the terms repeated years later when the Tokugawa Bakufu enacted its own prohibition against human trafficking.¹¹⁰⁶ The invalidation of slave purchases was not anticipated in the 10th article of the memorandum. Thus, when the Portuguese had their enslaved Japanese taken away

¹¹⁰² MAKI Hidemasa. *Kinsei Nihon no Jinshin Baibai no Keifu*. Tokyo: Sōbunsha, 1970, p. 31.

¹¹⁰³ FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, p. 54.

¹¹⁰⁴ SHIMIZU Hirokazu. *Shokuhō Seiken to Kirishitan – Nichiō Kōshō no Kigen to Tenkai*. Tokyo: Iwata Shoin, 2001, pp. 334-7.

¹¹⁰⁵ HJ IV, pp. 417-20.

¹¹⁰⁶ FUJIKI Hisashi. *Op. cit.*, pp. 54 and 74.

without reimbursement, this was in fact a decision taken in Sakai based on the same principle Hideyoshi would enforce domestically from the following year onwards.

As for the Jesuits, Alessandro Valignano, in his 1598 *Apología*, explains the impact and the change of attitude the missionaries had because of Hideyoshi's policies regarding slavery.

“También es verdade que hasta ahora, que no hubo obispo en Japón y el obispo de Macao tenia cometido y rogado a los Padres que examinasen el captiverio de los japones que los portugueses compraban, para saber los que eran bien cautivos o dudosos, ellos entendían en esto para excusar injusticias y pecados por no haber otros que lo hiciesen, y daban sus cédulas a los que los compraban, para las presentar al obispo, en que se decían los títulos que acerca de ellos hallaban. (Y aun esto no se ha hecho muchos años ha, desde el tiempo que Kampaku tomó el puerto de Nagasaki y ordenó que ningún japon se vendiese por cautivo.)”¹¹⁰⁷

[It is also true that until now, there was no Bishop in Japan, and the Bishop in Macao had decided and asked the Priests to exam the captivity of the Japanese who the Portuguese purchased, to see whether they were just captives or doubtful ones; they [the Priests] decided to do so in order to avoid injustices and sins for there were no one else to do so, and they gave their permits to those who purchased [the slaves], to be presented to the Bishop, in which were registered the just causes of their enslavement. (And even though this has not been done for many years already, since the time the Kanpaku took over the port of Nagasaki and ordered that no Japanese was to be sold as a captive.)]

As it seems, the missionaries had stopped enacting licenses or, at least, held much more severe restrictions to enact any permit. But that is not all the passage clarifies. It also shows how the enactment worked on legal and procedural dimensions. First, that the Priests had indeed decided by themselves, without any approval from a prelate authority, to enact the permits; second, buyers would submit the permits obtained to a Bishop – the closest being the episcopal authority of Macao until Pedro Martins' arrival in Japan in 1596 – to receive approval; and third, the Jesuits apparently stopped emitting these documents when Hideyoshi forbade human trafficking in Japan which, according to Valignano, coincided with the takeover of Nagasaki. That means that in 1588, when the next Portuguese ship captained by Jerónimo Pereira arrived in Japan, the Jesuits curtailed severely the export of slaves.

¹¹⁰⁷ VALIGNANO, Alejandro (auth.), ALVAREZ-TALADRIZ, José Luis. *Apología de la Compañía de Jesús en Japón y China*. Osaka: Private edition, 1998, p. 198.

In conclusion, Hideyoshi's policies against slavery were formed between the enactment of the July 1587 memorandum and 1588. First, he forbade human trafficking in Japan in the 11-article memorandum, thus adding that as a consequence the Japanese would not be taken outside of the archipelago. Orders to enforce the law began being enacted as early as his return to Sakai – possibly in August of 1587. In the following year, Hideyoshi then started enacting orders for local *daimyō* invalidating purchases and sales of slaves. The move combined principles of *hitogaeshirei* provisions and the *ryōseibai* as stipulated in laws from the Kamakura Period, which had not been included before in the 1587 memorandum. Also, as registered by Valignano, Hideyoshi started acting to effectively curtail the slave trade with the Portuguese after he overtook control of Nagasaki, in 1588. This was all in accordance with Hideyoshi's policies to secure labor force in the fields. As Maki Hidemasa explains, since 1586 and especially from the take of the Odawara Castle onwards, Hideyoshi would often include provisions forbidding human trafficking in legislation to avoid commoners leaving their lands and depleting fiefs of much needed laborers.¹¹⁰⁸

At the other side of the spectrum, although they had declared themselves preoccupied with the enslavement of Japanese people, the Jesuits were cautious. Their internal discussions do not reflect the level of concern expressed by Fróis and others in contemporary sources, as one should expect from Coelho's responses to the Kanpaku. In the following section we will analyze the missionaries' discussions in the aftermath of the 5-article edict and the takeover of Nagasaki, as well as its possible effects on human trafficking and slavery.

Reassembling forces

After the enactment of the 5-article edict, missionaries spread through the archipelago were ordered by Hideyoshi to gather in Hirado to wait for the departure of the Portuguese vessel to China.¹¹⁰⁹ Churches and other Jesuit buildings in Sakai, Osaka and Kyoto were destroyed, the change of fiefs between Japanese lords ordered by Hideyoshi made the missionaries feel unsafe wherever they were, and the fear local *daimyō* had of the Kanpaku made it impossible for the mission to keep expanding Christianity in Japan.¹¹¹⁰ As for slavery, regardless of the 11-article memorandum, Gaspar Coelho and others still were reporting difficulties with Portuguese merchants who insisted on purchasing Japanese slaves a few months after the legislation had been

¹¹⁰⁸ MAKI Hidemasa. *Kinsei Nihon no Jinshin Baibai no Keifu*. Tokyo: Sōbunsha, 1970, p. 31.

¹¹⁰⁹ HJ IV, pp. 420 and 427.

¹¹¹⁰ *JapSin* 51, f. 158v.

enacted.¹¹¹¹ As indicated by Cabezas, this led to many problems, and some of the purchased slaves would commit suicide or throw themselves in the sea to resist the enslavement.¹¹¹²

One case serves to illustrate the problems the missionaries had after the enactment of Hideyoshi's provisions against slavery. According to a 1594 letter written by Antonio Lopes, rector of Nagasaki, Japanese guards discovered a crate from which they heard a girl screaming. When they tried to open it, the Jesuit Gregório de Céspedes stepped in, saying it was a matter of the priests and the church. The box was opened and the girl freed, and the Jesuits had to explain themselves to the governor of Nagasaki, Terazawa Hirotaka 寺沢広高.¹¹¹³ The case would be referenced once more four years later, in October 1598, by Valignano. The superior, in a long reply to ten letters sent by the general of the order, Claudio Acquaviva, explained the following:

“En la 7^a [carta] trata de un caso q[ue] succedió a un p[adr]e en la compra de una muchacha q[ue] un portugues conpro y llevaba metida en una arca para la embarcar escondidam[en]te contra el pregón q[ue] se havia dado por los oficiales de Taico sama y tomando informacion sobre ello halle q[ue] la cosa paso como escribieron a V.P. y aunq[ue] fue harta inprudencia la q se cometio en este caso todavia hizolo el p[adr]e movido de piedad para q[ue] no hiziesen algun grande mal al portugues y la causa por q[ue] el sup[eri]or no escribio entonces a V.P. fue por q[ue] como de aqui no se escribe mas q[ue] una vez el año y el caso estava ya remediado y olvidado parece q el p[adr]e Gaspar coelho en cuyo tienpo aconteçio se olvido de lo escribir a V.P. y por no se escribir mas de una vez en el año son tantas las cosas q[ue] se olvidan y se dexan de escribir q[ue] no me espanto si se dexo tambien esta y como este caso ha tanto años q[ue] acontecio y el p[adr]e hombre virtuoso y q[ue] ha trabajado siempre muy bien en esta viña del S[ñ]or y fue harto reprehendido entonces de lo q[ue] hizo no hemos tratado hasta agora de dar le otra publica penitencia como V.P. ordena por q[ue] en la verdad otros negocios mayores no nos dieron lugar pera nos ocupar en esto mas acabado este despacho lo tratare con los p[adr]es consultores y se hara de buena manera lo q[ue] V.P ordena.”¹¹¹⁴

[The seventh letter deals with a case that happened to a priest regarding the purchase of a girl which was purchased and put in a crate by a Portuguese to secretly board her against the law that had been published by the officials of Taiko-sama, and upon knowing about the case I discovered the issue developed

¹¹¹¹ See FUJITA Midori. “Dorei Bōeki ga ataeta Kyokutō he no Shōgeki.” In: KOBORI Keiichirō (ed.). *Tōzai no Shisō Tōsō*. Tokyo: Chuokoron-sha, 1994, p. 177; OKAMOTO Yoshitomo. *Op. cit.*, p. 710.

¹¹¹² CABEZAS, Antonio. *Op. cit.*, p. 98.

¹¹¹³ *Idem.*

¹¹¹⁴ JapSin 13-I, f. 193.

as it has been written to Your Paternity. It was an act of great recklessness, however the Priest did so moved by piety. Afraid the Portuguese would suffer some great pain, and the reason the superior did not write to Your Paternity was that as it is not usual to write more than once a year from here and the case was already solved and forgotten, it seems the Priest Gaspar Coelho, in whose time it happened, forgot to write Your Paternity about this issue, and as it is not usual to write more than once a year and there are many issues which are forgotten and not written, I would not be surprised if this matter were not forgotten as well, and as this issue happened so many years ago, and the priest, a virtuous man who always worked well in this vine of the Lord, has been greatly reprehended that time because of what he had done, we had not managed until now to set him another public penitence as Your Paternity orders, because we have been busy with other greater businesses. But once this dispatch is cleared I will discuss this issue with the consulting priests and actions will be thoroughly taken as Your Paternity commands.]

Valignano's letter makes it clear that the case happened after the enactment of Hideyoshi's 11-article memorandum and before Gaspar Coelho's end of his mandate as Superior of the Japanese mission, that is to say, between 1587 and 1590. The priest mentioned as the responsible for helping the Portuguese smuggler was, of course, Gregório de Céspedes. As it seems to be, the Jesuits were afraid of the newly-enacted legislation against Japanese slavery, and in order to circumvent the regulation Céspedes had helped a merchant to embark his purchased Japanese female slave. Valignano explanation, that the priest had been moved by a sense of mercy towards the Portuguese, who he was afraid could be harshly punished, is in accordance to the situation at the time, when the Jesuits feared Portuguese merchants could be executed or punished by Japanese authorities.

Hideyoshi allowed the Jesuits to stay until the Portuguese ship captained by Domingos Monteiro left to Macao. However, the missionaries did not comply, and after the ship sailed back to China by the end of February they sent the ruler a gift to apologize, paid by the Society but in the name of the *capitão-mor*.¹¹¹⁵ Francisco Garcez, a Portuguese resident of Nagasaki, and Antonio de Abreu, a Japanese Christian, were in charge of the delivery. The ruler was not as welcoming as they expected, thus the priests realized that a higher authority would be necessary to negotiate with Hideyoshi.

The solution was the return of Alessandro Valignano. The Visitor came back to the archipelago, this time as an ambassador of the Portuguese Vice-Roy in India, Dom Duarte de Meneses. The news of Hideyoshi's edict arrived quickly in Goa: Valignano left in April 22nd of 1588, only two months after Domingos Monteiro sailed from Japan,

¹¹¹⁵ HJ V, pp. 23-6.

already carrying a response signed by the Vice-Roy.¹¹¹⁶ The Italian Jesuit met Hideyoshi in March 3rd 1591, accompanied by the four Japanese *fidalgos* sent to Europe, thirteen Portuguese men, seven servants, and Brother Ambrósio Fernandes, as well as Father Jesuit João Rodrigues, both acting as interpreters of the delegation. They offered the Japanese ruler gifts in the form of weapons, tapestries, an Arabian horse and a richly decorated tent. The entourage presented itself in the Japanese style, as a *tsūshinshi* 通信使: a lavishly decorated horse, followed by two Indian valets dressed in colorful silks and turbans, and a short Indian cooling the horse down with a fan. Behind, two Portuguese on horses, followed by the servants accompanying the Japanese Christians, including the four boys of the Tenshō embassy, trailed by Valignano, the two Jesuits, and the Portuguese men. The Jesuits decided to adopt the official style of foreign embassies to Japan after the Koreans, who presented their embassy of more than three hundred men to Hideyoshi in 1590 in a similar fashion.¹¹¹⁷

Not all Jesuits in India were in favor of Valignano's initiative. Jerónimo Xavier wrote in Goa that the embassy spent too much considering its partial success.¹¹¹⁸ But even though Valignano's embassy did not manage to achieve all of its objectives, it convinced the ruler to allow the presence of ten Jesuits in Nagasaki, which was enough for the moment.¹¹¹⁹ After all, the situation when Valignano arrived in Japan for his second visit in July of 1590 was quite different from when he left in 1582.¹¹²⁰ Following the edict against the Jesuits Hideyoshi had taken control of Nagasaki in 1588. The missionaries also lost income they would obtain from the custom charges of the port city, thus making them more dependent on trade.¹¹²¹

However, it seems the Nagasaki Christians were not a priority for the Kanpaku. Until the early 1590s, he had not enacted any prohibition or law hindering Christianity and the Christian community in the city, as attested by Valignano's 1592 *Adiciones*: “*no se hizo ninguna mudanza en él acerca de la cristiandad, aunque corren cada día varios peligros y temores, conforme la cualidad de los gobernadores que Kwampakudono a él manda (...)*” [there has been no change in Nagasaki concerning Christianity, although

¹¹¹⁶ Fróis transcribes the letter in HJ V, pp. 302-3.

¹¹¹⁷ HJ V, pp. 271 and 297-9. For the Korean embassy, see KITAJIMA Manji. *Hideyoshi no Chōsen shinryaku to Minshū*. Tokyo: Iwanami Shoten, 2012, p. 3. Valignano's account of the embassy to Hideyoshi was published by Alvarez-Taladriz. See ALVAREZ-TALADRIZ, José L. “Relación del P. Alejandro Valignano, S.J. sobre su Embajada a Hideyoshi (1591).” In: *Ōsaka Gaikokugo Daigaku Gakuhō – Bunka Hen*, n. 28. Osaka: Osaka University of Foreign Studies, 1972, pp. 43-60.

¹¹¹⁸ DI XVI, p. 251.

¹¹¹⁹ HJ V, pp. 318-20.

¹¹²⁰ Boxer notes that there are different dates for the arrival in July of 1590: 18th, 21st and 22nd. See BOXER, Charles R. *Great Ship from Amacon – annals of Macao and the old Japan trade*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1963, p. 54.

¹¹²¹ ALVAREZ-TALADRIZ, José (ed.). *Adiciones del Sumario de Japon*. Tokyo: Private edition, p. 419. As an example of the trading revenues obtained from Nagasaki, see the list of benefactors of the mission in Ajuda 49-IV-66, f. 98v.

every day there are various dangers and concerns, according to the quality of the governors that Hideyoshi sends to the city].¹¹²² Reinier Hesselink reiterates that, as the Kanpaku failed to enact any documents between 1589 and 1591 related to the port in general, “*he may have been too busy with the siege of Odawara Castle. Nagasaki simply may not have been foremost in his mind.*”¹¹²³

Upon the return of Valignano to the archipelago, the Jesuits swiftly gathered in their residence in Katsusa 加津佐, in southern Shimabara Peninsula, for the second general consultation of the missionaries.¹¹²⁴ That house would also become an important center forever linked to the history of the Christian press in Japan, as it was the place where the Jesuits’ printing operations started, using carved wooden types possibly produced in Macao.¹¹²⁵ The gathering lasted from August 13th to the 25th, and its participants included Pero Gomez, who had succeeded the then deceased Gaspar Coelho as Vice-Provincial; Organtino Gneccchi-Soldi, who had been superior in Kyoto until their expulsion from the region; Belchior de Moura, who was superior in Kyushu; Francisco Calderón, rector of the former Jesuit college in Funai 府内; Pero Reimão, rector and master of the novices in the former house of Usuki 臼杵; Afonso de Lucena, superior of the house of Omura 大村; Antonio Lopez, superior of the house of Nagasaki; and other high-ranked Jesuits of the Japanese mission. Luís Fróis, also was present at the meeting, as well as prominent brothers such as Lourenço of Hirado and João de Torres.¹¹²⁶

The issues discussed by the Jesuits were: (1) whether the gathering was to be called a consultation or congregation; (2) how to observe the rules of the Society of Jesus in Japan; (3) how to avoid meddling in political issues of war and at the same time protect the integrity of the Christian community in Japan; (4) whether the priests should build a fortress in Nagasaki in the case Hideyoshi gave the port city back to the missionaries; (5) how superiors should behave, keep necessary ministers and avoid needless ostentation; (6) how to spend their resources and avoid abuses; (7) how to keep the necessary unity between the missionaries and between the Christian lords; (8) whether the number of Jesuit residences should be reduced; (9) whether each residence should receive a stipend; (10) how to protect and observe the Jesuit oath of poverty; (11) issues common to the

¹¹²² ALVAREZ-TALADRIZ, José (ed.). *Adiciones del Sumario de Japon*. Tokyo: Private edition, pp. 413-4.

¹¹²³ HESSELINK, Reinier H. *The Dream of Christian Nagasaki – World Trade and the Clash of Cultures, 1560-1640*. Jefferson, NC: McFarland & Company, 2016, p. 88.

¹¹²⁴ Sousa erroneously refers to it as the third consultation. He used the records of this and other consultations, with the exception of the 1580-81, as evidence of the Jesuits using slaves in their residences and had a concern for their legitimacy. SOUSA, Lúcio de. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, pp. 255-9.

¹¹²⁵ ORII Yoshimi. “The Dispersion of Jesuit Books Printed in Japan: Trends in Bibliographical Research and in Intellectual History.” In: *Journal of Jesuit Studies* 2 (2015), p. 192; MORAN, Joseph F. *The Japanese and the Jesuits. Alessandro Valignano in sixteenth-century Japan*. London & New York: Routledge, 1993, p. 155.

¹¹²⁶ *JapSin* 51, ff. 144-144v.

novitiate, college and seminary; (12) how those coming from Europe could learn well the Japanese language, and how those from Japan could learn well Latin; (13) how the *dōjuku* were to be treated so they would not be confused with personal servicemen; and, finally, (14) whether Japanese brothers should be sent to study in Rome.¹¹²⁷

When the Jesuits discussed the possibility of reacquiring jurisdiction over Nagasaki, one of the issues was the extent of their power over the population. Among many of the opinions expressed, one was that the Jesuits should keep their control over the population, turning the port city into a semi-independent republic “*a man[ei]r[a] do Sacay*” [just like in Sakai]. They offer two reasons which proved it would be very beneficial for the mission. The text reads as follows:

“A pr[imeir]a porq[ue] aq[ue]lla pouoasão era mui proueitosa a igreja p[e]lla obrigação q[ue] tinha sêdo nossa de dar gemte de seruiço, embarcassõens, e outras cousas necessarias comforme ao costume de iapão, com alguãs outras rêdas de officios q[ue] ha nelle, os quaes proueitos todos se perderião entregandose ao tono. A 2^a resão he p[or]q[ue] aquella pouoasão se fez por respeito de estar debaxo do emparo dos p[adr]es, porq[ue] pr[imeir]o era hu lugar desabitado e deserto, e foi dado de Omuradono para nelle se acolher a morar os christaons q[ue] de diuersas terras dos s[e]ñores gêtios erão desterrados e perseguidos por não deixar a fé e cõ emparo e liberdade q[ue] ahi acharão e uiuendo debaixo dos p[adr]es e remedio q[ue] tinhão com a uinda das naos dos portugueses, foi tanto crescêdo q[ue] se fez huã das maiores pouoações q[ue] ha nas terras destes sñores christaons, e tãobê huã das milhores christandades q[ue] aqui ha, he entregandose ao Tono ficarão mui opprimidos e auexados cõ cujacos e seruiços q[ue] lhe meterã cõforme ao costume de iapão, perdêdo suas liberdades, e se podem uir a dissipar e diminuir mto aq[ue]lla pouoasão q[ue] se tiuerão sempre por proprios s[erv]os da igreja...”¹¹²⁸

[The first is because that village was very useful to the church because of the obligation they had to give us servicemen, ships, and other necessary things as it was the custom of Japan, with some other labor revenues they have, which uses were all lost when we submitted it to the tono. The second reason was because that village was built because it was under the jurisdiction of the priests, because first it was a uninhabited and desert area, and it was given by Omuradono to serve as a refuge and living quarters to the Christians from the many lands of gentile lords from where they were displaced and persecuted as they would not leave the faith, and the protection and liberty they discovered there by living under the jurisdiction of the priests and livelihood they obtained with the coming of the Portuguese ships, the village grew so much it became one of the largest of the

¹¹²⁷ *Idem*, ff. 140-180.

¹¹²⁸ *Idem*, f. 148.

Christian lords's lands, and it is also one of the best Christian community there is here, and by giving it to the tonos they will be so persecuted and tired with the *kuyaku* [公役] and services they will be obliged to according to the custom of Japan, losing all their freedoms, and they may dissipate and the village may become so much smaller, as they always considered themselves servants of the Church.]

The priests paint a colorful and paradisiac image of a thriving Christian community under their rule. They made it clear that, while they were in charge of Nagasaki, they obtained services provided in accordance to the customs of Japan. This is a reference to the right of *corvée* the residents had to pay to their rulers, known in Japanese as *kuyaku* 公役, as well as the foodstuffs and supplies they had to pay in form of taxes, known in Japanese as *nengu* 年貢. They declare that the city was created in the first place as a safe haven for persecuted Christians seeking refuge, who found in Nagasaki “amparo e liberdade”. In case they lost the jurisdiction over the port, they feared the residing Christians would need to work for non-Christian lords, performing the *kuyaku* 公役 for a local authority.¹¹²⁹ It is interesting to notice that the concept of freedom here is directly linked to the freedom of practicing the Christian faith without fear of persecution, having absolutely nothing to do with servitude or slavery.

The use of servants by Jesuit superiors is also discussed in the meeting. The priests mention abuses of those who used servicemen “*como seu[s] proprio[s] e particular[es]*” [as their own and private] servants, who refused to leave their houses without a group of well-dressed servants. The missionaries, however, justify their habits as necessary given their constant movement throughout the archipelago, their constant exposition to perils, and the great differences between the customs of Europe and those of Japan. While in the Old World the use of servicemen seemed superfluous, it was a necessity in Japan; thus, according to the missionaries, it would be impossible to rule these issues with the same criteria used for the European missions. Servicemen were also needed to receive guests in the Japanese way, when the priests received visitors in the Jesuit residences, or else the missionaries would be taken for barbarians and impolite. If the priests were to stop using servants and start doing everything by themselves, not even the converts would see them in the same manner. Valignano was to evaluate the real necessity of these servants and elaborate specific guidelines and rules for the missionaries, especially for the superiors, as they could not be admonished by other Jesuits and were more prone to abuses.¹¹³⁰

Nevertheless, the Jesuits recognized there were practical limits to the use of servants in Japan. When discussing the oath of poverty in relation to the everyday

¹¹²⁹ The *Nippo Jisho* translates “*cuyacu*” as “*Seruiço por obrigação feito em certos dias ao senhor*” [Obligatory services performed during certain days for the lord].

¹¹³⁰ *Idem*, ff. 148v-150.

necessities of the mission, the priests point out that local servants were useless when they had to take care of the vestments used by the priests, as they did not know how to handle it nor how to fix them in the manner of Europe. The participants at the meeting state that the missionaries themselves had to be careful with their outfits: “*se os p[adr]es não tiuerem cuidado de suas cousas, agora se furtarão, agora se apodrecerão, E perderão os vestidos*” [if the priests do not take care of their belongings, they would be stolen, or rot, and their dresses would be lost].¹¹³¹

During the meeting, the priests seem to be concerned with definitive rules to separate the *dōjuku* from common servicemen, as well as their use by priests in remote areas. The Jesuits discussed whether each priest should have, besides a *dōjuku* for the residence, a personally assigned *dōjuku* and two servicemen to assist him wherever the missionary went. These assistants were necessary to help the missionaries when performing ceremonies in isolated areas, visiting powerful lords, sending messages and so on. Two servicemen were necessary for menial tasks such as taking care of horses and carrying the priests’ shoes whenever they entered a church or a house. The gathered missionaries understood that the priests had to be accompanied by one *dōjuku* and two servicemen indicated by the superior, which according to them would not go against the rules of the Society of Jesus – as the missionaries could not own personal possessions – and were necessary for the missionary work. The problem was that, every time a priest had to leave for some countryside village, he had to argue with the superior to take with him capable assistants. The priests in the meeting understood the necessity that certain *dōjuku* were to be assigned specifically for this kind of service, as there were some who were ignorant and unfit for assisting the priests. The servicemen also were to be specified, as some were thieves, others could not cook well. Interestingly, the gathered priests argue that the rules could be bent sometimes, and that “*não parece que ha pera q[ue] ir cō tantas metaphizicas*” [there was no need to use such metaphysics]. That is to say, even though the rules of the Society impeded missionaries of keeping personal belongings, these rules could be set aside depending on the needs of the missionaries themselves. The priests also feared that if the *dōjuku* were not personally assigned, they would be left in the Jesuit residences, thus defeating the purpose of teaching them the Christian doctrine and turning them into prospective brothers. In the end, the decision was left to be taken by Valignano and his assistants.¹¹³²

The text of the consultation also offers an interesting insight on the possible practical difficulties of applying theology and moral casuistry to the resolution of issues in Japan. The mission had very few books, most which would be sent from Portugal, thus the residences would not normally have necessary volumes to discuss or refer to in case of doubts. Other than colleges and novitiates, the houses ordinarily had no specialized

¹¹³¹ *Idem*, f. 154v.

¹¹³² *Idem*, ff. 163-165v.

library. Existing books were owned privately by each priest, and even the level of knowledge among them was disparate. Some were theologians, while others were trained in philosophy, and even though some were more curious than others in regard to academic studies, they could not exchange books between each other because experience had shown that inexperienced priests would let books rot and be eaten by rats.¹¹³³ Thus, the study of theology and casuistry for its application in the missional practice was impeded not only by the always reiterated great differences of customs between Japan and Europe, but also by practical issues that made it difficult to use books to their full potential in the mission.

During this second consultation in Katsusa, the Jesuits also discussed whether they should receive in their houses the so-called *hitojichi* 人質. Sousa, by using the definition of *hitojichi* in the 1603 *Vocabulario da lingua de Japam*, mentions them in his discussion concerning the use of slaves by the Japan Jesuits. He does not explain whether he understood them as slaves or not, or enslavable people, but it seems he misunderstood that the *hitojichi* had nothing to do with slavery. While the text of the original document states that they should not be subjected to slavery or killed, Sousa failed in understanding that *hitojichi* was the name given to hostages given as guarantee of political affiliation and loyalty, namely those given by local *daimyō* to central authorities in Kyōto, Ōsaka or Edo.¹¹³⁴ What the consultation is saying is that the missionaries were not to take part in this system.

After the consultation's sessions ended in August 25th, Valignano gathered with Pero Gomes, Organtino Gneccchi-Soldi, Francisco Calderón, and Luís Fróis to discuss the resolutions to be taken. The rules and regiments adopted by the missionaries were also reviewed, by Pedro Reimão, Afonso de Lucena, and Antonio Lopez. The Visitor and his consultants start by defining that the rules of the Society of Jesus had already determined that, when it was for the convenience of a mission, the rules could be changed. So, there was no contradiction in altering their behavior to better adapt to the situation in Japan.

In regard to the service of the Jesuit houses, Valignano determined that the most important houses had have three to four *dōjuku*, one specifically for the superior. As for servicemen, they had to have two of the so-called *rapados* as they were people old enough and who had abdicated from worldly vices. One was to dedicate himself to care for the *chanoyu*, or tea ceremony, entertaining guests, and watching the entrance of the residence, while the second one was to keep the house clean and take care of guests' accommodations. The Visitor also determined that these houses needed a so-called

¹¹³³ *Idem*, f. 155.

¹¹³⁴ SOUSA, Lúcio de. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, p. 255. See references in BROWN, Philip C. "Unification, Consolidation and Tokugawa Rule." In: TSUTSUI, William (ed.). *A Companion to Japanese History*. Wiley-Blackwell, 2007, p. 75.

tonobara 殿原 capable of preparing dishes for guests, or the so-called *sakana* 肴.¹¹³⁵ Besides these, it was still necessary servicemen for the kitchen, to wash clothes, carry luggage and perform other low-level menial tasks. These were impossible to determine a certain number for each house as, according to Valignano, the necessary number changed according to the service of each residence, and the decision was to be taken by the superior according to the necessity.¹¹³⁶

Valignano determined that the superiors were to be assisted by a *dōjuku*, that would take care of taking messages, serving the table and offer the complimentary sake, or *sakazuki* 杯; a *rapado*, to take care of the tea ceremony; two *tonobara*, that would be in charge of welcoming guests and serving them food; and other servicemen for menial tasks and to assist a brother responsible for horses, luggage and others. Here, the Visitor declares that these servicemen were not, in fact, permanently hired or owned servants. They could be “hired”, according to the necessity: “...os quais ora se hão de alugar, em mais numero, ora em menos conforme as necessidades, e viagens que [o superior] faz” [who could be hired in larger or smaller numbers accordingly to the necessities and the trips made by the superior]. The number of hired servicemen could be larger in case, for example, a superior had to travel to Kyoto or some other far locality. These servicemen, including the *dōjuku*, the *rapado*, the *tonobara* and others, were to have their meals with the priests, except when guests were present. Valignano also determined that when the superiors of Kyushu, Bungo and Kyoto were reestablished to their former living quarters, they could take with them, besides a translator, one or two *dōjuku*, one *tonobara*, and a few servicemen according to his needs.¹¹³⁷

As for the assignment of *dōjuku* and other servicemen to specific priests, Valignano and his peers determined that, in the first place, all the servants had to keep in mind that they ought obedience to the rector of the house or the superior under which they served.¹¹³⁸ The Visitor was more worried about the relation between the servants and the missionaries, and that the principle of obedience was to be observed above all. It seems he refused the demand for assigning *dōjuku* and others to specific priests, instead appealing to the observance of hierarchical order.

Valignano added that all *dōjuku* and servicemen could be punished when a superior or the priest to whom they served considered it necessary. Also, the Visitor determined that a change of *dōjuku* or serviceman had to be reasonable and justified by mistreatment of said servant on the part of the priest or that the relation between them

¹¹³⁵ The *Nippo Jisho* translates *tonobara* as “Homem escudeiro menos que fidalgo, & cavaleiro.” In medieval Japan, the *tonobara* was a very low-level *bushi*, but whose rank was still higher than commoners such as the *hyakushō*.

¹¹³⁶ *Idem*, ff. 170v-171v.

¹¹³⁷ *Idem*, ff. 171v-173.

¹¹³⁸ *Idem*, f. 179v.

was not helping in the learning of the Japanese language nor in the improvement of the servant's virtues.¹¹³⁹ The resolutions also determined that superiors should allow priests moving to other residences to bring with them servants with whom they were used to work with.¹¹⁴⁰

In any case, the priests and brothers gathered for the consultation of Katsusa failed to address specifically the issue of legitimacy regarding the enslavement or selling of Japanese servants to foreigners. Until this period, although the issue had been raised by Hideyoshi when negotiating with the priests in July of 1587 and Coelho had declared that he wished to discuss abuses concerning the slave trade with the Kanpaku, the Jesuits were unwilling to discuss the legitimacy of enslavement of Japanese people or the hiring of Japanese servants by Portuguese merchants. As it seems to be, the decision to abstain from enacting licenses allowing merchants to purchase Japanese slaves was enough for the time being. Nevertheless, Valignano took notice of the issue, and the imaginary dialogue of the four Japanese boys of the Tenshō embassy to Europe was the perfect setting for him to expose his ideas concerning servitude.

Overall, the 1580s ended with the impending gloom obviated by the preparations for the Japanese invasion of Korea. The idea had been growing in the Kanpaku's mind for a few years already, and the consolidation of his power over the Japanese archipelago became but the preamble of the conflict. For the Jesuits, the enslavement and human trafficking associated with the war would gradually become a central concern of their discussions and actions in the Japanese mission.

¹¹³⁹ *Idem*, f. 179v.

¹¹⁴⁰ *Idem*, f. 180.

Chapter VII – Changing attitudes

In 1642, Japanese authorities compiled a detailed registry of all the residents of Hirado-machi, a ward in the city of Nagasaki. Kawasakiya Suke'emon-no-jō 川崎や助右衛門 was one of the many Korea-born resident in the area. The 60-year old arrived in the area in 1614, after spending 20 years in Okayama. He converted to Christianity in Nagasaki, but later apostatized during the mandate of the Nagasaki *bugyō* Takenaka Uneme 竹中采女 (1629-1632). Even though Suke'emon-no-jō's history is an example of the many lives changed by the Japanese invasions of Korea, his wife's biography is a testimony of the many fates an enslaved individual born in the Korean Peninsula could meet. The unnamed 53-year old woman declared to the authorities that she had been brought to Yatsushiro 八代, in Higo 肥後, in the southwestern part of Kyushu, in 1599. After 12 years, she came to Nagasaki and to be immediately sold and sent to Macao. In the Portuguese port city, she became a Christian and spent five years. Back to Japan in 1616, she established herself in Hokaura-machi 外浦町, to apostatize later on during the administration of Takenaka Uneme.¹¹⁴¹

In Hirado-machi, eight of the nine Korea-born residents registered by the government had been brought to Japan as a result of Hideyoshi's campaigns in the Korean Peninsula.¹¹⁴² Japanese troops led by the Kanpaku invaded the region twice during the 1590: the first invasion between 1592 and 1593, and the second time between 1597 and 1598. The campaigns became known by Japanese historiography as *Bunroku-Keichō no Eki* 文禄・慶長の役, while Korean history recognize them as the *Imjin War* or *Japanese Disturbances of Imjin and Jeong-yu* 壬辰・丁酉倭乱. The invasions of the peninsula by almost three hundred thousand Japanese troops resulted in a huge number of captives from Korea brought to Japan. Japanese historian Naitō Shunpo 内藤雋輔 considers that the number of prisoners amounted to between fifty and sixty thousand, although repatriation efforts resulted in the return of circa 7.500 people to Korea.¹¹⁴³

¹¹⁴¹ The registry, entitled *Hirado-machi Ninbetsu Seisho Tadashi* 平戸町人別生所糺, was compiled between 1642 and 1643 and published in Japanese in 1965. Recently it received an English translation. See KYŪSHŪ Shiryō Kankō-kai (ed.). *Kyūshū Shiryō Sōsho 37, Nagasaki Hirado-machi Ninbetsu-chō*. Fukuoka: Kyūshū Shiryō Kankō-kai, 1960, pp. 64-131 (see p. 90 for Kawasakiya and his wife's registration). HESSELINK, Reinier H. "An Anti-Christian Register from Nagasaki". In: *Bulletin of Portuguese-Japanese Studies*, vol. 18-19, June-December. Lisbon: Universidade Nova de Lisboa, 2009, pp. 9-66 (see p. 59 for Kawasakiya and his wife's registration). This case is also used by Nakano Hitoshi to illustrate the little differentiation made between Koreans and Japanese in the period. NAKANO Hitoshi. *Bunroku-Keichō no Eki*. Tokyo: Yoshikawa Kōbunkan, 2008, pp. 298-9.

¹¹⁴² HESSELINK, Reinier H. "An Anti-Christian Register from Nagasaki". In: *Bulletin of Portuguese-Japanese Studies*, vol. 18-19, June-December. Lisbon: Universidade Nova de Lisboa, 2009, p. 13.

¹¹⁴³ See NAITŌ Shunpo. *Jinshin-Teiyū Eki ni okeru Hiryo Chōsen-jin no Sakkan Mondai ni Tsuite*, parts 1, 2 and 3. In: *Chōsen Gakuhō*, 29, 33 and 34.

In this chapter, we analyze how the Jesuits developed their relation with Japanese servitude and the trade of servants taken overseas amidst the apparent intensification of the trade and internal political affairs of the order. The decade witnessed a radical change of position on the part of the missionaries: from the proposal of slavery as a means to Christian indoctrination defended by Valignano to the total condemnation by Luís de Cerqueira. As a decade which started with intense preparations for conflict, the deep reflections on the role played by the Jesuits in the enslavement of local men and women in Japan will reflect the wider theological debate that was taking place at this time between the order itself.

A defense for the tolerable slavery

In 1590, the Jesuits published the dialogue entitled *De missionum legatorum Iaponensium ad Romanam curiam*, which depicted the experiences of the four Japanese boys sent to Europe in 1582. The work was composed in Spanish by Alessandro Valignano and translated to Latin by Duarte de Sande, a Portuguese Jesuit priest living in Macao at the time.¹¹⁴⁴ They used the diaries of the boys and other sources to compile a long conversation between the ambassadors, presenting their opinions and glimpses of Europe and Christianity through their imagined view.¹¹⁴⁵ The dialogue was mainly a work of fiction – composed between 1588 and 1589, before their arrival in Japan in July of 1590 – and, overall, an idealized version of the embassy. In the opinion of Matsuda Kiichi, Valignano included in the text what he wished the boys had witnessed in Europe and what he wished the boys told their countrymen.¹¹⁴⁶ Juan Gil says it was “*una orgullosa presentación de Europa – la triunfante Europa colonial*” [a proud presentation of Europe

¹¹⁴⁴ DMLI. As explained by the website of the Laures Rare Book Database, “There are a good many copies of known and probably many more not made known to scholars. The only copy in [Japan] in the Collection of the late Professor Kōda Shigetomo 幸田成友 was donated to the Keiō University 慶応義塾大学, which again donated it to the Tenri Central Library 天理図書館. Other copies are known to be in the “Pei-t’ang Library 北堂図書館”, in Beijing 北京, in the “Biblioteca da Ajuda”, in the “Biblioteca de Évora”, in the archives of “Torre do Tombo”, two in the “Biblioteca Nacional de Lisboa”, one incomplete copy dated 1589, as we saw, in the “Biblioteca Geral da Universidade de Coimbra”, one in the University of Seville, one in the “Oliveira Lima Library” of the Catholic University of America, Washington, and one in the Public Library of Paris.” It also mentions a reprint of 1593, but there seems to be no extant copies available. Aurelio Vargas Díaz-Toledo mentions other three copies, in Porto, London and Madrid, adding up to at least thirteen copies extant. DÍAZ-TOLEDO, Aurelio Vargas. “Uma primeira aproximação do corpus dos Diálogos Portugueses dos séculos XVI-XVII.” In: *Criticón*, 117, 2013, pp. 77-8. As for arguments in favor of Valignano’s authorship, see MORAN, J.F. “The real author of de missione legatorum Iaponensium ad Romanam curiam... dialogus – A Reconsideration”. In: *Bulletin of Portuguese - Japanese Studies*, núm. 2. Lisbon: Universidade Nova de Lisboa, 2001, pp. 7-21.

¹¹⁴⁵ DMLI and JTSC.

¹¹⁴⁶ MATSUDA Kiichi. *Tenshō Ken’ō Shisetsu*. Tokyo: Chōbunsha, 1991, pp. 274-5.

– the triumphant colonial Europe] to the Japanese elites.¹¹⁴⁷ As for its value as an ideological textbook, Rotem Kowner considered that “*it was primarily a one-track dissertation on the superiority of Europe, Christianity, and even China to Japan, and thereby one of the most important racial treatises in the Phase of Observation*”, referring to the period of between 1543 and 1640, when the Portuguese had direct relations with Japan and while racial theories were being developed.¹¹⁴⁸

For our purposes, the dialogue is an important piece as it presents a general theory of servitude, opinions about Japanese slavery, comparisons between Japanese and European notions of servitude, a racial hierarchy scheme and other aspects in a didactic way for the students of the Jesuits seminaries in Japan. Historiography has been using this text mainly to quote the boys as having witnessed Japanese slaves in their mission to Europe, and that the laws against slavery were ignored by the slave traders in Japanese ports.¹¹⁴⁹ It has been used as an evidence of the ambiguous relation Jesuits had with slavery. In his analysis, Kowner indicated the text underlines “*the ambivalence Valignano and probably other leading members of the local mission felt about [Japanese slavery]*” – the colloquium criticizes “*the institution of slavery while defending the Portuguese traders.*”¹¹⁵⁰ Effectively, the text presents an open, almost critical presentation of Japanese slaves, but there is more to be read. For that, a careful analysis of the Latin text, considering the choice of words, is necessary. We analyze the text in search of elements that may help us to identify a general ideology of servitude. By elucidating the stance assumed by Jesuits in their assessment of Japanese slavery, we may perceive that the missionaries, and especially Valignano, had an indeed favorable view of the phenomenon. The references made during the text may also help to clarify some aspects of the way Jesuits understood and dealt with the delicate issue of Japanese slavery.

First, it is important to consider the format chosen by the missionaries. As Nina Chordas explains, early modern dialogues were a quasi-fictional genre, in the sense that they insisted on being accepted as an entity “*with some agency in the actual, material world*”. As a literary genre, the dialogue was the result of a “*general distrust of imaginative literature*” in the late Renaissance, thus offering an alternative for seducing

¹¹⁴⁷ GIL, Juan. “Europa se presenta a sí misma: el tratado *De missione legatorum Iaponensium* de Duarte de Sande.” In: CARNEIRO, Roberto e MATOS, Artur Teodoro de (org.). *O Século Cristão do Japão – Actas do Colóquio Internacional Comemorativo dos 450 Anos de Amizade Portugal-Japão (1543-1993)*. Lisbon: Centro de Estudos dos Povos e Culturas de Expressão Portuguesa da Universidade Católica Portuguesa and Instituto de História de Além-Mar da Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa, 1994, p. 411.

¹¹⁴⁸ KOWNER, Rotem. *From White to Yellow: The Japanese in Europe Racial Thought, 1300-1735*. Québec: McGill-Queen’s University Press, 2014, p. 131.

¹¹⁴⁹ See, for example, VALIGNANO, Alessandro (auth.) and ALVAREZ-TALADRIZ, José (ed.). *Adiciones del Sumario de Japon*. Tokyo: Private edition, p. 506-7; MORAN, J. F. *The Japanese and the Jesuits – Alessandro Valignano in sixteenth-century Japan*. London and New York: Routledge, 1993, pp. 107-8.

¹¹⁵⁰ KOWNER, Rotem. *From White to Yellow: The Japanese in Europe Racial Thought, 1300-1735*. Québec: McGill-Queen’s University Press, 2014, p. 428.

the rational mind.¹¹⁵¹ These texts were, as pointed by Jon R. Snyder, “*never transcriptions of conversations or debates that actually occurred (although this is one of their enabling fictions); no unmediated traces of orality can be discovered in dialogue, except in the form of carefully constructed illusion.*”¹¹⁵² Perhaps most clarifying is Torquato Tasso, who writing at the end of the sixteenth century, explains the art of the dialogue of his day:

“*Ma perchè, come abbiam detto, il dialogo è imitazione del ragionamento, e ‘l dialogo dialettico imitazione della disputa, è necessario ch’i ragionanti i disputanti abbiano qualche opinione delle cose disputate e qualche costume, il qual si manifesta alcuna volta nel disputare; e quindi derivano l’altre due parti nel dialogo, io dico la sentenza e ‘l costume; e lo scrittore del dialogo deve imitarlo non altramente che faccia il poeta; perch’egli è quasi mezzo fra ‘l poeta e ‘l dialettico.*”

“*We have said that dialogues are imitations of discussions and that the dialectical dialogues imitate disputations. It follows that those who are involved in discussing and disputing will reveal both their opinions and their character, and these – opinions and character – are essential parts of the dialogue. The writer of a dialogue must be an imitator no less than the poet; he occupies a middle ground between poet and dialectician.*”¹¹⁵³

Of course, Tasso considers the best author of dialogues to be Plato, as the philosopher presented Socrates as the character of the good man and teacher of youth. Dialogues were, thus, not only means of presenting ideas didactically or exposing curricula, but also introducing ideal characters and the necessary virtues for simulating those ideal characters.

Unsurprisingly, Valignano considered the dialogue of the Japanese ambassadors as one of the three gifts he gave as a proof of his love for the Japanese seminarians – the other two being his own *Catechismus Christianae Fidei*, printed in Lisbon in 1586, and João Bonifácio’s *Christianai Pueri Institutio*, printed in Macao in 1588. While the first two aimed at teaching the Christian doctrine and virtues, the dialogues aimed mainly at showing Japanese students what was Europe and demonstrating Christian piety in the Old World.¹¹⁵⁴ The advantages of the format are defended in the text itself. One of the Japanese emissaries explains that the dialogue could present digressions to the course of

¹¹⁵¹ CHORDAS, Nina. *Forms in Early Modern Utopia: The Ethnography of Perfection*. Surrey, UK & Burlington, US: Ashgate, 2010, pp. 17-8.

¹¹⁵² SNYDER, Jon R. *Writing the Scene of Speaking: Theories of Dialogue in the Late Italian Renaissance*. Stanford: Stanford University Press, 1989, p. 17.

¹¹⁵³ TASSO, Torquato (auth.), LORD, Carnes, and TRAFTON, Dain A. (ed.). *Tasso’s Dialogues: A Selection, with the Discourse on the Art of the Dialogue*. Berkeley: University of California Press, 1982, pp. 32-3.

¹¹⁵⁴ DMLI, unnumbered Valignano’s introduction; JTSC, p. 37.

the conversation, which were desirable to the narration and made it less dull than a simple, continuous exposition.¹¹⁵⁵

The dialogue was a transcription of fabricated spontaneity, thus making an intermediated connection between the impressions of the ambassadors and what the Jesuits wished their students “heard” of Europe. The index of the dialogue is very revealing of its objectives. The entries are focused not only on toponyms, such as *Asia*, *Bononia*, *Burgensium*, *Conimbrica*, *Ebora*, *Florentia*, *Olysippo*, *Roma* and others, but also on antroponyms, names of important places for the Society of Jesus (such as colleges, seminars and churches), some scientific terms and others. The names could be divided roughly into contemporary monarchs, Jesuit authorities, and important figures of the church. Given that, it is safe to assume that the dialogue was less focused on historical aspects of Europe and more centered around the Old World the boys did witness.

The introduction explains that, given the difficulty the missionaries faced on transmitting European concepts to the Japanese, an embassy would be the best way of teaching them about the Old World, as the locals would listen better to their own than to the foreigners. Also, it states that there was a Japanese version being prepared, but it almost certainly was not finished.¹¹⁵⁶ The structure of the dialogue is explained in the following way: the two ambassadors, Mantius and Michael – Itō Mancio 伊藤ツマシヨ and Chijiwa Miguel 千々石ミゲル – are assisted by their companions Martiuns and Iulianus – Hara Martinho 原マルチノ and Nakaura Julião 中浦ジュリアン – in explaining to Michael’s cousins, Leo and Linus, the things they saw during their mission. The two Japanese are presented as *nostrarum rerum ignari* – have no knowledge of our [European] things, as they did not leave Japan, but who question members of the embassy about the knowledge they acquired overseas.¹¹⁵⁷ Yet, it is important to notice that all the involved in the conversation were already Christians – thus, the only thing that separates the four members of the mission from their two interlocutors is the experience of having been to Europe. The colloquia are, in this sense, a tool for transmitting this experience.

Unarguably, the protagonist of the dialogue is Chijiwa Miguel. It is very hard to understand the reasons that took Valignano to choose him as the main character, the one that gives all the right answers and explanations. Matsuda Kiichi suggests that it certainly was not because he was the one with the strongest faith among the four emissaries. The Japanese historian reminds that would Miguel would become the only one of the four ambassadors to apostatize in later years.¹¹⁵⁸ Américo da Costa Ramalho believes he was

¹¹⁵⁵ DMLI, p. 35; JTSC, p. 80.

¹¹⁵⁶ JTSC, p. 17.

¹¹⁵⁷ DMLI, unnumbered Duarte de Sande’s introduction; JTSC, p. 39.

¹¹⁵⁸ MATSUDA Kiichi. *Tenshō Ken’ō Shisetsu*. Tokyo: Chōbunsha, 1991, p. 276.

chosen because the stage of the colloquia was the house of his family in Arima.¹¹⁵⁹ Either way, it is clear that it is through his voice that Valignano transmitted his ideas and views of the world.

The dialogue offers three reasons to justify the mission to Europe: the cultural differences between Japan and Europe, the difficulty to transmit knowledge from Europe to the Japanese, and to present to the Pope in Rome Japanese Christians. The reasons are explained as conceived by Valignano, who in his visitation to Japan realized the necessity of the expedition.¹¹⁶⁰ The key to understand the need for the mission was experience: the Jesuits believed that if the envoys had the experience of seeing Europe with their own eyes and the results of the Christian religion put in practice, it could change completely the way the Japanese understood what the arguments presented by the missionaries. One of the envoys, Michael, admits in a passage that if they did not have seen Europe by themselves, they would still be ignorant and sticking to their previous mistaken judgements. Listening to the mislead arguments of his interlocutor, Michael replies:

“Istud iudicium nos etiam Europearum rerum ignari ferebamus, sed Europea perlustrata, rebusque eius perspectis, et manibus, ut ita dicam, contractatis, prorsus de sententia decessimus, in aliamque inducti sumus, cognovimusque huiusmodi mutandae vitae mirabilia exempla Christianae fidei robori esse tribuenda. Cuius tanta vis est, ut facile animos quibuscumque vitae negotiis atque opibus implicatos expediat, et ad divina tantum curanda impellat, instar sanctissimi Christi apostoli Matthaei, qui ab isto quaestu et pecunia, relictis mensis ac saccis, a Christo domino ad perfectae et Apostolocae vitae rationem ductus est.”¹¹⁶¹

“We too carried that idea with us when we knew nothing of European things, but when we had travelled through Europe, and seen and, so to speak, handled those things, we abandoned that opinion and came to a very different one, for we recognized that these extraordinary examples of a deliberate change of life must indeed be attributed to the power of Christian faith. This power is so great that it can easily free souls caught in all sorts of business and riches, and impel them to care only for divine things, like Matthew, apostle of the most blessed

¹¹⁵⁹ RAMALHO, Américo da Costa. “Portugueses e Japoneses no *Dialogus* de Duarte de Sande (1590). In: CARNEIRO, Roberto e MATOS, Artur Teodoro de (org.). *O Século Cristão do Japão – Actas do Colóquio Internacional Comemorativo dos 450 Anos de Amizade Portugal-Japão (1543-1993)*. Lisbon: Centro de Estudos dos Povos e Culturas de Expressão Portuguesa da Universidade Católica Portuguesa and Instituto de História de Além-Mar da Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa, 1994, p. 348.

¹¹⁶⁰ DMLI, pp. 6-8; JTSC, pp. 45-50.

¹¹⁶¹ DMLI, p. 65.

*Christ, who left his tables and his money bags, and found himself led by Christ the Lord away from money and profit to the perfect and apostolic way of life.*¹¹⁶²

Experiencing Europe was fundamental for the boys to support the arguments of the missionaries, as it would help the Jesuits not only to acquire weight for their arguments but also to showcase the possibilities of a full Christian life. As put by Matsuda Kiichi, it was an extreme praise of Christian society and a disdainful account of non-Christian societies.¹¹⁶³ The dialogue, in that sense, exposes not what a convert person could become, but what a convert society could be. And that was the hope – or the plan – the missionaries had for Japan.

In regard to labor and servitude, the text offers a framework that included different views and opinions regarding some forms of labor. It presents an interesting notion of work ethics, with a portrait of features resultant from manual labor. These are discussed right at the beginning of the dialogue. Leo, the Japanese interlocutor of the emissaries, concerned about the time they would spend discussing the trip, states the following:

*“ingenui namque viri hoc inter caetera differunt ab iis, qui manu, & arte sibi victum parant, quod illis semper sit quaerenda occupatio, qua otium conterant (...).”*¹¹⁶⁴

*“Those who have to make a living by their labor or their skill always have to be looking for an occupation, and this leaves them no leisure, but in this and other points the nobility are different (...).”*¹¹⁶⁵

The term *ingenuus* referred not only to nobleman, but also to those who were free and had never been subjected to any kind of servitude. Here is the basic premise of servitude: labor, especially manual labor, was not a characteristic of nobility, rather a feature of commoners.

The nobility of the ambassadors is exalted in other passages as well. The embassy was aided by two Japanese servants, whose names were Constantino Dourado and Agostinho.¹¹⁶⁶ They are referred in the Latin text of the dialogue as *pedisequi*:

¹¹⁶² JTSC, pp. 113-4. The reference to Matthew is from Matthew 9:9.

¹¹⁶³ MATSUDA Kiichi. *Tenshō Ken'ō Shisetsu*. Tokyo: Chōbunsha, 1991, p. 275.

¹¹⁶⁴ DMLI, p. 2.

¹¹⁶⁵ JTSC, p. 44.

¹¹⁶⁶ As noticed by Massarella and Moran, Constantino Dourado would be later ordained in Malacca in 1616 and become superior of the seminary in Macao in 1618. As for Agostinho, there is not much information on him. JTSC, p. 53.

“(…) & nos quatuor college, cum patre Iacobo Mesquita, & fratre Georgio Loyola, ultra eos, qui nobis ad seruiendum pedisequi, & administri sunt adiunti.”¹¹⁶⁷

“With the four of us (...) Father Diogo de Mesquita and Brother Jorge Loyola, plus the servants and attendants assigned to us.”¹¹⁶⁸

The term was used in Antiquity to refer to low-class slaves who followed their master – *pedis*, foot, and *sequi*, to follow – when he went out of his house.¹¹⁶⁹ Yet, these domestic slaves had “*special liveries or uniforms (...) to wear on those occasions when their owners wanted to advertise their wealth and taste, including plentiful amount of jewellery.*”¹¹⁷⁰ The Japanese translation of Calepino’s dictionary presents *pedisequus* as *O que acompanha ao senhor* [the one who accompanies his master] or *xujinno tomosuru mono* 主人の共する者, thus reiterating the dependence on the master as the defining characteristic for the term. This old notion of a servant used to display nobility seems to be the main attribute of the word *pedisequus* in the early modern age. Among the Jesuits, the term is used to showcase not servitude, but rather the status of the master. Polanco uses the term to indicate companions of married women¹¹⁷¹; Geert Cools, a Jesuit native of Dordrecht, writing from Colonia in 1552, described an example of Jesuit humility portraying the priests prostrated on the floor “*nullis pedisequis stipata*” [unaccompanied by any servants]¹¹⁷²; Portuguese Jesuit Francisco Vieira, writing to Loyola in 1554, also calls *pedisequas* companions of noblemen.¹¹⁷³ Thus, the dialogue uses the term not to categorize the servants, but rather to praise the ambassadors’ nobility.

The dialogue offers an explanation to the Japanese students on the origins of race and its consequences to humanity, as a role-defining characteristic. This text is a summary of Valignano’s racial hierarchy, his theory of race. The racial discourse introduced in the dialogue has been analyzed recently by Rotem Kowner.¹¹⁷⁴ The ideology presented reflects directly the ideas of race described by Valignano in previous works – which arguments are combined into the so-called *Ipotesi Valignano*, as presented by Paolo

¹¹⁶⁷ DMLI, p. 10.

¹¹⁶⁸ JTSC, p. 53.

¹¹⁶⁹ SMITH, William and MARINDIN, G. E. *A Dictionary of Greek and Roman Antiquities*. London: John Murray, 1890.

¹¹⁷⁰ BRADLEY, Keith. *Slavery and Society at Rome*. Cambridge: Cambridge University Press, 1994, p. 87.

¹¹⁷¹ “*Matronae quaedam non vulgares, quae olim máxima cum pompa ac numerosa pedisequarum caterva incedebant (...)*”. POLANCO, Joanne Alphonso et ejusdem Societatis sacerdotes. *Vita Ignatii Loiolae et Rerum Societatis Jesu Historia, Tomus Quartus (1554)*. Madrid: Excudebat Augustinus Avrial, 1896, p. 104.

¹¹⁷² VARIOUS. *Litterae Quadrimestres ex Universis... Tomus Secundus 1552-1554*. Madrid: Excudebat Augustinus Avrial, 1895, p. 66.

¹¹⁷³ *Idem*, p. 542.

¹¹⁷⁴ KOWNER, Rotem. *From White to Yellow: The Japanese in Europe Racial Thought, 1300-1735*. Québec: McGill-Queen’s University Press, 2014.

Aranha.¹¹⁷⁵ The colloquium also presents the perception Japanese people had of the Portuguese that came to their shores as closely linked to the Jesuit racial ideology. The Japanese Leo asks whether their idea regarding the race of the Portuguese and its relation to servitude was correct. He says:

*“Vidimus enim multo nauibus ad nos vehi nigros illos quidem, sed mercatorum seruos, & audiimus, in hoc Lusitanorum genere nobiles candido colore, obscuro loco natos nigros esse velut ad seruitutem genitos.”*¹¹⁷⁶

*“We see many of those black people brought to us on the ships, but they are slaves of the merchants, and we have heard that among these Portuguese the nobles are white in color, but the base-born are black, as if born to slavery.”*¹¹⁷⁷

The argumentation reflects the Aristotelian principle of natural servitude, but the same principle is updated to an early modern idea. Michael explains that the Portuguese were all white, that they had no black faces, no twisted or irregular features – *vel nigris facem sunt, vel distorta, vel pravis lineame[n]tis* – in fact, the Portuguese are described as people of beautiful faces, an appropriated complexion of limbs with a smoothness in color and other notable gifts of nature and creativity – *“egregiam faciem, aptam membrorum compositionem cum quadam coloris suavitate, aliaque infignia naturae & artis dona in ecce certum est”*. The envoy continues explaining that races were defined not by nobility or humbleness, but by their environment and country. Thus, the Black that the Japanese saw were slaves bought in many kingdoms of the East – *servi sunt ex varijs Orientis regnis coempti*.¹¹⁷⁸ This explanation reflects the abandonment of the certainty of a single biblical cause for differences among races in favor of a more dubious and curious stance.

The explanation for blackness is central to understand the way Valignano and the other Jesuits positioned the Japanese and Chinese – considered White Asians – in their racial cosmogony. One of the Japanese listeners, Linus, addresses the elephant in the room:

“Dubitatio non parua se mihi offere circa istarum: gentium colorem si enim omnes homines à primis parentibus Adamo, & Eva originem habent, & illi,

¹¹⁷⁵ See our discussion on chapter V and ARANHA, Paolo. “Gerarchie Razziali e Adattamento Culturale: La ‘Ipotesi’ Valignano”. In: TAMBURELLO, Adolfo, ÜÇERLER, Antoni, and DI RUSSO, Marisa (org.). *Alessandro Valignano S.I. – Uomo del Rinascimento: Ponte tra Oriente e Occidente*. Rome: Institutum Historicum Societatis Iesu, 2008, pp. 80-2.

¹¹⁷⁶ DMLI, p. 17.

¹¹⁷⁷ JTSC, p. 60.

¹¹⁷⁸ DMLI, p. 17; JTSC, p. 60.

ut certum videtur, candido, & pulchro colore nati sunt, qui fieri potuit, ut tam multae gentes paulatim nigrum colorem induerent?"¹¹⁷⁹

"There is a major problem which occurs to me about the color of these peoples: for if all men stem from their first parents, Adam and Eve, and if they, as seems certain, were born white and beautiful, how can it have come about that so many peoples gradually took on a black color?"¹¹⁸⁰

The question, an exposition of the idea of race itself – all men were born white from Adam and Eve – prompts the envoys to offer a few explanations for the origin of blackness. First, they introduce the idea of excessive heat as the cause for the darkening of the skin. According to Michael, this idea, defended by geographers and philosophers, is based on the assertion that the peoples who inhabit the so-called *torrida zona* [Torrid Zone] were exposed to the intense heat of the Sun, thus assuming a black color. However, he casts doubt on this explanation using the experience of Portuguese navigations. The ambassador gives the example of the people from Malacca, who even though were living the closest to the Equinox, were less dark than some living close to the tropics. For example, inhabitants from the Cape of Good Hope, who lived far from the Equinox, *nigerrimo esse, & crispo admodum capillo – are very black, and have very curly hair.* Heat also could not entirely explain blackness because the Portuguese who passed through the cape could testify it was a region violently cold where the days were shorter. Also, there were solutions to extreme weather that could be obtained either from nature or ingenuity. Given the Blacks were neither becoming whites because of the cold, there were inherited characteristics, as *nigros aequae nigros gignunt – black people still produce black people.* Thus, a second argument for the origin of blackness was the seed and nature of the parents, as Blacks gave birth to Black in Portugal or wherever they went, even though these were areas inhabited by Whites. If a White man married a Black woman, their descendants would gradually go back to the White color, thus clearing the "first stain" given by the Black mother. "*Unde prorsus fit, non calori sed genitali alicui causae colorem esse ascribendum*" – "*So it seems that that color should be attributed not just to heat (...)*". But even this explanation could not exclude biblical causes. The origin for blackness is then explained by Noah's curse on the descendants of Ham. And although the curse was not included in the Bible, this was one of many events that actually happened – as attested by authors of authority – but were not in the Holy Scriptures. The argument in favor of the curse explanation is given by the distorted faces of the Africans, a sad expression, a harsh and unlearned nature, inclined to inhumanity and ferocity. The curse could be from a different event, as pointed by Michael, given that its only attestable fact was the physiognomy of Black peoples. The ambassadors conclude that the origin of blackness was a combination of the three arguments: excessive heat, their parents' seeds,

¹¹⁷⁹ DMLI, p. 37.

¹¹⁸⁰ JTSC, p. 82.

and some sort of curse. The combination of factors, and the hesitation of the Jesuits to offer a single explanation, was necessary as they needed to include the White Asians in their story. This uncertainty and the recognition of *occultis causis* – a cause unknown – were pointed as responsible for giving different facial traits to the Japanese and Chinese when compared to White Europeans.¹¹⁸¹ However, even though Japanese and Chinese were considered White Asians, they were not taken as equal, but as similar.

*“Iaponia namq[ue] nostra, si fructuum, cranium, pisciumq[ue] vis ad corpora alenda consideretur, deinde gentis nostrae acumen, & vrbanitas, nobilitatisq[ue] gradus, Europa[m] aliqua ex parte imitatur.”*¹¹⁸²

*“If you consider the potential of the crops, meat, fish, etc. to nourish the body, and also the intelligence, civility, and degree of nobility of our people, Japan is to some degree similar to Europe.”*¹¹⁸³

Michael explains in the end of the dialogue that these were “similar” peoples. Nevertheless, in the scale of nations, the Japanese were put in a position higher than that of the Chinese, thus being closer to the Europeans.¹¹⁸⁴ This line may be a reflection of the Jesuit hierarchy of races as understood by Valignano, an almost contemporary of José de Acosta.¹¹⁸⁵ As in the explanation for the origin of blackness, the environment is included as an important factor for this differentiation.

On the other hand, there is no explanation for the origin of whiteness, as it is understood as the default color of humankind. The dialogue points, after all, that geography was the responsible for not-darkening men, and its effects on natural capacities and creativity are noticeable.¹¹⁸⁶ The Portuguese, as an example of White Europeans, are characterized by loyalty, as well as nobility, power, wealth and military prowess. They

¹¹⁸¹ DMLI, pp. 37-43; JTSC, pp. 83-88.

¹¹⁸² DMLI, pp. 403-4.

¹¹⁸³ JTSC, p. 442.

¹¹⁸⁴ Valignano was pandering to his audience. In other instances, the Visitor did assume the opposite, that the Japanese were “the best and most civilized of all the East, with the exception of the Chinese.” See KOWNER, Rotem. *Op. cit.*, p. 129.

¹¹⁸⁵ Kowner summarizes Valignano’s hierarchy of races as a “three- or four-tier racial hierarchy (...) based on skin colour, civilization, and faith.” He describes that the Visitor had divided humankind into “black (...) and uncivilized Africans”, “slightly less dark (...) and naturally unrefined South and Southeast Asians and Amerindians”, “white (...) peoples of East Asia, essentially the Japanese and Chinese”, and finally the Europeans. “White skin colour undoubtedly meant much to the Visitor. Not only was it the colour of the most advanced and civilized peoples, but it was also natural and so aesthetically pleasing.” However, religion was the most important factor, which differentiated white and civilized and therefore. KOWNER, Rotem. *Op. cit.*, p. 131.

¹¹⁸⁶ There is a vast bibliography regarding this discussion. See for example HUDSON, Nicholas. “From ‘Nation’ to ‘Race’: The Origin of Racial Classification in Eighteenth-Century Thought”. In: *Eighteenth-Century Studies*, Vol. 29, No. 3 (Spring, 1996), pp. 247-264; BANTON, Michael. *Racial Theories*. Cambridge: Cambridge University Press, 1998; and HARRIGAN, Michael. *Veiled Encounters: Representing the Orient in 17th-Century French Travel Literature*. Amsterdam and New York: Rodopi, 2008.

are also described as people of three basic virtues: loyalty to their king, unbeatable strength of their courage, and deep dedication to the Christian religion.¹¹⁸⁷ Given the previous environmentalist argument, it is not surprising that the European environment is described as richer than the Japanese. For example, when the ambassadors discuss the differences between European and Japanese food, they attribute the differences in taste and quality to the soil, considered by them more fertile and fecund in the Old World.¹¹⁸⁸ On the other hand, Black people, either African or Asian, are accused of being naturally inclined to vices and of dull intelligence – *subnigro colore, fic hebeti ingenio, & in vitia proclivi sunt natura*.¹¹⁸⁹ In a reference to Sallust, the dialogue points that Blacks are subjected to nature and hunger, as beasts of burden, and obedient to false fables and delirious cults, not laws nor religion, thus justifying Aristotle’s idea of natural slavery.¹¹⁹⁰ Black Asians, specifically Indians, are presented as a race with not entirely unpleasant facial features, but with abject spirit.¹¹⁹¹ This explanation seems to not take into consideration, though, the *creole* phenomenon, that is to say, white people born in areas other than Europe, which Spaniard scholars would try to elaborate on in the sixteenth and seventeenth centuries.¹¹⁹² But, like the origin of blackness, it is used to link the Japanese to the larger academic dialogue of the end of the sixteenth century, thus classifying Japanese religions as fantasies and fables on the same fashion as the false cults followed by the Blacks.¹¹⁹³

These false religions were, surely, opposed to the true light offered by Christianity. Thus, while pagans lives dispersed and divided, Christians were all gathered under a single religion, inspired not by their intelligence, but by *divino splendore – splendor of the divine light*.¹¹⁹⁴ The pragmatic advantages of receiving the Christian religion are heavily defended throughout the text. The envoys explain that, although many rulers in

¹¹⁸⁷ DMLI, pp. 25-7, 31; JTSC, pp. 70, 71 and 74-5.

¹¹⁸⁸ DMLI, p. 98; JTSC, p. 144.

¹¹⁸⁹ DMLI, pp. 24-5; JTSC, p. 67.

¹¹⁹⁰ DMLI, pp. 43-4; JTSC, p. 89; SANDE, Duarte de, and RAMALHO, Américo da Costa (trad.). *Diálogo Sobre a Missão dos Embaixadores Japoneses à Cúria Romana. Macao: Comissão Territorial de Macau para as Comemorações dos Descobrimientos Portugueses and Fundação Oriente, 1997*, p. 61. The reference to Sallust is explained by Américo da Costa Ramalho, who points to to *Catilinae Coniurato*, I. Sallust’s text reads: “*Omnis homines, qui sese student praestare ceteris animalibus, summa ope niti decet, ne vitam silentio transeant veluti pecora, quae natura prona atque ventri oboedientia finxit*” [All men, who desire to distinguish themselves from other living creatures, ought to strive with the utmost effort, lest they pass their lives in obscurity like beasts of burden, which nature has fashioned stooping and servile to their belly]. English translation from <http://www.cs.utoronto.ca/~simon/Rome/Sallust/sallustcc1-5.html>. Aristotle notion of natural slavery can be found in *Politics*, book 1, chapter 5.

¹¹⁹¹ DMLI, p. 36; JTSC, p. 81.

¹¹⁹² CAÑIZARES ESGUERRA, Jorge. “New World, New Stars: Patriotic Astrology and the Invention of Indian and Creole Bodies in Colonial Spanish America, 1600-1650.” In: *The American Historical Review*, Vol. 104, No. 1 (Feb., 1999), pp. 33-68.

¹¹⁹³ DMLI, p. 44; JTSC, p. 89.

¹¹⁹⁴ DMLI, p. 44; JTSC, p. 89.

India have received the religion, others were still dominated by their *voluptatum suarum, vitiorum [...] tenebris – pleasures and vices, and, blinded and in the darkness.*¹¹⁹⁵ Christianity is presented as a political panacea, which if applied to Japan would curb the Japanese people's spirits, so inclined to treason and rebellion, establishing *pace, & tranquillitate tam multis bellis extinctis – an end to all the many wars, and we could at last live in tranquility.* The religion would bring a golden peace – *pax aurea* – binding faithful converts to each other and making them respectful of their rulers, repressing greed and securing property rights.¹¹⁹⁶

The differences between Japanese and European servitude are made clear by the comparisons throughout the text. One of the colloquia, dedicated to the servants of European princes, called in the original *famulorum*, gives an introductory explanation concerning these differences. The term *famulorum* is, as we seen before when discussing dictionary definitions for servants, not exclusive to the idea of slavery, but rather a very generic form of addressing servitude. It was also the preferred term used by the Jesuits to refer to their own Japanese servants in Japan. The first difference noticed by the ambassadors between European and Japanese servitude is mobility: while European servants were fixed, performing determined tasks, hardly being able to change position of place, the same was not true for Japan. Japanese servitude is described in the following words:

*“Qui enim nostris Yacattis, aut alijs principibus ministrant, nec in eodem semper loco sunt, nec principum annona aluntur, nec deniq[ue]; firmum habent ministrandimunus: sed omnes in gyrum quodāmodo voluti nu[n]c ij, nunc illi ministrādi negotiu[m] sustinent, alijq[ue]; alijs cōtinenter succedunt.”*¹¹⁹⁷

*“Those who minister to our yakata, or other leading lords, are not always in the one place, nor are they maintained by wages from the lords, nor does each of them have a fixed task to attend to; but all of them are as it were circling round, with a constant succession of different people providing service at different times.”*¹¹⁹⁸

A second difference is the way one had to serve someone. Michael, the ambassador, explains that in Europe there is no law, nor obligation to serve anyone, and the only obligation was to pay the census. Servants are hired or obliged to serve by the hope of one day receiving a greater benefit. What Michael is doing is effectively comparing the European framework with the Japanese practice of *kuyaku* 公役, which was severely criticized by the missionaries as an impediment for many to take part in

¹¹⁹⁵ DMLI, p. 24; JTSC, p. 67.

¹¹⁹⁶ DMLI, p. 32; JTSC, pp. 76-7..

¹¹⁹⁷ DMLI, pp. 95-6.

¹¹⁹⁸ JTSC, p. 142.

religious services – even though they themselves enjoyed the services provided by this system in areas such as Nagasaki and others donated to the mission. According to the dialogue, the advantages of the European system are, first, that a master has always servants around him and, second, that there is a kind of mutual love between masters and servants, as most of the times these lackeys are raised in the master’s residence. Thus, these servants are loved by their masters, as if they were parents and children, and in exchange they love back their masters. That is why servants in Europe assist their masters with the *summo amore, benevolentia* – *full measure of love and willingness*. These servants were also of various backgrounds, not only from poor families, as according to the master, they were of higher or lower social status. Furthermore, these servants were constantly used as guards [*satellitum custodia*] to display importance and majesty.¹¹⁹⁹ The text makes a clear distinction between servants in Europe and those Black slaves that the Japanese were used to witness assisting Portuguese merchants coming from China. Michael explains:

“Deniq[ue], ut aliquid de famulis dicam, hi, qui ad nos adducuntur, servi sunt pretio, vel alio iure ex India, vel alijs regnis extra Europam comparati: illi verò, quibus in Europa utuntur, liberi sunt, & ingenuè, atq[ue], urbaniter educati.”¹²⁰⁰

“And as a final point let me say something about their servants: those that are brought to Japan are usually procured in India, or in other countries outside of Europe, either for a price or by some other method, but those whom they use in Europe are free men, educated as such and well brought up.”¹²⁰¹

The difference is made also between servants in Europe and those overseas. If we consider that servants in Europe were gathered under the Latin term *famulus*, while overseas slaves, Black or otherwise, were referred as *servi*, the fact that the Jesuits did not refer to Japanese servants in Japan as *servi* is telling of the way they understood Japanese servitude. Furthermore, it indicates how they wished for it to be understood by Europeans readers of their texts. Certainly, the term *famulus* is used by the Jesuits in the Japanese context to indicate anyone bonded to a master by any kind of relation. For example, on their colloquium about justice, they explain that while in Europe the governments and princes are fair and just, in Japan there were *dominos à famulis interficit* – *lords killed by their servants*.¹²⁰² Although the text points out differences between Japanese servitude and European servitude, it seems that the use of the word *famulus* to refer to their own servants in Japan approximated them to this ideal of a loving master-

¹¹⁹⁹ DMLI, pp. 95-6; JTSC, p. 142.

¹²⁰⁰ DMLI, p. 99.

¹²⁰¹ JTSC, pp. 144-5.

¹²⁰² DMLI, p. 120; JTSC, p. 165.

servant relationship rather than to the slaves acquired by right or money in the overseas territories.

The dialogue considers that *servitus* [servitude] was the name given to the service to which wives and children of criminal fathers or husbands in Japan could be condemned to. Nevertheless, it seems to be the rule to avoid referring to Japanese servants in Japan as *servi*, a term reserved for Black African and dark-skinned Asian slaves. Leo, one of Michael's cousins, asks whether, in Europe, as in Japan, children and spouses of those condemned to death also received *mortis, bonorum proscriptio, & servitutis poenam – the penalty of death, of forfeiture of property, and of slavery*.¹²⁰³ However, still in the same colloquium, Linus, the other cousin, asks whether a *domesticum famulum* [home servant] could be killed by his or her master.¹²⁰⁴ Although the Jesuits considered Japanese servitude to be translated as *servitus*, the term referred to these servants seems to always be *famulus*.

The text also makes a critique of the way the Japanese conducted and declared war on the light of the doctrine of just war. On the thirteenth colloquium, dedicated to the theme of war and war-making, Michael explains how the right to declare war in Europe was reserved only to kings and free princes, while in Japan any *kunishu* 国主 or *yakata* 屋形 could attempt to claim this right. The way Michael says it is revealing: *illi, quos Conixuos, & Yacattas dicimus, belli sibi mutuo inferendi potestatem habent, vel, ut verius dicam, eam ipsi sibi vendicant – all those whom we call kunishu or yakata have the power to wage war against each other; or, to be more exact, they arrogate this power to themselves*. It is apparent that the ambassador, channeling Valignano, does not consider the power of declaring war to be among the capacities of local warlords in Japan.¹²⁰⁵

The power to declare war is then explained as subjected to principles of Christian piety and to the keeping of common tranquility. War is just possible by just and extensively examined causes. The text explains how the king played the role of the head of the republic, resolving conflicts between its members. In Japan, on the other hand, any local lord could maintain his own army and declare war at will. Michael declares that, in his opinion, this state began during the war between the Genji 源氏 and the Heike 平家 which is when the power of the Emperor was usurped. Mantius proceeds analyzing the possible reasons for the continuous disturbances in Japan, which he considers to be three: the independence the *tono* had in relation to the *yakata*; the submission the people had to their lords; and the fact that the *tono* had no formal obligation to obey and follow the

¹²⁰³ DMLI, p. 122; JTSC, p. 167.

¹²⁰⁴ DMLI, p. 124; JTSC, p. 169.

¹²⁰⁵ DMLI, p. 126; JTSC, p. 171.

yakata.¹²⁰⁶ These reasons suffice, according to the ambassadors, to explain the chaotic state in which Japan was.

In the fourteenth colloquium, about war on the sea, the ambassador Michael makes an exposition on the Battle of Lepanto, occurred in 1571. He explains that the number of Christian captives freed in that battle surmounted to fifteen thousand, who had been captured by the Saracens in various regions. The terms used here to refer to this captivity are, of course, *captivitate* [captivity], but also *servitute* [servitude], just like in the Jesuit dictionaries analyzed previously. In one passage, Michael says: (...) *qui numerus tot millibus captiuoru[m], qui ex hostile servitute liberti sunt, & tot triremibus in Christianoru[m] postestate[m] redactis egregiè fuit suppletus – and these numbers were easily made good from the many thousands of captives freed from slavery to the enemy, and the many triremes taken over by the Christians.*¹²⁰⁷

The account is followed by an explanation on how Mohammed created Islam – in a very Christian condemning fashion – and how the Christians have eternal war declared against the Muslims. After questioning whether there were just wars among Christians, Leo asks about the fate of those captured or surrendered – *captive sive dedititij* – in wars, whether they were killed or condemned to perpetual slavery – *perpetuae servitutis* – as in Japan. Michael starts replying that, among Christians, that is not the fate met by anyone. They are exchanged by other prisoners, freed or ransomed. The ambassador explains that, although there was no clear law stating that, among European Christians it was an old custom to no Christian was reduced to slavery because of captivity in a war – *ne que Christianus in bello captus servire cogatur*. As for Muslim prisoners, as they were barbarians and enemies of Christ, these were perpetually enslaved after a war – *hi enim cu[m] sint barbari, & Christiani nominis hostes, post praelij conflictum capti, in perpetua servitute mane[n]t*. In a single sentence, the envoy summarized the arguments for the legitimate enslavement of Muslims in two: barbarism and the eternal war between both religions.¹²⁰⁸

Here, the ambassadors discuss with their counterparts the issue of Japanese slavery. We will transcribe the full passage, followed the English translation and an analysis of the text.

“Michael: (...) *Im[m]o verò mira[n]tur Lusitani, atq[ue] Europ[a]ei omnes, tantam esse in nostris hominibus auaritiam, pecuniaeq[ue] comparandae cupiditatem, vt mutuò se vendant grauemq[ue] Iaponico nomini infamiae notam imponant. Praeterea nos ipsi saepe per varias itineris nostri partes Iaponenses homines venditos, & in seruitutem redactos intuentes, non potuimus non graui*

¹²⁰⁶ DMLI, pp. 126-8; JTSC, pp. 171-3.

¹²⁰⁷ DMLI, p. 137; JTSC, p. 183.

¹²⁰⁸ DMLI, p. 138; JTSC, pp. 184-5.

iracundiae ardore in nostram gentem excandescere, quae totius pietatis oblita, indigenas homines eiusdem sanguinis, & linguae ta[m] vili pretio a se abalienat, quasi sint pecudes, vel iumenta.

Mancius: Iure optimo de nostra gente conqueritur Michaël, quae cum alioqui sit cultus, & humanitatis studiosa,¹²⁰⁹ hac in re totam humanitatem, politio[em]q[ue] cultu[m] exuere prorsus uidetur: & cupiditatis suae praeconium per omnes ferè gentes mittit.

Martinus: Ita sanè est: quis enim non miseratione cōmmoueantur, videns tam multos nostrae gentis viros, ac foeminas, pueros, & puellas in tam varias orbis partes, tam paruo pretio abripi, ac distrahi, miseramque seruitutem pati? nec enim solum Lusitanis vendu[n]tur, id namq[ue] facilius tolerari posset, cùm Lusitanoru[m] natio erga seruos clemens, sit, ac benigna, eosq[ue] Christianae doctrinae praeceptis imbuat. Sed quis aequo animo ferat, nostros homines per tam diuersa regna, abiectarum etiam gentiu[m], falsaeq[ue] religioni deditaru[m] dissipari, ibiq[ue] non solum inter barbaros, & nigro colore homines tristem seruitute[m] sustinere, sed etiam falsis erroribus imbui?

Leo: Equidem recte dixistis: semper enim in Iaponia vitio vertere soliti sumus huiusmodi ve[n]de[n]di Iaponenses homines consuetudinem: sed sunt qui culpam hanc totam in Lusitanos, & patres Societatis conijciant: quorum alij tam auidè Iaponenses homines emu[n]t, alij verò eiusmodi emptiones auctoritate sua non impediunt.

Michael: Lusitanorum prorsus nulla culpa est: cum enim sint mercatores, non est illis in vitio ponendum, si nostros homines spe lucri emant, & postea in India, aliisq[ue] locis ex eorum ve[n]ditione quaestum faciant: tota ergo culpa nostrorum est, qui etiam ipsos filios, quos carissimos habere deberent, paruo accepto pretio è matrum gremio diuelli, tam facìle patiuntur. Quod verè ad patres Societas attinet: vt intelligatis, quam aduersa sit eoru[m] mens ab eiusmodi venditionibus, & emptionibus, scire etia[m] vos oportet, eos magna cura, ac

¹²⁰⁹ This seems to be a reference to a sixteenth-century Latin translation of Plutarch's Demosthenes, 2, 1: "Equidem, qui Historiam non ex undique obriis, domesticis ve, sed peregrinis, atque ijs diversis, & apud alios, aliosque passim disiectis, cocuntem rebus, scriber sit aggresus, huic in primis Urbe praeclara, litterarum, & humanitatis studiosa, modis, omnibus sit opus, quo simul, & libris omnigenis abundans, & quaecumque Scriptores subterfugere, memoria hominum luculentiore cum fide servata, audiens ipse, & singular coram disquirens, conficere Historiam partibus omnibus absolutam possit." See, for example, PLUTARCHUS. *Plutarchi Cheronei Graecorum Romanorumque illustriorum vitae*. Basil: Mich. Isingrinium, 1550, f. 315. This same book was repeatedly reedited: twice in Basil (1552 and 1554) and once in Paris (1558), which may reflect its popularity. Apparently, this translation reached the Iberian Peninsula as well, as it would be the source for later quotations. See, for example, DORMER, Diego Iosef. *Anales de Aragon desde el año MDXXV del nacimiento de Nuestro Redemptor hasta el de MDXL*. [Unnamed place]: Los herederos de Diego Dormer, 1697, introduction.

diligentia à rege Lusitaniae regium diploma impetrauisse, quo graui poena prohibetur, ne quis mercator in Iaponiam veniens, seruuum Iaponensem emat. Sed quid prodest huius edicti seueritas? cum nostri homines ea sint cupiditate, vt fratres, consanguineos, socios, alios deniq[ue] vi, ac dolo raptos, clàm, & latenter in naues Lusitanorum inferant, ipsosq[ue] Lusitanos partim precibus, partim pretij leuitate ad emptionem seruorum sollicitent. Qua potissimùm excusatione Lusitani culpam uiolate legis tegunt, affirmantes, sibi ab ipsis Iaponensibus importunis precibus quodammodo vim inferri. Nec verò inter Lusitanos cum nostris hominibus malè agitur: nam praeterquàm quòd Christianae doctrinae documenta perdiscunt, indulgentia summa quasi liberi inter eos habentur, & paucis elapsis annis liberi dimittuntur. Non tamen ideo eluitur macula, quam huiusmodi seruituti ansam praebentes, nostri homines contrahunt, ideoq[ue] graui inter nos poena mulctandi essent, quicumq[ue] huius criminis rei fierent.

Leo: Inter alias leges a Quambacudono viuersae Iaponiae principe sancitas, non est minima ea, qua Iaponensium venditiones prohibentur.

Michael: Optima quidem lex ista esset, si inferiores magistratus, ad quos eius obseruatio pertinet, in ea seruanda non coniuerent, nec uenditores impunitos abire paterentur. Quapropter necesse est, vt tum ipsi magistratus legem seuerissimè obseruandam curent: tum etiam dynastae, portuumq[ue], ad quos naues appelluntur, domini id ipsum custodiri, grauissimis indictis poenis praecipiant.

Leo: Aequum est, vt id nostris dynastis, ac principibus tanquam Iaponiae vtile, ac necessarium subijciatis.

*Michael: Nos quidem subijciendum, inculcandumque curabimus: timeo tamen, ne apud nos plus valeat priuatae vtilitatis spes, quàm cò[m]munis boni ratio: haec enim cùm Europ[ae]is ante oculos semper sit, nequaqua[m] prauas has consuetudines in regna sua introduci permittunt. (...)*¹²¹⁰

[*Michael: (...) The Portuguese indeed, and all the Europeans, marvel to see our people so avaricious, so greedily intent on amassing money, that they sell each other, and sully the name of Japan with a mark of infamy. We ourselves often, at various points in our journey, saw Japanese men who had been sold and condemned to slavery, and found ourselves unable to contain a deep and burning anger against our own people who, for such a vile price, heartlessly hand over their countrymen, though of the same blood and language, as if they were cattle or beasts of burden.*

¹²¹⁰ DMLI, pp. 139-41.

Mantius: Michael is entirely justified in complaining about our people. In other respects, they are concerned about refinement and humanity, but in this matter, they seem to abandon all humanity, manners, and refinement, and to make a proclamation of their greed to almost all peoples.

Martinus: That indeed is how it is; for who is not moved to pity, seeing so many of our people, men, women, boys, and girls, snatched away for such a small price and dispersed to so many different parts of the world, suffering the misery of slavery? And they are not sold only to the Portuguese. That would be easier to tolerate, since the Portuguese nation treats its slaves with consideration and kindness and instructs them in the precepts of Christian doctrine. But who can bear to see our people dispersed among such diverse kingdoms, where people are of the lowest kind and given to false religion, there not only suffer the misery of slavery among men barbarous and black in color, but also to be fed with false and erroneous teaching?

Leo: Well said, indeed. In Japan we regularly condemn the custom of selling Japanese in this way, but some people blame for it entirely on the Portuguese and the fathers of the Society; on the Portuguese because they are so eager to buy Japanese, and on the Jesuits because they do not use their authority to put a stop to purchases of this kind.

Michael: It is not the Portuguese who are at fault. They are merchants, so they cannot be blamed if they buy our people with the hope of gain, and later make a profit by selling them in India and other places. It is entirely our people who are at fault, who for a small payment so easily allow even their own children, whom they ought dearly to cherish, to be torn from their mother's bosom. With regard to the fathers of the Society, if you are to understand how strongly opposed they are to this kind of selling and buying, you should also know with what care and diligence they obtained from the king of Portugal a royal letter prohibiting any merchant, under severe penalty, from coming to Japan and buying a Japanese slave. But what effect can the severity of this edict have, when the cupidity of our people is such that they bring their brothers, their relatives, their comrades, and others, seized by force or guile, secretly and under cover to the ships of the Portuguese, and persuade those Portuguese, partly with their pleas, partly by offering them at low prices, to buy them as slaves. The main excuse the Portuguese give to cover their violation of the law is that they are put under pressure by the importunity of the Japanese themselves. And in fact, the Portuguese do not treat our people badly. They learn Christian doctrine, and besides, they are treated with great kindness, as if they were free, and after a few years they are set free. Not that this lessens the blame attaching to our people who promote slavery of this kind, and all those among us guilty of this crime should be severely punished.

Leo: Not least among the laws laid down by Quambaquundono, ruler of all Japan, is the one forbidding the sale of Japanese.

Michael: It would indeed be a most excellent law if the subordinate rulers, who are responsible for its observance, did not connive at the continuation of these practices, and did not allow those who sell people to go unpunished. It is necessary, therefore, for the authorities themselves to see to it that the law is very strictly observed, and for the rulers, and the lords of the ports to which the ships come, to insist on obedience in this matter, with very severe penalties for any transgression.

Leo: It is right that you should put this to our rulers and princes as useful and necessary for Japan.

Michael: We shall take care to put it to them and impress it on them, but I am afraid that the hope of private advantage may count for more among our people than concern for the common good. The Europeans, because they always have the common good before their eyes, never permit these vicious customs to be introduced in their kingdoms. (...)"¹²¹¹

This section introduces the problematic of Japanese slavery and the trade of Japanese slaves purchased by the Portuguese and taken to various parts of the globe. Purchased Japanese taken overseas by foreign merchants were, indeed, referred as *servi* in the text. This is where the missionaries admitted the Japanese could be enslaved. Their enslavement, thus, is not a result of simply serving European masters, like the Jesuits themselves, but effectively of being taken overseas after being sold by their own fellow countrymen to foreign merchants. This process results in a legal and spiritual change, from freemen to individuals eternally scarred by the stigma of slavery. Nevertheless, Valignano presents an apology for this practice.

The emissaries Michael, Mantius and Martinus expose the issue to Leo, while Linus and Julianus stay quiet. Michael starts by accusing the Japanese of selling their own people, to the astonishment of Europeans. According to the dialogue, the ambassadors witnessed Japanese slaves across the world, but that sight served only to infuriate them against their own people, not against the Portuguese. Moved by greed alone, the Japanese would sell their compatriots as if they were cattle or beasts. Following the lead of Michael, the same opinion is defended by Mantius and Martinus.

The envoy Martinus continues the dialogue adding that Japanese slaves were not sold only to the Portuguese, thus he reiterates the responsibility of the Japanese in the trade. The problem, according to Martinus, was that they could not bear to witness fellow Japanese sold to infidels and barbarians. This may be a reference to the Siamese and

¹²¹¹ JTSC, pp. 185-7.

Cambodians mentioned by Gaspar Coelho when replying Hideyoshi in 1587, during the time of the enactment of the edict of expulsion of the Jesuits, as the Portuguese were not the only ones buying Japanese servants. Slaves sold to these infidels lived in the same conditions as Black slaves in their *tristem servitutum* [sad slavery]. On the other hand, Japanese slaves that were sold to the Portuguese enjoyed many advantages, such as learning the Christian doctrine, thanks to the benevolence and kindness of the Portuguese nation. The text makes an opposition between the “sad slavery” and a “more easily tolerable slavery”, which was the one where the Japanese were owned by benign Portuguese masters rather than non-Christian masters.

Leo intervenes by presenting the general opinion of the Japanese, who blame the trade on the Portuguese greediness and the Jesuits’ apathy to the situation. Michael is fast to refute the accusation, claiming that the Portuguese had no fault as they were only merchants seeking profit. Indeed, the dialogue, when presenting a summary of the history of the Portuguese in Asia, states that the merchants’ objectives and the royal purposes differed. While the merchants were looking for their business only, Christian kings were aiming at expanding Christ’s realm.¹²¹² In fact, forgiving merchants who sought only profit was a Christian position since at least the thirteenth-century, with more solid theological positions reinforcing this stance during the fifteenth and sixteenth centuries.¹²¹³

The Japanese were to blame not only because they were putting their fellow countrymen in the so-called “sad slavery”, but also because they were failing their duty as *paterfamilias*. The phrase *filios, quos carissimos habere deberent* is a paraphrase from Cicero’s *Post reditum in Senatu* [In the Senate after his Return], who wrote *parentes carissimos habere debemus* [we ought to consider our parents most dear to us] to indicate the obligation one owed to his own parents.¹²¹⁴ The paraphrase is used to indicate the obligations a father had towards his children as *paterfamilias* of the family or clan. For the Jesuits themselves, as explained by Harro Höpfl, these obligations concerned the defense of the interests of a group, not the father.¹²¹⁵

Michael goes on defending the Jesuits, as fundamentally opposing the slave trade – or at least the “sad slavery” part of it. Their struggle to obtain from the Portuguese king a prohibition against the practice is shown as evidence of their commitment. The

¹²¹² DMLI, p. 29; JTSC, pp. 73-4.

¹²¹³ JONSEN, Albert R. & TOULMIN, Stephen. *The Abuse of Casuistry – A History of Moral Reasoning*. Berkeley: University of California Press, 1988, pp. 181-94; ZALDIVAR, Antonio M. “Patrician’s embrace of the Dominican Convent of St. Catherine in the Thirteenth-Century Barcelona.” In: CHUBB, Taryn E.L. and KELLEY, Emily D. (ed.). *Mendicants and Merchants in the Medieval Mediterranean*. Leiden and Boston: Brill, 2012, pp. 195-6 [47-8].

¹²¹⁴ CICERO, M. Tullius. *The Orations of Marcus Tullius Cicero, literally translated by C. D. Yonge, B. A.* London: Henry G. Bohn, 1856.

¹²¹⁵ HÖPFL, Harro. *Jesuit Political Thought – The Society of Jesus and the State, c. 1540-1640*. Cambridge: Cambridge University Press, 2004, p. 197.

prohibition is of course a reference to D. Sebastião's charter on Japanese slavery. According to classical historiography, this passage affirms the "*decree was ignored*".¹²¹⁶ On the other hand, a closer reading reveals the text is presenting the reasons why the law was inefficient, not that it was ignored. The ambassador says that the Japanese would use of subterfuges to bring slaves to the Portuguese and, in a way, force them to purchase the servants by asking them to buy the slaves and offering them by low prices. The Portuguese merchants used this excuse to defend they were forced into buying the slaves and break the law. Thus, once more, the blame is on the Japanese, and the ineffectiveness of D. Sebastião's decree was attributed to its incapacity to be enforced in Japan.

The envoy proceeds by, once more, defending the enslavement of Japanese by the Portuguese, as these were benign masters. The Japanese slaves owned by these merchants would receive Christian education and a kind treatment – *quasi liberi inter eos habentur, or treated (...) as if they were free*. The equation of Japanese servitude under Portuguese masters to an almost free state is, first, an admission that this state of servitude under foreign masters was indeed slavery, and these were *servi*, not *famuli*. Second, it is an attempt to attenuate the state of servitude under Portuguese masters. The text also underlines that these servants would receive their manumission after a few years – a reference to the *nenkihōkō* 年季奉公, which is not explained in further detail. There was no need for a longer explanation, since the audience of Japanese students would immediately understand the reference. As we see it, the Jesuits were presenting a very delicate and fragile scheme of things. They explain that temporary servants were, indeed, slaves – *servi* – outside of Japan, but their legal and spiritual condition was less harsh than other slaves. This "soft enslavement" was characterized by the guarantee that Portuguese masters would free their slaves after their servitude period was over. Furthermore, Michael is explaining that the servitude period when one was purchased by a Portuguese was short – another advantage from the Japanese perspective – although he does not specify a time limit.

Leo asks about Hideyoshi's law forbidding the sale of Japanese. The wording here is key: *Iaponensium venditiones prohibentur* meant "forbidding the sale of Japanese", not their subjection to servitude *per se*. This phrase reinforces the argument that Japanese selling their fellow countrymen were the real responsible for the horrors of Japanese slavery, as this law, addressing specifically the business side of the trade, was not fully enforced. Michael responds praising the law – which makes us believe that, for the Jesuits, this was the solution to the problem – but lamenting that it was not enforced as necessary by concerned authorities. Indeed, as pointed by Moran, the ambassador is reiterating the arguments presented to Hideyoshi by Gaspar Coelho in reply to the envoys asking about the slave trade and the Portuguese. In 1587, Coelho replied that the best solution would

¹²¹⁶ MORAN, J.F. *The Japanese and the Jesuits – Alessandro Valignano in sixteenth-century Japan*. London and New York: Routledge, 1993, p. 108.

be a code regulating the issue but addressed at the local lords.¹²¹⁷ Here, Michael reiterates that the law was to be enforced by local magistrates and lords – *dynastae* – in the ports where this issue was more evident. The envoys then compromise to take the issue to local authorities and exhort them to enforce Hideyoshi’s law.

In the end, when Michael is closing his arguments, he says that among the Japanese *plus valeat priuatae vtilitatis spes, quàm còm[m]unis boni ratio*, or *the hope of private advantage may count for more among our people than concern for the common good*. This is a reference to Marcus Tullius Cicero’s moral and ethical principles defended in his *De officiis* [On obligations], a three-book treatise composed both as a general tract on governance and a personal address to his son.¹²¹⁸ Cicero discusses in various parts the prevalence of common good over private interests for the good of the republic as, for example, in his critic of Hecato of Rhodes on the third book.¹²¹⁹ The influence of Cicero’s *De officiis* in Aquinas as well as in the sixteenth century’s moral theology was considerable: it received numerous editions, being the first book printed by Germans at the Monastery of Subiaco, near Rome in 1465. The book became fundamental for the secularization of moral teaching.¹²²⁰ Among the Jesuits, the book was the one of the Society’s favorite reading on morality, and Cicero himself was one of the rhetorical exemplars studied in the academies of the order.¹²²¹

While Cicero criticized the preeminence of private profit over the common good, he defended that, in case of conflict between private interests and the common good, the later should be favored: “*Ergo unum debet esse omnibus propositum, ut eadem sit utilitas unius cuiusque et universorum; quam si ad se quisque rapiet, dissolvetur omnis humana consortio.*” [“*This, then, ought to be the chief end of all men, to make the interest of each individual and of the whole body political identical. For if the individual appropriates to selfish ends what should be devoted to the common good, all human fellowship will be destroyed.*”]¹²²²

Having Cicero in mind, the argument presented by the dialogue is that Japanese society was subverted by personal interests. In Europe, the common good was always ahead, as God always in the sight of the Christians. This sentence, *ante oculos semper*, could be a paraphrase of Psalms 15, 8 – *Providebam Dominum in conspectu meo semper: quoniam a dextris est mihi, ne commovear* [I set the Lord always in my sight: for he is at

¹²¹⁷ *Idem*.

¹²¹⁸ CICERO (auth.), GRIFFIN, M.T. and ATKINS, E.M. (ed.). *On Duties*. Cambridge: Cambridge University Press, 1991, p. XVII.

¹²¹⁹ *Idem*, p. 105.

¹²²⁰ See SCHNEIDER JR, Ben R. “Why Cicero’s *De Officiis*.” Available at http://www.stoics.com/why_stoics.html#WhyCicero, accessed in August 7, 2016.

¹²²¹ HÖPFL, Harro. *Op. cit.*, pp. 22 and 108.

¹²²² CICERO (auth.), MILLER, Walter (transl.). *De officiis*. London and New York: William Heinemann and G. P. Putnam’s Sons, 1928, pp. 292-3.

my right hand, that I be not moved.] Effectively, Cornelius Jansen would rewrite this very Psalm in the following terms: *Proposui mihi velut scopum ante oculos mentis meae semper Dominum, qui ante oculos semper observatus est, ita vt in omnibus gratificari ei studerem, quod fane merito seci.*¹²²³ Thus, the argument is that, because in Europe they had Christianity and its ethics, supported on classics such as Cicero, society would not be deviated as in Japan.

In conclusion, the dialogue presents a rich matrix of references which, if contextualized, offer a glimpse of the ideology of work and servitude the Jesuits had. It contains their racial views, including their attempts to fit Japanese and Chinese – White Asians – in a taxonomy that, up to this time, was thought only to explain the origins of blackness and how Black Africans and Asians differed from White Europeans. The text was elaborated in the years prior to the arrival of Jose de Acosta's taxonomy of races in Asia, which would be immensely influential.¹²²⁴ Thus, it is witness to a locally elaborated explication of racial hierarchies and the origins of racial differentiation, in a combination of mystical causes (the Biblical curse), inherited features, and environmental factors. Valignano was, thus, echoing what Hector Zagal defined as Aquinas's *doctrine of the incidental inequality of men*, which defended these differences were the result of men's education, costumes, and natural dispositions, as well as the exercise of freedom.¹²²⁵

The main difference between Valignano's theory of race and Acosta's was, as noted by Kowner, that the Visitor paid much more attention to the importance of factors such as blood and environment. "*Hence, while Acosta advocated conversion to Christianity as a means of elevation to a higher standing of civilization, Valignano made it plain that the profound human differences he referred to (...) were largely fixed.*"¹²²⁶ This was not a completely original view of the world, but it certainly did have direct consequences for the policies of the mission.¹²²⁷ The immutability of the essence of race, in the view of the Visitor, was responsible for eternalizing the superiority of Europe and the unchanging hierarchical relations between different peoples.

¹²²³ JANSENIS, Cornelius. *Paraphrasis in omnes Psalmos Davidicos cum Argumentis et Annotationibus*. Antuerpia: Gisleni Iansenii, 1614, p. 34.

¹²²⁴ Acosta had published his taxonomy in 1588, thus it is difficult to determine for sure the Japan Jesuits had access to the text before publishing the dialogue.

¹²²⁵ ZAGAL, Hector. 'Aquinas on Slavery: An Aristotelian Puzzle'. Paper presented at the Congresso Tomista Internazionale, Rome, 21st to 23rd September 2003, p. 9.

¹²²⁶ Valignano was preceded by figures as, for example, Juan López de Velasco, Buenaventura de Salinas y Córdoba, and León Pinelo. KOWNER, Rotem. *Op. cit.*, p. 133.

¹²²⁷ See *Idem*, pp. 133-4; for theories of race in the New World, see CAÑIZARES ESGUERRA, Jorge. 'New World, New Stars: Patriotic Astrology and the Invention of Indian and Creole Bodies in Colonial America'. In: *The American Historical Review*, Vol. 104, No. 1 (Feb. 1999), pp. 33-68. See also RUBIÉS, Joan-Pau. "The Spanish contribution to the ethonology of Asia in the sixteenth and seventeenth centuries." In: *Renaissance Studies*, Vol. 17, No. 3. Blackwell Publishing, 2003, pp. 418-48.

As for labor, the text makes a clear distinction between noblemen and laborers. As for slavery, it separates the “sad slavery” from the tolerable slavery that the Japanese could face if they were purchased by Christian Portuguese. The arguments presented to defend the trade, or at least to excuse its inevitability, are an elaborated version of those offered to Hideyoshi in 1587. The responsibility for the slave trade is entirely attributed to the Japanese and their greediness. Portuguese merchants are excused, by appealing to the unavoidability of merchants in their search for profits. Abuses and law-breaking are all blamed on the Japanese, and the participants of the colloquia agree that Japanese Christians should in fact pressure their rulers to obtain effective measures in order to curb the trade.

As a text written to present Europe to a Japanese audience of seminarians, it is a long proposal for the effectiveness of Christianity as a political ideology. From government to trade, from loyalty to slavery, all issues discussed are presented in a better light when Christianity is involved. A political remedy, the religion is introduced as the basis for well-oiled societies, where any problem is considered against piety, kindness and the ethics of Christ. As put by Juan Gil, it was an:

*“entusiasmada exaltación de Europe, propagadora de la fe verdadera y de la civilización. Sande/Valignano (...) están convencidos de la hegemonía de Occidente en todos los órdenes; por tanto, de Europa, primeira potencial mundial, deben aprender los demás países, Japón y China incluidos, no solo la salvación espiritual, sino las nuevas técnicas, las nuevas modas y las nuevas mentalidades.”*¹²²⁸

[enthusiastic exaltation of Europe, the propagator of the true faith and of civilization. Sande/Valignano were convinced of the hegemony of the West in all levels; thus, from Europe, the first world power, all other countries ought to learn, including Japan and China, not only spiritual salvation, but also new techniques, new trends and new mentalities.]

Given the complexity of the dialogue, the issue of slavery is not possible to be interpreted simply in terms of agreement or disagreement on the part of the missionaries. The Jesuits had an ambiguous relationship with the trade: they would allow some to be enslaved and taken away with their approval. Unlike in the Brazilian case, there was no meaningful opposition to the practice among Japan Jesuits before the arrival of the Bishop of Funai, D. Pedro Martins. Instead, for the most part, they seemed to be concerned about

¹²²⁸ GIL, Juan. “Europa se presenta a sí misma: el tratado *De missione legatorum Iaponensium* de Duarte de Sande.” In: CARNEIRO, Roberto e MATOS, Artur Teodoro de (org.). *O Século Cristão do Japão – Actas do Colóquio Internacional Comemorativo dos 450 Anos de Amizade Portugal-Japão (1543-1993)*. Lisbon: Centro de Estudos dos Povos e Culturas de Expressão Portuguesa da Universidade Católica Portuguesa and Instituto de História de Além-Mar da Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa, 1994, p. 435.

defining a very distinct legal identity for Japanese servitude. The choice of words, especially apparent in Latin texts, makes it clear that they were attempting to distinguish ordinary slaves from the Japanese slaves. In the colloquia, ordinary Black African and Asian slaves are subjected to what they called “sad slavery”, while Japanese servitude and the master-slave relation between Portuguese and Japanese is depicted as beneficial for both.¹²²⁹ The only criticism is the unavoidable and permanent smear that enslavement would leave in an individual, making him or her non-*ingenui* anymore. That meant that, in the end, there were three categories of servants considered by the Jesuits: the “sad slaves” from Africa and Asia, black in color; the Japanese *servi* under what they characterize as a “tolerable slavery” for those purchased by the Portuguese; and the Japanese *famuli* used by the missionaries, whose *ingenuitas* was protected.

Even though the theme of slavery had been one of the main concerns of the Kanpaku in 1587 and a topic discussed in the dialogue, slavery would not be discussed in the gathering the missionaries held during this period. But since Valignano’s *Adiciones del Sumario de Japón*, this issue would become central. The following sections presents the issue of Japanese slavery and servitude as discussed in the consultation and the congregation, as well as the Visitor’s text.

Struggle for autonomy and hegemony

Established in Nagasaki during the aftermath of the edict of 1587, the Jesuits had a privileged view of the process. As war approached, the missionaries gathered for an official provincial congregation in February 3rd 1592 – an opportunity they had been expecting at least since the first consultation in 1580. Since the consultation of Kyoto, Bungo and Nagasaki, Valignano and Acquaviva exchanged epistles numerous times to arrange how the missionaries could hold a congregation and the extension of the priests’ decision-making powers.¹²³⁰ Claudio Acquaviva had acquiesced to the realization of the congregation right after the consultation, but he imposed severe limitations to its capacities. For example, in a letter written in December 28th 1587, the provost determined one of the aspects that should be observed during the gathering. The letter is partially transcribed in the proceedings of the congregation. The text reads as follows:

¹²²⁹ This is not the only example of mutually beneficial relation in the dialogue. The trade between India and Portugal is also depicted as beneficial for both sides. See DMLI, p. 300: “(...) vt mercibus vltro, citroq[ue] quoda[m]modo commutates, vtraq[ue] region & Eruoepa, & India ex hac navigatione vberrimos fructus colligat”; JTSC, p. 74: “(...) with merchandise going back and forward in a sort of exchange both regions, Europe and the Indies, profit greatly.”

¹²³⁰ See, for example, DI XIII, pp. 372-3 and 581; DI XIV, pp. 816-7 and 887.

*“A la duda q[ue] V.R. representa si en la Congregacion de Japon [Valignano] ha de tener voto, o no, por parecer q[ue] la formula de las congregaciones repugna a ello, se responde que pues aquella no es verdadera congregacion, sino una como consulta, no siendo aun el Japon prouincia del todo distinto puede V.R. tener su suffragio como si fuesse Prouincial en ella, aunque se aya de elegir procurador que venga a Roma.”*¹²³¹

[As for the doubt you ask whether in the Congregation of Japan Valignano must have the right to vote, or not, as it seems that the formula of the congregations denies this right, we answer that as it is not a real congregation, but something more like a consultation, as Japan is not a complete Province, Your Reverence may have the right of suffrage as if you were Provincial in the congregation, even though a procurator must be chosen to come to Rome.]

Amidst an already anomalous situation, Acquaviva allowed Valignano to vote during the gathering, a decision that went against the rules for Jesuit congregations. The meeting’s powers were limited, as the priests could vote and elect a procurator to be sent to Rome. His mission would be to obtain official recognition from the general superior of the order for the decisions taken by the priests until then and, even more, increase their degree of autonomy.

Nevertheless, given that Japan was not, at this time, an ecclesiastical province independent from the Province of India, the gathering could not have the full powers of a congregation. As it seems to be, the main difference between a consultation and a congregation for the Jesuits was the decision-making power of each assembly. In a consultation, gathered priests could give their opinions, but had to follow the resolutions determined by a superior instance. In the case of the priests in Japan, the decisions were taken by the Visitor Alessandro Valignano, as they did in 1580 and in 1590. A congregation, on the other hand, had wide powers: seating priests would vote each decision, without the need for a superior authority, and elect their representative to be sent to Rome for the congregation of procurators.¹²³²

The priests gathered between February 3rd and 14th were: Pero Gomes, Organtino Gnechi-Soldi, Luís Fróis, Francisco Calderón, Belchior de Moura, Francesco Pasio, Pedro Reimão, Gil de la Mata, Antonio Lopez, Afonso de Lucena, and João de Castro. The most important issue for the priests was, as in the previous consultation, whether Japan should become a separate province, as it meant acquiring financial, regulatory and administrative independence from India.¹²³³ But the gathering also discussed other issues:

¹²³¹ *JapSin* 51, f. 276v.

¹²³² See, for example, the arguments presented during the second general consultation of Japan of 1590, *JapSin* 51, ff. 144v-145v.

¹²³³ *JapSin* 51, f. 278. Cristóvão de Castro mentions the request for independence of Japan in a letter written to Acquaviva in 1593. See DI 16, pp. 207-8.

the observance of the order's rules in Japan; their interference with matters of war; on the city of Nagasaki; on food, clothing and expenses of the mission; on the gifts given to Japanese authorities; on the cohesion and union between Japanese brothers; on the capital and the conservation of the finances of the mission in Japan; on the promotion of conversions; on the conservation of the high numbers of Jesuits in Japan; whether residences ought to be reduced to only main residences; on the building and dissolution of residences; on the moving of residences because of persecution and local circumstances; on the oath of poverty; how colleges and seminaries should be distributed when the peace is restored; on the reception of novices; on the admission of Japanese brothers who can preach but do not know Latin; on the learning of Latin and Japanese; on the *dōjuku*; on the universal superior of Japan; on the economic resources of priests and brothers in Japan; on the purchase of fields; on the Japanese church; on the reception of other orders in Japan; on buildings; on offerings and tithes; on hearing confessions of the sick; on the decency of the places for celebrating masses; on the way of converting gentiles; on the uniformity of the Sacraments and rites of the church; on Jesuit clothing; on providing suitable place for the sick; on food; on the courtly manners of the Japanese; on the Christian doctrine; on the annual letters; on the visitation of the Vice-Province of Japan; on deciding cases specific to Japan; on the legitimacy of locally taken decisions; on local privileges; on the powers of the Vice-Provincial; on the powers of the Japanese congregation; and, finally, on the sending of new missionaries to Japan.

All in all, the congregation discussed 43 issues – 29 more than the consultation of Katsusa. But none mention expressly the problem of slavery or servitude. As we see it, the issue was one of the many difficulties that had been decided locally. After all, Jesuit's practices towards slavery had been in place since at least the time of Cosme de Torres. As it had been one of the many challenges decided in Japan, the missionaries needed approval from their superiors in Europe to their ability to take local decisions. In the last pages of the proceedings, on Article 38, the Jesuits ask the following regarding their power to take local decisions on difficult issues such as slavery.

“Ut casus in hac nova regione difficiliores eodem animi sensu et certa definitione tractentur, petit congreg^o a patre visitatore ut iteru[m] examiner curet decisionem circa eos factam antea, cum prim[entu]m in Japoniam venit, ut perspicue conscripti ac explicate, hinc ad P. Nrum mittantur, ut cum maiori luce, et maiori certitudine agamus, tota difficultate plane proposita Pⁱⁱ suae, et si ibi necesse iudicabitur etiam suae Sanctitati, quae profesto difficultas, tam in conservandis christianis, quam ad fidem de novo gentild^a convertendis magna est, se arcentur huiusmodi casus paulo magis, quam necessariu[m] sit. Cum Christiani isti novisine, et innumere gentilitati per mixti, principalibus et regibus

ethnicis ad huc subditi, nulla ecclesiastica [auctoritate] ut vel spirituali vel temporali eos coercente."¹²³⁴

[Concerning the difficulties of cases in this new region, both of soul and reason, and certain definitions that should be analyzed, the congregation asks the Father Visitor to reexamine decisions he had taken in the past regarding these difficulties when he first came to Japan, and which were clearly written and explained, and hence dispatched to Our Father General, who with greater understanding and better certainty, all difficulty clearly exposed to him, and where there was necessity they would be examined by Your Holiness. Such ordinary difficulty is terrible to the conservation of Christianity as well as in gentiles recently converted to the faith, and it is needed to restrain them a little more in these cases. To such young Christians, and the myriad of Gentiles blended with them, as well as because they are subjected to heathen rulers and kings, no ecclesiastical authority may constrain them, nor spiritual nor temporally.]

They started by explaining that they asked the Visitor for confirmation on the legitimacy of their solutions. This time, the congregation was asking the general of the order and, whether needed, the Pope, for their opinions and necessary intervention. After waiting years for an opportunity, the priests in Japan finally had a congregation that they used to ask for definite answers for their questions regarding legitimacy on locally elaborated decisions. Effectively, they were aiming at obtaining official recognition for their self-reliance as a religious body, given the local circumstances of Japan.

The text proceeds to ask for permission to officially recognize social practices and local principles – referred in the text *ethnicorum principum* [ethnic principles] – as legitimate arguments for postponing the enactment of church's decrees for the convert community that would go against these principles in Japan.¹²³⁵ They used this umbrella provision to refer to all issues that were, at the time of the congregation, considered to be discussed by the procurator in person in Europe. The enslavement of Japanese people was one of these issues.

The congregation ended in February, but the priests waited until the middle of the year to elect their procurator. On July 22nd of 1592, Valignano gathered with Pero Gomez, Organtino Gnechi-Soldi, Luís Fróis, Francesco Pasio, Gil de la Mata, Antonio Lopez, and João de Castro.¹²³⁶ Ultimately, they chose Gil de la Mata to the mission. The Spanish Jesuit was to take the decisions of the meeting to Rome, but the missionaries seized the

¹²³⁴ *JapSin* 51, ff. 296v. See Greco's reading of a very similar request made in 1614 by China Jesuits. GRECO, Joseph. *Le pouvoir du Souverain Pontife à l'égard des infid. les*. Rome: Presses de l'Université Grégorienne, 1967, p. 85.

¹²³⁵ *JapSin* 51, ff. 296v-297.

¹²³⁶ *Idem*, f. 299.

opportunity to gather more arguments and solutions with European theologians regarding local issues in Japan.

Gil de la Mata was far from a random choice. Born in 1543 in Longroño, in the northwestern part of Spain, he studied six years of grammar and four of law, and graduated from the University of Salamanca before becoming a Jesuit in 1566. He taught theology in Burgos, where he helped Cardinal Francisco de Pacheco between 1577 and 1579. In 1584, after campaigning for almost a decade to go to Japan, he embarked in Lisbon heading east. De la Mata arrived in Hirado in 1586, on board of that year's *capitão-mor* Domingos Monteiro's vessel. In a catalogue of 1593, he is described as a man of "45 años de edad, sano y de buenas forças" [45 years old, sane and in good health], who had finished his studies and had three years teaching casuistry. Also, he was able to hear confessions in Japanese, despite the short time he spent in Japan at that time. According to Jesús Lopez-Gay, de la Mata was the first great moral theologian of the Japanese mission.¹²³⁷

After his election in July of 1592, Gil de la Mata embarked in the ship of captain Dom Roque de Melo Pereira back to India. Along the Visitor Alessandro Valignano and Luís Fróis, de la Mata left Japan in October 9th. The procurator did not go directly to Europe; instead, he stayed for a while in India in order to, according to the Jesuit Lourenço Mexia who was in Macao at that time, "*se aparejar major con el favor del Virrey*" [better prepare himself with the favor of the Vice-Roy].¹²³⁸ Father Francisco Cabral, former Superior of the Japanese mission and who was in the Indian port city of Kochi at the time of the arrival of Gil de la Mata in India, wrote that the procurator had arrived bringing letters asking the Vice-Roy a gift for Hideyoshi. The problem, according to Cabral, was that said gift was worth 3.300 *pardaos*, a figure that costed much political capital to the Jesuits in India.¹²³⁹ The Superior in Goa, Jerónimo Xavier, also criticized the spending, calling it "*arma proporcionada para derribar a Golias*" [a weapon good enough to defeat Goliath]. But the same priest also describes how the procurator helped his brothers in Goa – de la Mata received license from the Provincial Father to hear confessions in the Jesuit house, a much needed help given there were only very few priests capable of hearing confessions.¹²⁴⁰ In a private letter addressed to an acquaintance in Spain, the Jesuit priest Francisco de Benavides, Jerónimo Xavier also mentions that de la Mata was helping the

¹²³⁷ LOPEZ-GAY, Jesús. "Un Documento Inédito del P.G. Vázquez (1549-1604) sobre los Problemas Morales del Japón". In. *Monumenta Nipponica*, Vol. 16, No. 1/2. Tokyo: Sophia University, 1960, pp. 127-8; MJI, p. 308 and 431; LOPEZ-GAY, Jesús. "MATA, Gil (Egidio) de la." In: O'NEILL, Charles and DOMÍNGUEZ, Joaquín (ed.). *Diccionario Histórico de la Compañía de Jesús Biográfico-Temático III*. Rome and Madrid: Institutum S.I. and Universidad Pontificia Comillas, 2001, p. 2568.

¹²³⁸ JapSin 12 I, f. 98.

¹²³⁹ Letter written by Francisco Cabral in December 15th 1593, published in SCHÜTTE, Josef Franz. *Valignanos Missionsgrundsätze für Japan, Erster Band 1573-1582, Zweiter Teil 1580-1582*. Roma: Edizioni di Storia e Letteratura, 1958, p. 469.

¹²⁴⁰ DI 16, pp. 242-3, 250.

Society of Jesus in Goa giving sermons and would take his letters to the addressee in Spain.¹²⁴¹

After his stay in Goa, the procurator finally arrived in Lisbon in August 6th 1594. He carried not only the proceedings of the congregation, but also questions for European theologians concerning the Japanese mission, letters from the Jesuits in Japan and India, and five boxes of gifts for the king Felipe II of Spain, I of Portugal. Among the presents, there were two sets of Japanese armors Hideyoshi had sent to the Spanish-Portuguese monarch packed in lacquer boxes.¹²⁴²

Gil de la Mata finally met the king in December 18th 1594, for a two-hour session. As defended by Giuseppe Marino, the procurator explained the reasons for his mission, asked for material and financial assistance in favor of the missionary work in Japan, and presented “*Relación del estado de Japón*” [Relation of the State of Japan], among other documents to the king. The Jesuits elaborated the *Relación* to present the European authorities, including the Spanish / Portuguese king, all the structural issues and unexpected conceptual problems regarding the organization of the Jesuits in Japan.¹²⁴³ The same relation would be presented to the Pope by Gil de la Mata. Be that as it may, the document makes no express mention of the slave trade or human trafficking.

Nevertheless, the issue was raised by a Franciscan, Father Bartolomé López. In January of 1596, López addressed the Pope and accused the Jesuits of being *mercaderes* [merchants]:

“(…) *los Padres que están acá tratan con grande suma de dinero teniendo correspondencia en China y Macan, y más de cien mil ducados de hacienda mandan en la nave de Macan para la China, y cuando viene la nave toda la mercadería, así la suya como la ajena, la atraviesan y la llevan a su convento, de manera que el convento de Nagasaki es como la casa de la aduana de Sevilla, adonde se registran todas las mercaderías que vienen de las Indias. Son tanta las*

¹²⁴¹ The letter, written by Jerónimo Xavier in November 12th 1593, is not included nor referenced in the *Documenta Indica* series. See ALCAZAR, Bartholome. *Chrono-Historia de la Compañía de Jesús en la Provincia de Toledo y Elogio de sus Varones Ilustres, Fundadores, Bienhechores, Fautores, e Hijos Espirituales, Segunda Parte*. Madrid: Juan Garcia Inffañçon, 1710, pp. 204-6.

¹²⁴² LOPEZ-GAY, Jesús. “Un Documento Inédito del P.G. Vázquez (1549-1604) sobre los Problemas Morales del Japón”. In: *Monumenta Nipponica*, Vol. 16, No. 1/2. Tokyo: Sophia University, 1960, p. 126; LOPEZ-GAY, Jesús. *El matrimonio de los japoneses. Studia Missionalia, Documenta et Opera vol. 1*. Roma: Libreria dell’Università Gregoriana, 1964, p. 111; MARINO, Giuseppe. “La Relación del estado de Japón.” In: *Archivo de la Frontera*. 2014, Available at <http://www.archivodelafrontera.com/>, accessed in November 1st 2016, p. 11.

¹²⁴³ MARINO, Giuseppe. “Breve Apología de Gil de la Mata. Estudio de un inédito para Felipe II.” In: *Tzintzun - Revista de Estudios Históricos*, N. 60, 2014, p. 311; MARINO, Giuseppe. “La Relación del estado de Japón.” In: *Archivo de la Frontera*. 2014, Available at <http://www.archivodelafrontera.com/>, accessed in November 1st 2016, p. 23; Schütte, Josef Franz S.J., *Documentos sobre el Japón conservados en la colección «Cortes» de la Real Academia de la Historia*. Madrid: Maestre, 1961, pp. 19-22.

*cosas y tantos y tan diferentes y varios los tratos y concierto que allí hacen, así acerca de las mercaderías de la nave como acerca de los esclavos que van en la misma nave, que lo uno y lo otro, o por lo mejor decir todo pasa por su mano, que en las Gradass de Sevilla no sé si habrá más.*¹²⁴⁴

[The Priests who are here [Japan] trade with great sums of money, having representations in China and in Macao, and more than one hundred thousand *ducados* of merchandise they send in the ship of Macao to China, and when the ship comes with all the merchandise, theirs and those of others, they receive it and transport it to their convent, to such an extent that the convent of Nagasaki resembles the customs house of Seville, where all merchandise that comes from the Indies is registered. There are so many things and so numerous and different and diverse the trade and contracts they make there, regarding the merchandise of the ship as well as the slaves that go on the same ship, that one and the other, or better saying everything passes through their scrutiny, that I cannot say if there is more going through the Gates of Seville.]

The Franciscans arrived in Japan in 1593, thus threatening the hegemony enjoyed by the Society of Jesus since the arrival of Xavier in Kagoshima. Immediately they started campaigning to break the Jesuit monopoly of the mission, which had been guaranteed by a brief enacted by Gregorius XIII in 1585.¹²⁴⁵ The accusation would be refuted by Luis de Guzmán in his apology of the Japanese mission. In the last part of his “*Historia de las Misiones que han hecho los religiosos de la Compañía de Iesus, para predicar el Sancto Evangelio en los Reynos de Iapon*”, he replied:

“(…) como los Iapones y Portugueses suelen tener algunas diferencias en las compras y ventas, y en otras cosas que les ocurren, y no tienen a quie[n] acudir en aquella çiudad [Nagasaki], para que les diga a los unos y a los otros, lo que pueden hazen en conciencia, sino a los Padres: ni los Gentiles, quãdo los Portugueses les hazen alguns agrauio, para que los pongan en razon, van a la casa de Nangazaqui, a pedir cõsejo en todo: y fue esta una de las causas porq[ue] Taycosama aunque mandaua salir a los Padres de Iapon, queria que en Nangazaqui quedassen algunos, porque le parecia necessario para la paz de los

¹²⁴⁴ ÁLVAREZ-TALADRIZ, José Luis. *Documentos franciscanos de la cristiandad de Japón: (1593-1597) - Relaciones e informaciones*. Osaka: Eikōdo, 1973, pp. 71-2. Friar Sebastião de São Pedro would repeat these arguments later, to which the Jesuit Valentim Carvalho responded quoting Valignano’s *Apologia*. See CARVALHO, Valentim (auth.) and FRANCO, José Eduardo (org.). *Apologia do Japão*. Lisbon: Centro Científico e Cultural de Macau, Ministério da Ciência, Tecnologia e Ensino Superior, 2007, pp. 93-6.

¹²⁴⁵ For a discussion on the conflict between Franciscans and Jesuits, see CORREIA, Pedro Lage Reis. *A Concepção de Missionaçãõ na Apologia de Valignano*. Lisbon: Centro Científico e Cultural de Macau, 2008. A recent study by Héléne Vu Thanh presents the role played by the friars in the diplomatic approximation between Manila and Japan. VU THANH, Héléne. “The Role of the Franciscans in the Establishment of Diplomatic Relations between the Philippines and Japan in the 16th-17th Centuries: Transpacific Geopolitics?” in: *Itinerario*, Vol. 40, No. 2, pp. 239-256.

*Iapones y Portugueses, que acudian a aquel puerto. Pero bien se ve que esto no es contratacion de las gradas de Seuilla, sino de religiosos que aconsejan a los proximos lo que deue[n] hazer conforme a sus conciencias, y procuran poner paz entre los discordes.”*¹²⁴⁶

[As the Japanese and the Portuguese happen to have a few differences in their sales and purchases, and other things that happen with them, and they don't have who to resort to in that city [Nagasaki], to tell one and the other, what they can do in [good] conscience, but the Priests. Nor do the Gentiles when the Portuguese commit some offense, [so in order] to reason with them, they resort to the [Jesuit] house of Nagasaki, to ask for advice regarding anything. And this was one of the reasons why Taicosama [Toyotomi Hideyoshi], although he ordered the Priests to leave Japan, wished that some remained in Nagasaki, because it seemed to him they were necessary to keep the peace between Japanese and Portuguese, who frequented that port. Thus, one can understand that this is no commerce of the Gates of Seville, but these are religious men who advice their peers what they ought to do in [good] conscience, and they seek to bring peace between disagreeing parts.]

The Spanish chronicler defended the participation of the Jesuits in the slave trade, as well as on any dimension of the trade between the Portuguese and the Japanese, was necessary and consisted of an apostolic activity. Guzmán defended that the Jesuits were, in fact, playing a vital part on the relation between the two sides. The Jesuit gives at least three arguments here: cultural differences between both sides; the need for theological standards in order for the transactions to happen in “good conscience”; and mediation of conflicts between Japanese and Portuguese merchants. The justification is given by the historical process: Hideyoshi recognized the necessity of having the missionaries in Nagasaki, thus allowed their permanence in the port even though he had expelled them from the country. The actions of the Jesuits intermediating the trade is presented as a religious duty. The enslavement of Japanese and the trade of men and women in Nagasaki, although were not expressly mentioned, can be understood as part of the set of issues covered by the Jesuits' action in regard to the observance and enforcement of moral theological standards.

As for the missionaries in Japan, Gil de la Mata defended the mission's participation in the trade as necessary for the missionary work. In an apology addressed to the Portuguese king in response to the accusations made by the Franciscans, the

¹²⁴⁶ GUZMÁN, Luis de. *Historia de las Misiones que han hecho los religiosos de la Compañia de Iesus, para predicar el Sancto Evangelio en los Reynos de Iapon, Segunda Parte*. [Unnamed place]: [Unknown publisher], 1601, p. 684.

Procurator of Japan reiterates to the monarch that the conversion of the Japanese was their ultimate goal. Nevertheless, the procurator fails to address the specific issue of slavery.¹²⁴⁷

Among the documents Gil de la Mata carried to Europe there was a long list of additions Valignano had written to his 1583 *Sumario de Japón*. In the so-called *Adiciones del Sumario de Japón*, the Italian Jesuit had plenty to inform his superiors considering the developments of the decade before.¹²⁴⁸ Elaborated between the First Provincial Congregation of February 1592 and his departure in October of that year, the list was probably the first instance where Valignano considered carefully the legitimacy of the enslavement of Japanese people.

The third and fourth *Adiciones* of Valignano's list consist on the center piece of the moral issues faced by the missionaries in Japan that he sent to the Jesuits of Rome. The Visitor begins by dividing the cases of conscience in Japan in two types: "(...) *casos que causan mucha dificultad y peligro quanto al gobierno de la Compañía y cristandad de Japón (...)*" [cases which cause much hardship and danger regarding the government of the Company and the Japanese Christianity]; and cases concerning the "*gobierno de la cristiandad y de la conciencia*" [government of Christianity and conscience].¹²⁴⁹ The distinction seems subtle, but on the first category the Visitor included: whether the Jesuits were to give advice in matters of war, the limits and regulations concerning the power of Superiors of the mission, finances and revenues of the mission, and difficulties concerning the observance of the oath of poverty. On the other hand, the second group encompassed: hearing confessions from the sick, Japanese matrimonies, usuries, the enslavement of Japanese people, and orders given by authorities that go against the faith of Christian subjects.¹²⁵⁰

Thus, while the first group was related to internal issues born out of governance of the mission in such strange lands, the second set of problems was related to the administration of Christian doctrine in face of the many local differences in customs and laws. Valignano explained that there were many other issues pending judgement, thus the priests had to send a whole book and the procurator Gil de la Mata to discuss them with the Jesuit superiors. But the Visitor was not expecting a full reply or definitive decisions. As he explained:

"(...) bastará tener tratado algunas cosas acerca de estos cinco casos que son más peligrosos y más universales, y de los inconvenientes que en ellos se

¹²⁴⁷ MARINO, Giuseppe. "Breve Apología de Gil de la Mata. Estudio de un inédito para Felipe II." In: *Tzintzun - Revista de Estudios Históricos*, N. 60, 2014, pp. 328-30.

¹²⁴⁸ MORAN, Joseph F. *The Japanese and the Jesuits. Alessandro Valignano in sixteenth-century Japan*. London & New York: Routledge, 1993, p. 60.

¹²⁴⁹ VALIGNANO, Alejandro (auth.), ALVAREZ-TALADRIZ, José Luis. *Apología de la Compañía de Jesús en Japón y China*. Osaka: Private edition, 1998, pp. 453 and 464.

¹²⁵⁰ *Idem*, pp. 453-97.

*tocaron se podrá también entender con cuánta consideración y tiento se han de determinar los casos de Japón.*¹²⁵¹

[it will be enough to have dealt some issues concerning these five cases that are more dangerous and more universal, and from the inconvenient that we raised concerning these cases you may also understand how much consideration and attention are necessary when determining cases from Japan.]

Valignano wanted a format, a method to better solve local issues of moral theology. By obtaining deep consideration regarding the five cases presented on the second set of issues, the Visitor wished to validate a method of assessment elaborated in Europe to evaluate local questions. To demonstrate how grave and serious the situation was, Valignano made clear that he was not open to receive letters telling him to check the existing manuals.

*“Y [si] el Doctor Navarro, que era dos veces jubilado y tan consumado en los casos, mudó muchas veces opiniones sólo con ir de Portugal a Roma, bien se puede entender cuánta mudanza habría hecho si llegara hasta Japón y por experiencia conocera lo que aquí pasa.”*¹²⁵²

[And if Doctor Navarro, who was twice celebrated and such an expert in cases, changed his opinions many times just by going from Portugal to Rome, one can well imagine how much he would have changed if he came to Japan and by [personal] experience see what happens here.]

Valignano was unwilling to receive a *pro forma* reply. He reiterated the uselessness of manuals such as Navarro’s, a criticism he had stated before in his 1582 *Sumario de Japón*.¹²⁵³ Even though the missionaries had available to them tomes such as Navarro’s, Silvestro Mazzolini’s *Summa Silvestrina*, and Perrault’s *Summa virtutum ac vitiorum*, the Jesuits became disappointed with these works as they seemed to lack the necessary elements to address the new cases faced in Japan.¹²⁵⁴ Valignano expected concrete action, real consideration, and careful analyses of the issues he was presenting. In a more general sense, Giuseppe Marcocci explained that the Visitor

¹²⁵¹ *Idem*, p. 497.

¹²⁵² *Idem*, p. 497.

¹²⁵³ See Chapter V of this thesis and ALVAREZ-TALADRIZ, José Luis. *Sumario de las Cosas de Japon (1583), Adiciones del Sumario de Japon, Tomo I*. Tokyo: Sophia University, 1954, pp. 220-1.

¹²⁵⁴ LOPEZ-GAY, Jesús. “Un Documento Inédito del P.G. Vázquez (1549-1604) sobre los Problemas Morales del Japón” in: *Monumenta Nipponica, Vol. 16, No. 1/2*. Tokyo: Sophia University, 1960, p. 124; LOPEZ-GAY, Jesús. “La Primera Biblioteca de los Jesuitas en el Japón (1556). Su Contenido y su Influencia.” In: *Monumenta Nipponica, Vol. 15, No. 3/4*. Tokyo: Sophia University, 1959-60, pp. 363-4, 366-7.

“(…) expressed a generalized impatience with distant and over-rigid constraints on conscience (…), as he took issue with the long shadow that Navarro’s doctrines had cast on all matters defining the moral theology of imperial Portugal since the mid-sixteenth century.”¹²⁵⁵

To Valignano, the difficulty of ruling these cases was, in principle, risen from the necessity of a firm and renewed theological interpretation given to cultural differences between Japan and Europe. The apparent uselessness of the European moral theology of the fifteenth and sixteenth centuries and canon law to evaluate Japanese cases must not, yet, be interpreted as a negation of casuistry and moral theology. Valignano was, in fact, defending a new reading of local customs under the principles of natural law.

“(…) muchas cosas que parecen, juzgadas por nuestras leyes y costumbres, muy injustas y tiránicas, mas considerada la perversión universal que hay en Japón y las leyes y costumbres que ellos tienen, tan contrarias a las nuestras, se pueden, en parte, justificar y defender llevadas por otros principios naturales.”¹²⁵⁶

[many things that seem, when judged according to our laws and customs, very unjust and tyrannical, but when considered the universal perversion that there was in Japan and the laws and customs they have, so opposed to ours, one can, partially, justify and defend [these things] based on other natural principles.]

Valignano wished to show his associates in Rome that judging the customs and laws of the Japanese using simply Christian theology and canonical law was not possible. It was impractical, and casuistry needed a deep reform to be applied in Japan. On the other hand, this difficulty was not derived from an essentialist tyrannical and unjust nature of the Japanese – rather, it derived from the state of affairs under Hideyoshi’s rule. Hence, Valignano was seeking a legitimate method for assessing local issues based not on existing manuals and canon law, but instead a theology considerate of the political and social situation of Japan and originated from principles determined by natural law.

The appeal of the Italian Jesuit was not an entirely original argument. As explained by Jonsen and Toulmin, this kind of resort to natural law or natural morality used these principles as criteria “for criticizing actual beliefs and practices at different times and among different peoples.” Replacing “positive” and consuetudinary laws within the church itself with the “immutable” Law of God had been the main standardization

¹²⁵⁵ MARCOCCI, Giuseppe. “Conscience and Empire: Politics and Moral Theology in the Early Modern Portuguese World.” In: *Journal of Early Modern History*, 18. 2014, p. 490.

¹²⁵⁶ VALIGNANO, Alejandro (auth.), ALVAREZ-TALADRIZ, José Luis. *Apología de la Compañía de Jesús en Japón y China*. Osaka: Private edition, 1998, p. 497.

since the twelfth-century Europe at modifying current legal codes, religious or else.¹²⁵⁷ Natural law was the law of God, after all. As written by Isidore of Seville: “*Divinae natura, humanae moribus constant; ideoque haec discrepant, quoniam aliae aliis gentibus placent Fas lex divina est, ius lex humana.*” [“*Divine laws are based on nature, human law on customs. For this reason, human laws may disagree, because different laws suit different peoples.*”]¹²⁵⁸ This passage was also in the opening of Gratian’s *Decretum*, and it was a central basis for the Catholic legislative process.¹²⁵⁹

Still, there was the centuries old difficulty of definition. Cicero’s conception of *ius naturale*, for example, made it almost impossible to define it in useful terms for lawyers. As Lloyd Weinreb explains, the Roman philosopher and politician considered that “*not only Nature dictate the true law; each person was by nature capable of discerning the law and conforming his conduct to it.*”¹²⁶⁰ But the challenge was greater for theologians, who had to reconcile the universality of these laws with Christian dogma. Natural law had been explained before as the laws of Moses and the Gospels, or a set of basic principles that essentially told humans to do no harm to others, or yet of recommendations about what was suitable to the human nature. The fundamental difficulty of this definition resided on explaining how salvation was possible given the behavior of the many biblical “saints” of the Old Testament.¹²⁶¹ But even though this was a concept hard to deal with, it was the basis for the relationship between Europeans and the rest of the world “discovered” during the fifteenth and the sixteenth centuries. The yardstick of natural law was “*often invoked in Europe to show that there were rules governing the relationship between Europeans and other peoples,*” and it helped on forming an international society “*upon the moral bonds alleged to bind human beings together by nature.*”¹²⁶² If we recall the importance given by Valignano on human nature and inheritance in his theory of race, as described on the previous section, we can understand the regard the Visitor had for natural law as a binding and common code in the resolution of moral issues in Asia.

¹²⁵⁷ JONSEN, Albert R. & TOULMIN, Stephen. *The Abuse of Casuistry – A History of Moral Reasoning*. Berkeley: University of California Press, 1988, pp. 112-3.

¹²⁵⁸ See ISIDORE of Seville. *Etymologiae*, Book 5, part 2: “*Fas lex divina est, ius lex humana.*” Available at <http://www.thelatinlibrary.com/isidore/5.shtml>, accessed in November 24, 2016. The English translation is from BARNEY, Stephen, LEWIS, W.J., BEACH, J.A., BERGHOF, Oliver (ed.). *The Etymologies of Isidore of Seville*. Cambridge and New York: Cambridge University Press, 2006, p. 117.

¹²⁵⁹ See *Decretum Gratiani*, available at http://geschichte.digitale-sammlungen.de/decretum-gratiani/kapitel/dc_chapter_0_5, accessed in November 24, 2016.

¹²⁶⁰ WEINREB, Lloyd L. *Natural Law and Justice*. Cambridge, MA, and London: Harvard University Press, 1987, p. 43.

¹²⁶¹ JONSEN, Albert R. & TOULMIN, Stephen. *The Abuse of Casuistry – A History of Moral Reasoning*. Berkeley: University of California Press, 1988, pp. 124-5.

¹²⁶² BULL, Hedley. “The Emergence of a Universal International Society.” In: BULL, Hedley and WATSON, Adam (ed.). *The Expansion of International Society*. Oxford: Clarendon Press, 1984, p. 119.

Since the emergence of the School of Salamanca in the 1520s and 1530s, the works of Thomas Aquinas became central in the understanding of humans as not divided by religion, but rather as unified by their nature. The result was Francisco de Vitória's condemnation of the notion of natural slavery, while at the same time he asserted that non-Europeans – in Vitória's case, American Indians – were sinners, foolish, or irrational beings, thus their rights to possession could be denied. That put them in a condition of barbarism, and it conferred to colonial powers the capacity to exercise political *dominium* over non-Europeans, as long as it was in the favor of the Indians, not the Europeans.¹²⁶³ Thus, Valignano's defense of the enslavement of Japanese people as long as it was in their favor in his *De missionum legatorum Iaponensium ad Romanam curiam* was following the same lines indicated by Francisco de Vitória and the School of Salamanca decades before. Now, what the Visitor was asking, was for a similar argument based on natural law, such as Vitória's, for the cases of the Japanese mission.

Valignano also provided the European theologians with a basic set of principles that should be observed when assessing the Japanese cases. The Visitor wrote:

*“Y esta misma advertencia han de tener siempre los que hubieren de determinar estos casos en Roma, informándose muy bien de las cualidades, costumbres y modo de proceder y vivir de los japoneses, y de los bienes y males que se pueden seguir de sus determinaciones en una cristiandad tan nueva y tan remota y que está tan metida entre gentilidad y que es señoreada de señores gentiles que corren con tales fueros, y do la Iglesia no tiene ninguna jurisdicción, mas mucha persecución como tiene agora.”*¹²⁶⁴

[And the same consideration must be always done by those who shall determine these cases in Rome, informing themselves well of the qualities, customs and way of proceeding and living of the Japanese, and of the goods and evils that may follow their determinations in a Christianity so new and removed and which is among gentiles and is ruled by gentile rulers who are in charge of their government, and where the Church has no jurisdiction, but rather much persecution as it has now.]

The Visitor reminded of a few necessary points to be considered when deliberating on these cases. First, the theologians were to be very well informed of what we now would call social and political condition of Japanese society. The long descriptions sent repeatedly by Valignano to Europe, as well as the *corpus* of letters and writings of the Jesuits were to be enough. Second, they should not forget the

¹²⁶³ See KEAL, Paul. *European Conquest and the Rights of Indigenous Peoples – The Moral Backwardness of International Society.* Cambridge: Cambridge University Press, 2003, pp. 70-1. See also HANKE, Lewis. *The Spanish Struggle for Justice in the Conquest of America.* Boston: Little Brown, 1965, p. 19.

¹²⁶⁴ VALIGNANO, Alejandro (auth.), ALVAREZ-TALADRIZ, José Luis. *Apología de la Compañía de Jesús en Japón y China.* Osaka: Private edition, 1998, p. 497.

consequences of their decisions, given that Christianity in Japan was a new and persecuted community. In this sense, the Visitor wished for a very fundamentalist approach, in the like of what early Christian fathers had done when deliberating on the primitive Catholic Church. Finally, theologians in Rome were not to forget that the Church had very limited power over Japan – instead, the state of persecution justified an exceptionalism of decisions.

The description of Japanese Christianity as a persecuted community had, thus, two immediate consequences: it equated the converts of Japan with the primitive Church, thus appealing to a fundamentalist approach; and it allowed for exceptions to be made. Aquinas's theology, based largely on a rewriting of Aristotelian ethics in coupling with Christian principles, was a good example of the acceptance of exceptions to absolute rules. As explained by Jonsen and Toulmin, any action would be described by the *Doctor Angelicus* as “*wrong absolutê or malum in se; but in doing so he is not declaring that it is wrong necessarily and universally, invariably and without exception.*” In fact, the meaning of absolute in moral theology and canon law was that special circumstances *should* allow exceptions. Thus, these were guidelines that one should observe when evaluating an act as wrong “*unless and until those exceptional extenuating considerations come to your attention*”.¹²⁶⁵

That was exactly the case with Japanese slavery. As in the dialogue of the four Japanese boys, Valignano defended that it was abominable unless circumstances allowed. What we can understand from here is that the Visitor was effectively asking the doctors in Rome for guidelines and methods that would allow him to identify exceptions in the state where the Japanese mission was.

The *Adiciones* present the case of Japanese slavery in the following terms:

“El cuarto caso es de los cautiverios, que tienen también diversos ramos y tantas dificultades cuantas hay en Japón para se poder [juzgar] si las guerras que cada dia hacen entre si son justas o injustas y de cuya parte está la razón; las cuales, por la mayor parte, me parece que sólo nuestro Señor y sus ángeles las pueden determinar, porque de más de quinientos años a esta parte hubo en Japón tanta confusión de guerras y mudanzas de estados y señores, ocupando y tomando cada uno todo lo que podía de los otros; y son tantas las causas y pretensiones que ellos tienen para hacer guerra y aun para se levantar contra los que algún tiempo tienen por señores, que muchas veces no se puede en ninguna manera

¹²⁶⁵ JONSEN, Albert R. & TOULMIN, Stephen. *The Abuse of Casuistry – A History of Moral Reasoning*. Berkeley: University of California Press, 1988, pp. 108-9.

*juzgar de cuya parte esté la justicia y por lo consiguiente ni tampoco cuáles sean verdaderos cautiverios.*¹²⁶⁶

[The fourth case is that of the captivities [slaveries], which also have many variations, and there are so many difficulties as in Japan to determine whether the wars that are waged everyday among themselves are just or unjust, or who is right. For the greater part, it seems to me that only Our Lord and the Angels can rule on these [wars], because for more than five hundred years until now there has been in Japan so much confusion of wars and change of states and lords, every one occupying and taking away whatever they could from others. And the causes and intents for them to wage war are so numerous or even to revolt against those who they have as lords for a while, that many times one cannot in any shape judge who has justice on their side, and consequently neither which are the true slaveries.]

First, we must notice that Valignano recognized the numerous variations of servitude in Japan. As seen in their dictionaries, the Jesuits had a deep understanding of the many forms servitude could assume in Japan, and terms such as service and slavery were hard to equate to Western forms of slavery. That led to a huge problem for the priests, who caught themselves unable to justify or condemn Japanese servitude because of these variations. The solution they found was to rely on the assessment of justice of wars waged in Japan. However, as written by the Italian Jesuit, they could not securely evaluate the justice of a conflict. The intricacies and frequency of wars in Japan made it almost impossible to evaluate who was right and who was wrong in a conflict. One can even see the voice of hopelessness in Valignano's text when he declares that only God and the Angels could perform such task.

In face of the impossibility of resolving which wars were just and what shape of servitude was fair, the Jesuits could only evaluate the consequences of one's enslavement. Thus, Valignano considered that, because Japanese slaves were better when under Portuguese masters, that kind of slavery was tolerable.

The *Adiciones* continues by assessing the consequences of the Japanese invasion of Korea for Christianity. Slavery was not a matter only of individual justice and living conditions. It was also spoke to the governance of Japanese Christian lords and the observance of religious moral standards in their rule. But the campaign in Korea seemed to pose a distinct challenge for these powerful converts.

“Y véese aquí agora que Kwampakudono, que con su esfuerço y valor se ha hecho señor universal, y agora hace pública guerra a los chinas y tiene ya conquistado el reino de Korai, aunque en la verdad claramente parece que se

¹²⁶⁶ VALIGNANO, Alejandro (auth.), ALVAREZ-TALADRIZ, José Luis. *Apologia de la Compañia de Jesús en Japón y China*. Osaka: Private edition, 1998, p. 487.

*movió a hacer esta guerra sin ninguna razón, mas por sola codicia de conquistar, quién podrá obligar a todos los cristianos, [p. 488] que fueron bien contra su voluntad a esta guerra, pues habían de ir o perder sus estados, a que restituyan todas las presas que en esta guerra tomaron? Y si pudieren hacer presas de otras cosas también parece que podrán cautivar. Mas, en fin, aquí haremos lo que pudiéremos y entre tanto esperaremos de Roma más cierta y mejor resolución.*¹²⁶⁷

[And here we see now that Hideyoshi, for his effort and worth has made himself universal lord [of Japan], and now makes public war against the Chinese and has conquered the kingdom of Korea, although in reality it clearly seems that he waged this war for no other reason but for the greediness to conquer. So, who can force all the Christians who went to this war against their will, as they feared losing their fiefs, to retribute everything they have robbed in this war? And if they could rob other things as well it seems they would do. Ultimately, we will do here what we can, but we await from Rome a more correct and better resolution.]

It was clear for the Jesuits that Hideyoshi's war against Korea was unjust. It was waged only with the sole purpose of territorial expansion. Interestingly, Valignano figured out that when his *Adiciones* reached its intended audience in Rome, Hideyoshi would probably be fighting against the Chinese after conquering Korea. For Valignano, it seemed that would be the case, maybe exactly because, as noticed by Moran, when the Visitor left Japan there were still no news of Japanese setbacks.¹²⁶⁸

The problem with the Kanpaku's invasion was that, differently, than the war European polities had against Islamism, which justified territorial expansion as a means to widen the limits of the Christian world, it was moved by greediness (see Chapter II). All the Christian *daimyō* became involved in the conflict because of their subjection to a tyrannical ruler: Toyotomi Hideyoshi. Valignano justifies that they were dragged into war because of the risks that refusing to enter the battlefield represented to the security of their republics. They were good Christians but forced to enter in an unjust war because they were responsible rulers of their kingdoms, according to the Visitor's justification.¹²⁶⁹

¹²⁶⁷ *Idem*, pp. 487-8.

¹²⁶⁸ MORAN, Joseph F. *The Japanese and the Jesuits. Alessandro Valignano in sixteenth-century Japan*. London & New York: Routledge, 1993, p. 61.

¹²⁶⁹ Although a harsh critic of Hideyoshi's attitudes, Valignano praises the ruler for bringing peace to Japan and establishing order in a country previously thrown into constant conflicts. He also considered the invasion of the Korean Peninsula an opportunity for the Jesuits to bring Christianity to Korea and China. See VALIGNANO, Alejandro (auth.), ALVAREZ-TALADRIZ, José Luis. *Op. cit.*, pp. 366-7 and 375. Fujiki understood that Valignano was trying to justify and legitimize the captives brought by Japanese Christian converts from Korea, but the passage seems to be an observance on possible developments and future issues rather than a justification. See FUJIKI Hisashi. *Oda, Toyotomi Seiken*. Tokyo: Shōgakusan, 1975, p. 368.

Nevertheless, as a result, these local lords were capturing and enslaving Koreans, brought by the thousands to Japan. In face of that situation, the priests were totally lost: how could they guide their most powerful parishioners to act properly when their influence was limited? How could they defend the correct and proper ways for enslavement of others? And how could they guarantee that unjustly enslaved people would be adequately returned to Korea? Valignano's text was admitting that the Jesuits were powerless, unable to go against the situation. Thus, they were forced to cope with it. When the Visitor writes that they were doing their best, he is affirming that they were solving each situation on the spot, without time or the necessary authority to elaborate definitive rules. They were local missionaries deciding on issues that surpassed their jurisdiction. They knew they could not act without proper official recognition, but they were forced by the local circumstances. Valignano was, thus, asking not for official approval of their practices, but rather for a better solution, one that was in accordance with Christian ethics and moral theology. Their hope was to describe the situation the best way they could and wait for the doctors in Rome to offer them an answer.

After all, slavery was a paradoxical problem since the beginning. Buckland explains that, while natural law defined liberty as the fundamental state of humanity since all men were created equal, slavery was a product of the law of nations (*Ius Gentium*), given it originated in war. As a result, “*slavery is the only case in which, in the extant sources of Roman law, a conflict is declared to exist between the Ius Gentium and the Ius Naturale.*”¹²⁷⁰ As the definitions of Japanese customs – which Valignano could interpret as the *Ius Gentium* of Japan – were diverse and conflicting with the moral theology available to the priests, the solution was to be sought in the natural law, although it was already paradoxical given that all men were created equal and free. The conundrum certainly surpassed the authority and capacities of the priests in Japan. While they campaigned to acquire their independence as an apostolic province from India, in order to have enough powers and jurisdiction to solve these issues locally, they could only hope for a letter from Rome solving their challenges.

Laudable warriors

A few weeks before Gil de la Mata and Valignano left Japan, the Jesuit priest Bartolomeu Redondo wrote a private letter for Francisco de Benavides, his former master

¹²⁷⁰ BUCKLAND, William Warwick. *The Roman Law of Slavery – The condition of the slave in private law from Augustus to Justinian*. Cambridge: Cambridge University Press, 1908, p. 1. See also ALLAIN, Jean (ed.). *The Legal Understanding of Slavery: From the Historical to the Contemporary*. Oxford: Oxford University Press, 2012, pp. 9-10 and 20-1.

at the Jesuit College in Alcalá. Redondo gives a summary of the situation right before the procurator's departure:

*“(…) ya avrá sabido V.R. [Francisco de Benavides] que este Rey Tyranno Quambacudono nos mandò dezir, que, so pena de muerte, nos fuessemos de el Japon, porque predicamos contra sus Fotoques, que assi llaman a sus Idolos. Por lo qual estamos escondidos, ya và para seis años, hasta vèr en que pàra la ira de este Tyranno: ò en ponernos en Cruz, porque assi acostumbran ajusticiar à los Japones; ò en hazer lo que el Señor le permitiere, por bien de esta Christiandad, à quien no hemos de desamparar. Aunque este Tyranno ha nueve años, que començò à reynar; de polvo de la tierra (como dizen) se hizo Señor de todo Japon: sujetò à todos los Grandes, Y embiò cien mil hombres sobre Coray, Reyno consinante con la China, que dizen serà como todo Japon; y està yà apoderado de la mitad. Mas, como acudieron muchas Embarcaciones de la China, impidieron el passo, quedando de la otra banda los cien mil hombres. Mas dize Quambacudono, que en la Primavera passará allà, ò embiarà à su Sobrino. El P. Egidio [Gil de la Mata] và por Procurador de esta Provincia: de quien V.R. podrá saber todas las nuevas largamente.”*¹²⁷¹

[Your Reverence Father Francisco de Benavides must already know that this Tyrant King Kanpakudono told us that, under penalty of death, to leave Japan, because we preach against their Hotoke, which is how they call their Idols. Because of that we are hiding, for six years already, until we know how this Tyrant's anger will go: if he will crucify us, which is how they use to execute the Japanese, or if he will do what the Lord wishes, for the good of this Christianity, which we will not abandon. Although this Tyrant has being reigning for nine years, from the dust of the earth (as they say) he made himself Lord of all Japan. He subjected the Greats, and sent one hundred thousand men to Korea, a kingdom next to China, which they say it will all become Japan. And he has already conquered half of it. But, as many ships from China have come to assist [the Koreans], they stopped his progress, leaving the one hundred men isolated. But Kanpakudono says that he will pass through in the spring, or he will send his nephew. Father Gil de la Mata is going as the procurator of this province, and from him you may hear all the news in-depth.]

Although Redondo registered one hundred Japanese soldiers in the campaign against Korea, the numbers were higher. Valignano, in his *Adiciones* sent to the Claudio Acquaviva, registers three times the number:

¹²⁷¹ ALCÁZAR, Bartholome. *Chrono-Historia de la Compañia de Jesús en la Provincia de Toledo y Elogio de sus Varones Ilustres, Fundadores, Bienhechores, Fautores, e Hijos Espirituales, Segunda Parte*. Madrid: Juan Garcia Inffançon, 1710, p. 289.

*“Y ansi vino a este Shimo con todos ellos y con más de tres cientos mil hombres, y ya buena parte de ellos pasaron al reino de Corai, y van con poca resistencia alcanzando grandes victorias.”*¹²⁷²

[And thus [Hideyoshi] came to this Shimo with all of them and more than three hundred thousand men, and the greater part have passed on to the kingdom of Korea, and they advance with little resistance, attaining great victories.]

Luís Fróis, however, was the closest of the Jesuits at this time. The author of the *Historia de Japam* registered 150 thousand men,¹²⁷³ a number very close to the real statistics: Japanese sources record about 158.000 soldiers.¹²⁷⁴ But given that Valignano left during the escalation of the conflict, his prediction had less to do with what he witnessed, but with his expectations regarding the campaigns. Indeed, the pace of the war was accelerated: in May of 1592, Konishi Yukinaga 小西行長, one of the Christian *daimyō*, was ahead the first Japanese ships that sailed to Korea and proceeded to seize Busan 釜山. The following month, the Japanese conquered Hanseong 漢城, nowadays Seoul. Hideyoshi then decided to reorganize his armies and advance to the North. In August, the Ming army came to help, but jeopardized by a shortage of resources because of the efforts to resist the Tartars, the Chinese decide to seek a peace agreement.¹²⁷⁵

To the Visitor, the Japanese invasion of Korea was an opportunity. First, Valignano believed that it would put the Jesuits in a position where they could more easily enter Korea and China. As noted by Moran, Valignano had an optimistic assessment of the situation, and considered that Hideyoshi was unwarily opening the door for the missionaries. After all, the Kanpaku had many Christian *daimyō*, like Konishi Yukinaga, ahead of his armies.¹²⁷⁶

“Y Kwanpakudono, hacienda a muchos cristianos señores muy grandes, va aparejando el camino para se ampliar nuestra santa Ley, y puede ser que, sin

¹²⁷² VALIGNANO, Alessandro (auth.) and ALVAREZ-TALADRIZ, José (ed.). *Adiciones del Sumario de Japon*. Tokyo: Private edition, p. 366.

¹²⁷³ HJ V, p. 599.

¹²⁷⁴ HAYASHIYA Tatsusaburō. *Tenka Tōitsu*. Tokyo: Chuō Kōron Shinsha, 2005, p. 461. Nakano Hitoshi points out, however, that although this is the number used by most of the Japanese historiography, it is based on a well-known source written in April of 1592, before the actual invasion, thus representing the expectations and plans of Japanese authorities rather than the reality of the campaign. Instead, he suggests the number ought to be 121,870 men, quoting a source from June of the same year. NAKANO Hitoshi. *Bunroku-Keichō no Eki*. Tokyo: Yoshikawa Kōbunkan, 2008, p. 137. However, Jesuits sources mention the number may be close to two hundred thousand Japanese in the campaign. See REBELLO, Amador (ed.). *Op. cit.*, p. 124.

¹²⁷⁵ KITAJIMA Manji. *Ninshin Waran to hideyoshi, Shimazu, Ri Shunshin*. Tokyo: Azekura Shobō, 2002, pp. 21-2 and 33.

¹²⁷⁶ MORAN, Joseph F. *The Japanese and the Jesuits. Alessandro Valignano in sixteenth-century Japan*. London & New York: Routledge, 1993, pp. 62-3.

él lo entender, lo tome Dios por instrumento de abrir la puerta al santo Evangelio también en Corai y en la China."¹²⁷⁷

[And Kanpakudono, by making many Christians very great lords, keeps preparing the way for the expansion of our holy Law, and maybe, unwarily, God is taking him as His instrument to open the door to the Holy Gospel also in Korea and in China.]

Alvarez-Taladriz, nonetheless, notices that Hideyoshi was not entirely unaware after all. When he met then Vice-Provincial Gaspar Coelho in 1586, the Kanpaku promised to build churches in parts of China and Korea.¹²⁷⁸ Particularly, Valignano had hopes in regard to the decision of the ruler to put Konishi Yukinaga ahead of the government of half of Higo and the superintendence over Arima, Ōmura, Tsushima, Hirado and Gotō.¹²⁷⁹

Konishi was one of the *daimyō* responsible for capturing large numbers of Koreans and bringing them to Japan. As noted by Fujita Midori, Hideyoshi's campaigns on the Korean peninsula brought along the slave trade performed by Japanese and Portuguese.¹²⁸⁰ Fróis's account of Konishi's attack against Seoul includes one of the earliest examples of Koreans being captured by the Japanese. According to the Jesuit, the Koreans were good warriors, and fought until almost all of them were dead, remaining just a few that were captured. The women and the children, on the other hand, tried their best to avoid capture: making their faces dirty, dressing in cheap clothes, pretending to be handicapped. But nothing helped, as the Japanese soon understood they were pretending, and "*não deixavão de os tomar para se server delles.*" [would not stop capturing them to use them as servants.] Fróis also includes in his *Historia* a letter written by Konishi to Hideyoshi, describing how he captured many Koreans, including one who could speak Japanese and had been sent by the Korean monarch to negotiate with the Japanese.¹²⁸¹

The total number of captives from Korea during the two campaigns is estimated at twenty to thirty thousand people. Yamaguchi Masayuki believes there were no less than fifty thousand Koreans enslaved.¹²⁸² Still, contemporary sources indicate that, in

¹²⁷⁷ VALIGNANO, Alessandro (auth.) and ALVAREZ-TALADRIZ, José (ed.). *Adiciones del Sumario de Japon*. Tokyo: Private edition, p. 375.

¹²⁷⁸ See *Idem*, p. 375; and Cartas II, f. 176v.

¹²⁷⁹ VALIGNANO, Alessandro (auth.) and ALVAREZ-TALADRIZ, José (ed.). *Op. cit.*, p. 437.

¹²⁸⁰ FUJITA Midori. "Dorei Bōeki ga ataeta Kyokutō he no Shōgeki." In: KOBORI Keiichirō (ed.). *Tōzai no Shisō Tōsō*. Tokyo: Chuokoron-sha, 1994, p. 179.

¹²⁸¹ HJ V, pp. 549-50 and 552-4.

¹²⁸² YAMAGUCHI Masayuki. *Chōsen Kirisuto Kyō no Bunka teki Kenkyū*. Tokyo: Ochanomizu Shobō, 1985, p. 20.

Satsuma alone, there were 30,700 Korean captives.¹²⁸³ Effectively, Fróis wrote, at the end of the first campaign:

*“Quantos sejam mortos dos corays não se sabe, mas entre mortos e cativos foi sem comparação maior o numero do que o dos japões, porque somente os cativos que estão por este Ximo são innumeraveis, afora os que levarão para o Miaco e outras partes.”*¹²⁸⁴

[How many Koreans died no one knows, but among dead and captives the number was incomparably higher than the number of [dead] Japanese, because just the captives that are in Kyushu are countless, not including those who were taken to Kyoto and other areas.]

Fróis registers the number of dead Japanese in the first invasion as fifty thousand people, among soldiers and servicemen. Considering that, it is not unthinkable to imagine that, if the Jesuit is correct, the number of Koreans captured and brought to Japan could be way higher for the 1592-3 war alone. However, estimates indicate that in the second war waged by Hideyoshi the Japanese brought about ten times the number of Koreans brought in the first campaign, especially people from the Southern part of the peninsula.¹²⁸⁵ This affirmation makes the work of giving safe statistics for the number of captives a very difficult one.

As for the reasons behind these captures, Naitō Shunpo defends that the main reason was to compensate the large numbers of field workers who had fled or disappeared during the preparations for the Japanese campaign over Korea. In those years, most of the labor was focused on naval building, weapons fabrication and the manufacture of other necessary materials for the invasion. Also, commoners were overloaded with the farm work necessary to pay the *corvée* – *nengu* 年貢 – charged to finance the military campaign.¹²⁸⁶ Although many were exported overseas as slaves, most of the Koreans that were brought and remained in Japan were concentrated in the Eastern part of the country, but especially in large urban areas and port cities such as Osaka, Kyoto, Nagoya, Sunpu, Edo and others.¹²⁸⁷ Macao also received a large number of Koreans – Tang Kaijian quotes Chinese sources which describe Koreans being interrogated by local authorities. Three of them explain they were born in Pusan but sold by the Japanese to the Portuguese when very young, and subsequently brought to Macao, Xiangshan and Guangdong. Also, Tang

¹²⁸³ NAITŌ Shunpo. *Bunroku-Keichō Eki ni okeru Hiryonin no Kenkyū*. Tokyo: Tokyo Daigaku Shuppankai, 1976, pp. 197 and 216.

¹²⁸⁴ HJ V, p. 599.

¹²⁸⁵ NAITŌ Shunpo. “Jinshin-Teiyū Eki ni okeru Hiryo Chōsen-jin no Sakkan Mondai ni Tsuite.” In: *Chōsen Gakuhō*, n. 29. Tokyo: Chōsen Gakkai, 1963, p. 98; NAITŌ Shunpo. *Bunroku-Keichō Eki ni okeru Hiryonin no Kenkyū*. Tokyo: Tokyo Daigaku Shuppankai, 1976, pp. 196-7.

¹²⁸⁶ *Idem*, p. 220.

¹²⁸⁷ YONETANI Hitoshi. “Chōsen Shinryakugo ni okeru Hiryoninno Hongoku Sōkan ni tsuite”. In: *Ninshin Sensō – 16 Seiki Nichi-Chō-Chū no Kokusai Sensō*. Tokyo: Akashi Shoten, p. 106.

describes how Chinese people would regard these Koreans as Japanese.¹²⁸⁸ That makes the task of distinguishing between Japanese and Koreans in Chinese sources even harder.

Out of the total number of prisoners, circa of 7.500 people were repatriated to Korea until the middle of the seventeenth century.¹²⁸⁹ But recent research shows that the number of people sent back may be even smaller than previously thought. Yonetani Hitoshi managed to confirm 6323 people who returned either by their own efforts or by the efforts of others.¹²⁹⁰ As the reasons for the low share of returnees, many Japanese historians indicate that Koreans were stopped by their employers, became attached to their spouses and children in Japan, or because of rumors among the captives that told of people being “*abandoned with no provisions or clothing, conscripted, or taken as slaves*” upon their arrival in Korea.¹²⁹¹ Yet, one cannot discard the very real possibility that many of the captives died on the boats where they were transported or while in Japan. After all, their conditions were not the best – according to a Korean scholar who was also captured and brought to Japan in the period, captives lived in tilted barracks, and struggled against cold and hunger.¹²⁹²

According to Gono Takashi, the Jesuits had their eyes in Korea since at least the 1560s. Gaspar Vilela, after returning to India, mentions he tried to reach the peninsula in 1566 or 1567, but was not able to fulfill the plan because of the internal Japanese wars.¹²⁹³ The conversion of Koreans and the creation of materials to allow these conversions effectively started with the captives brought to Japan.

After the first invasion ended in August of 1593, Japanese warriors retreated to twelve fortresses built on the Korean coast, built by Hideyoshi, where they waited for the outcome of the peace negotiations. The Jesuits sent two missionaries to offer their religious services to the Christian *daimyō* and other converts in the peninsula.¹²⁹⁴ Meanwhile, in Japan, the Jesuits were already baptizing Korean captives in Nagasaki by the Christmas after the conclusion of the first campaign. Fróis reports that, as local authorities would not allow for the women of Nagasaki to attend mess, the Jesuits divided

¹²⁸⁸ TANG Kaijian. *Setting Off from Macau: Essays on Jesuit History during the Ming and Qing Dynasties*. Leiden, Boston: Brill, 2016, pp. 93-4.

¹²⁸⁹ NAITŌ Shunpo. *Bunroku-Keichō Eki ni okeru Hiryonin no Kenkyū*. Tokyo: Tokyo Daigaku Shuppankai, 1976, p. 11.

¹²⁹⁰ YONETANI Hitoshi. *Op. cit.*, pp. 105 and 126-8.

¹²⁹¹ See ARANO Yasunori. “The Formation of a Japanocentric World Order.” In: *International Journal of Asian Studies*, 2, 2. Cambridge: Cambridge University Press, 2008, p. 198.

¹²⁹² NAITŌ Shunpo. “Jinshin-Teiyū Eki ni okeru Hiryo Chōsen-jin no Sakkan Mondai ni Tsuite.” In: *Chōsen Gakuhō*, n. 34. Tokyo: Chōsen Gakkai, 1965, p. 135; NAITŌ Shunpo. *Bunroku-Keichō Eki ni okeru Hiryonin no Kenkyū*. Tokyo: Tokyo Daigaku Shuppankai, 1976, pp. 199-200.

¹²⁹³ GONOI Takashi. “Hiryo Chōsenjin to Kirisuto-kyō – Jūroku, Jūnana Seiki Nikkan Kirisuto Kyōto Kankeishi.” In: *Tokyo Daigaku Shiryō Hensanjo Kenkyū Kiyō Dai 13 Gō*. Tokyo: The University of Tokyo, Historiographical Institute, 2003, pp. 41-2.

¹²⁹⁴ REBELLO, Amador (ed.). *Op. cit.*, pp. 96-7, 125.

themselves to visit private gatherings and celebrate small messes. During the nine ceremonies they realized that night:

*“(...) bautizarão-se tambem 100 gentios que estavam ja cathequizados, dos quaes a mayor parte erão dos cativos de Corai, dos quaes vierão grande soma a Japão: com que ficarão todas aquellas mulheres muy consoladas.”*¹²⁹⁵

[One hundred gentiles who were already indoctrinated were baptized, and most of them were captives from Korea, who came in great numbers to Japan. By that [the baptism of the gentiles] all women were solaced.]

A source of spiritual distress, the presence of unbaptized Korean captives in Japanese Christian households was addressed by the Jesuits at once by the end of the year 1593. These apparently were not Koreans destined initially for the slave trade with the Portuguese, thus we cannot say that the Jesuits were baptizing them to export. Linking the two activities, conversion and slave trade, is a very tricky issue. The same local distress could also be seen in communities surrounding Nagasaki but subjected to its Jesuit house. Fróis proceeds his narrative:

*“Tem a caza de Nangazaqui, alem da igreja de Todos os Santos, tres rezidencias anexas, que estão duas, tres e quatro legoas afastadas; em cada huma das quaes está continuamente rezidindo hum Padre com hum Irmão, tendo cada huma dellas quatro e cinco mil almas a seu cargo. Nas quaes se faz o mesmo fruto que em Nangazaqui, bautizando-se diversos gentios que se recolhem naquellas partes. Huma destas rezidencias se chama Toquiço, a segunda Conga e a terceira Conoura; E ainda que todas sejam terras de christãos, sogeitas a Omuradono, e não haja nella[s] gentios para converter, todavia entre os corais que vierão para estas partes e outros gentios que vem alli morar de fora por acharem melhor abrigo, passarão de 900 os adultos que neste tempo se bautizarão.”*¹²⁹⁶

[The house of Nagasaki has, besides the Church of All Saints, three annex residences, which are two, three and four *léguas* removed. In each one of them lives continuously one Priest and one Brother, and each one of them has four to five thousand souls under them. In these houses the same fruits bore in Nagasaki is made, baptizing many gentiles who retreat to those parts. One of the residences is called Tokitsu 時津, the second Kōga, and the third Kōnoura 神浦. And even though all of these are Christian areas, subjected to Ōmuradono, and there are no gentiles to convert in them, there are the Koreans who came to these areas and other gentiles who come to live there from other places looking for better refuge, totaling more than 900 adults who were baptized in this time.]

¹²⁹⁵ HJ V, p. 457.

¹²⁹⁶ *Idem.*

The Jesuits were visiting Christian households, indoctrinating and baptizing Koreans who happened to be sent to the area of Nagasaki and its surroundings. However, the fact they were converting and baptizing Korean captives does not exclude the possibility the missionaries were selling themselves slaves to the Portuguese, or at least helping Koreans to be exported as forced labor. After the first invasion, Itō Yoshikatsu 伊東義勝, also known as Sukekatsu 祐勝 and baptized Gerónimo, had returned from Korea ill, and soon started preparing himself for his demise. Under advice of the missionaries, Yoshikatsu made a last settlement of scores with God.

“E porque trazia tambem consigo diversos corais que cativara na guerra, homens e mulheres, mandou tambem que todos os homens se entregassem aos mesmos Padres para delles fazerem o que lhes parecesse; e que as mulheres se entregassem a sua mulher, não para as ter por cativas mas para as ter em sua caza, sustentando-as athé que ellas soubessem negociar-se e fallar, e pudessem ter algum remedio em Japão e então lhes desse liberdade; e nam as largasse logo, porque, como gente estrangeira e que não sabião fallar, serião logo perdidas e cativas.”¹²⁹⁷

[And because he brought with him many Koreans who he had captured in the war, men and women, he also ordered the men to be handed over to the same Priests for them to do whatever they wanted with the captives; and the women were to be handed over to his wife, not to be kept as captives [slaves], but to be sheltered at home, supporting them until they were able to take care of themselves and speak [Japanese], and could have some livelihood in Japan, and thus were to be set free; and they were not to be let go soon, because, as foreigners and people unable to speak [Japanese], they would soon be lost and captured.]

The Japanese convert divided his captives in men and women. While the women were to be watched and cared by his wife, until they were able enough to take care of themselves, the men were given to the Jesuits. There is no information on what the priests did of these and other captives they probably received from other Christians. Of course, one may wonder whether they sold the Korean men to the Portuguese, or kept them to work in the Jesuit residences, but that is a question to which the available sources do not offer a secure answer.

The sheer number of captives and the horrors promoted by the Japanese during the invasion were a concern for the missionaries. Nevertheless, the Christian Japanese were praised by Fróis for their behavior during the first invasion:

“(…) Dom Sancho e os mais fidalgos de Vomura se assinalarão particularmente tambem na guarda da ley de Deos e no exemplo que derão,

¹²⁹⁷ *Idem*, p. 520.

especialmente na guarda da limpeza e da castidade. De maneira que não somente pozerão em admiração aos gentios, mas também aos mais christãos, que com tantas e tão frequentes occaziões, como nesta parte houve com a infinidade de mulheres que cativarão de toda a sorte, ficavão admirados de ver com quanta fortaleza e constancia se guiavão os christãos de Vomura (...).”¹²⁹⁸

[Dom Sancho and the other noblemen from Ōmura were remarkable particularly in their observance of the law of God and the example they gave, especially in keeping the cleanliness and chastity. In such a manner that they were admired not only by the gentiles, but also by other Christians, with the many and frequent occasions [to sin], as in this part there were an infinity of women captured of all sorts, and they were admired with the strength and constancy guiding the Christians of Ōmura.]

The behavior of Christians such as Ōmura Yoshiaki 大村喜前 was especially praised because of the temptations converts would face during the war. The huge numbers of captive women, prone to abuses and cruelty, was a challenge for the Japanese converts. But in Fróis’s narrative they were an example to be followed.

The presence of droves of Korean prisoners altered some structures of the mission. Many members of the Japanese forces sent numbers of captives to their families.¹²⁹⁹ The Jesuits responded by restructuring some institutions of their mission. A letter written in 1595 describes some of the changes in face of the new situation.

“Nestas terras de Arima, & nas de Vomura, & Nangasaqui, ha grande numero de Coreas, como também por todos os mais Reynos do Iapão, os quaes os Iapões catiuarão nesta guerra de Coray, & mandarão pera suas casas, & por serem de bom natural, & terem engenho, & capacidade pera as cousas de nossa santa fee, desejando o padre Viceprouincial darlhe remedio, pera saluação de suas almas, ordenou se escolhessem antre elles algûs moços mais habiles, que soubesse ler, & escrever a sua letra (que he quasi a mesma dos Chinas, & corre também entre os letrados de Iapão) e mandandoos instruir muyto bem no Catecismo, fez como hum seminariozinho delles, fazendolhes tresladar em sua lingua os mandamêtos, & orações pera poderem ensinar aos outros. Depois de bem instruidos nas cousas de nossa santa fee, os leuarão os irmãos Iapões pera prégarem aos outros Corays, & lhe mostrarem o caminho de sua saluação, & foy grande o fruto, que nisto se fez, porque se cõuerterão, & bautizarão por este meio o anno de 94 passante de duas mil almas naturaes do Reyno de Coray, & no anno

¹²⁹⁸ *Idem*, p. 463.

¹²⁹⁹ See, for example, the case of Ōshima Tadayasu 大嶋忠泰, who sent Korean captives as gifts for his family and his lord. FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, pp. 61-3.

*de nouenta & cinco, os mais, que ficarão, não com pequena admiração dos nossos irmãos Iapões, que assistião a estes bautismos, vendo como se resolverão em deixar seus ritos gêtilicos, & tomar nossa santa ley, [eram] gente de abelidade, & não inferior no entendimento aos Iapões.*¹³⁰⁰

[In these lands of Arima, and those of Ōmura and Nagasaki, there is a large number of Koreans, as well as throughout other kingdoms of Japan, who the Japanese captured in the war of Korea and sent to their homes. And as they [the Koreans] are of good nature and have understanding and capacity for the things of our holy faith, wishing the Father Vice-Provincial to give them remedy to save their souls, he ordered us to choose some among them [Koreans] more skillful, who could read and write in their writing (which is almost the same as the Chinese, and is understood also by literates in Japan) and ordered for them to be well instructed in the Catechism. Thus, a little seminary for them was made, and the [Ten] Commandments and prayers were translated in their language, so they could teach the others. After being well instructed in the things of our holy faith, the Japanese Brothers took them to preach to the other Koreans, and show them the path to their salvation, and the result was great in this enterprise, because in the year of 1594 over two thousand souls of those born in the Kingdom of Korea were converted and baptized in this way, and in the year of 1595 the others who remained [unconverted and unbaptized], admiring greatly our Japanese Brothers, who oversaw these baptisms, and resolving to leave their gentile rites and take our holy law, were people of ability, and were not inferior to the Japanese in understanding.]

The structure of the Jesuit mission was thus transformed to accommodate the newcomers, with the creation of a new institution – the little seminary – and translation of the necessary materials – the Ten Commandments and prayers – for the conversion of those who still could not understand the Japanese language.¹³⁰¹ The missionaries quickly trained a number of Korean-born people to help to spread the faith among their peers. The system resulted in two thousand conversions in 1594, and a number of new Christians in the following year.

In the interwar years, Japanese *bushi* were aware that the ceasefire with the Ming was temporary. Around October of 1596, the next invasion was already scheduled for the third month of the following year – around April or May of the Gregorian calendar.¹³⁰²

¹³⁰⁰ REBELLO, Amador (ed.). *Op. cit.*, pp. 89-90. The original was written by Luís Fróis, JapSin 52, f. 137v.

¹³⁰¹ This “little seminary” must have been dispersed in 1597, together with the Jesuit seminary. See Ajuda 49-VI-8, f. 45.

¹³⁰² NAKANO Hitoshi. “Karairi to Heitan Hokyū Taisei.” In: IKE Susumu (ed.). *Tenka Tōitsu to Chōsen Shinryaku*. Tokyo: Yoshikawa Kōbunkan, 2003, p. 228.

The second war broke out early 1597, with a total of 141,800 men in the Japanese side.¹³⁰³
The scenario soon became more gruesome than the first invasion.

“同[慶長二年七月]九日ニふさんかいの町へあかりて見物しけれハ、
諸国のあき人を見侍りて、釜山浦のまちハしよ国のまいはい人貴賤老に
やくたちさわく体”¹³⁰⁴

[On the 9th day of the 7th month of the 2nd year of Keichō I arrived and
looked around the port city of Busan. I could see merchants from many countries,
and the city of the Busan harbor is noisy with the rich and poor, old and young
merchants from various countries.]

This passage is from the diary *Chōsen Nichinichiki* 朝鮮日々記, written during
the stay of the Japanese monk Kyōnen 慶念 in Korea. The document offers an example
of the complex structure of commerce and trade that followed the Japanese military. The
port city of Busan rapidly became a trading center for Japanese merchants, such as the
Itamiya 伊丹屋 from Sakai 堺.¹³⁰⁵ Anyhow, the editors of the published diary understood
that the passage aforementioned could be a reference to slave traders, as Kyōnen makes
references to these merchants in other parts of the document.¹³⁰⁶

Sunk in the madness of war, desperation allowed slave trade to dominate. In effect,
a few months later the monk arrived at Ulsan, where Japanese troops were building their
castle to prepare before the arrival of the enemies. The picture painted by his diary is
apocalyptic:

“同[慶長二年十一月]十九日ニ、日本よりもよろつのあき人もきた
りしなかに、人あきないせる物来り、奥陣ヨリあとにつきあるき、男女
老若かい取て、なわにてくひをくゝりあつめ、さきへおひたて、あゆひ
候ハねハあとよりつへにておつたて、うちはしらかすの有様ハ、さな
からあほうらせつの罪人をせめけるもかくやとおもひ侍る。”¹³⁰⁷

[On the 19th day of the 11st month of the 2nd year of Keichō, among the
many merchants that came from Japan, there were those who traded people,
walking way back after the troops, buying men and women, old and young, tying

¹³⁰³ NAKANO Hitoshi. *Bunroku-Keichō no Eki*. Tokyo: Yoshikawa Kōbunkan, 2008, p. 192.

¹³⁰⁴ CHŌSEN Nichinichiki Kenkyūkai (ed.). *Chōsen Nichinichiki wo Yomu – Shinshūsō ga Mita Hideyoshi no Chōsen Shinryaku*. Tokyo: Hōzōkan, 2000, p. 8; KITAJIMA Manji. *Chōsen Nichinichiki, Kōrai Nikki – Hideyoshi no Chōsen Shinryaku to Sono Rekishiteki Kokuhatu*. Tokyo: Soshiete, 1982, p. 298.

¹³⁰⁵ KITAJIMA Manji. *Chōsen Nichinichiki, Kōrai Nikki – Hideyoshi no Chōsen Shinryaku to Sono Rekishiteki Kokuhatu*. Tokyo: Soshiete, 1982, p. 298.

¹³⁰⁶ CHŌSEN Nichinichiki Kenkyūkai (ed.). *Op. cit.*, p. 99.

¹³⁰⁷ KITAJIMA Manji. *Toyotomi Hideyoshi to Chōsen Shinryaku*. Tokyo: Yoshikawa Kōbunkan, 1995, p. 224-5; CHŌSEN Nichinichiki Kenkyūkai (ed.). *Op. cit.*, p. 49.

them with ropes by their hands, gathering them and making them walk before them, and if they did not walk, the sight of they [the traders] striking them [the prisoners] to make them run with clubs, it made me think they looked just like demons torturing sinners in hell.]

Countless merchants came from Japan to follow and profit from the trail of destruction left by the war. Waiting behind the troops, these traders would conduct countless prisoners to Japan. The monk witnessed also cattle being eaten alive after transporting materials and fulfilling their duties by hungry troops. “たゝちく生道にてハあらずやおもひ侍るはかり成” [All I could think was if I wasn’t in Hell], wrote the monk by the end of December of 1597.¹³⁰⁸ A few days earlier, he wrote: “かやうの事をあんし候へハ、地こくハよそにあるへからず。やかてめに見へてある事を、後生のなけきハ夢にさへもしらすする事ハあさましき成。” [[Seeing] this kind of things being done, [I realize] Hell is nowhere but here. Thus, what I see with my own eyes.]¹³⁰⁹

Nevertheless, Koreans were not the only victims of the conflict. Commoners brought from Japan worked day and night, rushing before the arrival of Ming and Korean troops. They could fall on the hands of Korean combatants, or even be victimized by other Japanese. Those that chose to flee or showed any sign that could be interpreted as laziness were promptly executed and their heads hanged on roads or chained by their necks and branded with hot iron.¹³¹⁰ Here we realize that there was the possibility of Japanese individuals being enslaved while in Korea by their fellow countrymen.

Of course, not all Koreans were enslaved. The war diary of the Korean naval commander Yi Sun-sin 李舜臣, the so-called *Nanjung Ilgi* 乱中日記, offers numerous examples of Korean men and women that managed to not only run away from conflict, but also to get rid of shackles and regain their freedom before being taken away to Japan.¹³¹¹

Also, there were many abandoned children considered unfit for slavery. The account of a Japanese Christian during the first campaign in Korea gives us a glimpse of the situation.

“(…) *vendo elle os muytos meninos Corais, que morrião ao desempero, huns, que seus mesmos pays fugindo deixauam, polos não poderem leuar, outros que ficando catiuos dos Iapões por serem de tenra idade, não fazião conta delles,*

¹³⁰⁸ CHŌSEN Nichinichiki Kenkyūkai (ed.). *Op. cit.*, p. 50; KITAJIMA Manji. *Op. cit.*, p. 225.

¹³⁰⁹ CHŌSEN Nichinichiki Kenkyūkai (ed.). *Op. cit.*, p. 47; KITAJIMA Manji. *Op. cit.*, p. 225.

¹³¹⁰ CHŌSEN Nichinichiki Kenkyūkai (ed.). *Op. cit.*, p. 45; KITAJIMA Manji. *Op. cit.*, pp. 222-4.

¹³¹¹ Here we used the Japanese translation of the dictionary, commented by historian Kitajima Manji. See RI Shunshin (auth.) and KITAJIMA Manji (ed.). *Ranchū Nikki – Ninshin Waran no Kiroku*, 3 vol. Tokyo: Heibonsha, 2000-1.

*tomou por sua deuação bautizar os que carecião de vso de rezão, quando estauão em perigo de morte, & pera isto fazia que hum seu criado trouxesse consigo sempre certa vasilha com agora [sic] & achando algu[n]s destes meninos deseparados, os bautizaua, poraque se não perdessem aquellas almas, e fossê gozar de Deos por meo do santo bautismo. E desta maneira bautizaria obra de dozêtos mininos, que comumente morrião ao desemparo.*¹³¹²

[seeing the many Korean children who would die helplessly, some because their parents would abandon them for they were not able to take them, others falling prisoners of the Japanese, but because they were of too young would be left behind, he took as a devote thing to do to baptize those who lacked the ability of reason, when they were on the brink of death, and for that he made one of his servants always carry with him a kind of bowl with water, and whenever he found one of these forsaken children, he would baptize them, in order to save those souls, and allow them to be with God through the holy baptism. This way he baptized over two hundred children, who would normally die neglected.]

In the chaos of war, small children became a burden, and parents were forced to abandon their sons and daughters. Slave traders, who would rather take with them older young people or men and women to sell away, also rejected these children. The unnamed Japanese Christian, carrying a bowl of water, offered these infants a last relief before their final demise, even though relieved part in reality was the converts' consciences. The Jesuit letter is, in this sense, less an example of the fate of Koreans during the war than a reflection of the Japanese converts' character that the missionaries were trying to sell.

The missionaries kept on converting and overseeing the new Korean Christians, as mentioned by a few missives. In the annual letter of 1598, written in February 17th, the Jesuits report:

*“As confissões, q[ue] na Fortaleza de Arima, e seos arrebalde se ouviraõ, passaraõ de sete Mil, afora as dos q[ue] comungaõ, e dos doentes, aos quaes se accode hindo a lugares distantes, e remotos. Bautizaraõse cem adultos, assim forasteiros, como algu[n]s Corais q[ue] os Japões tomaraõ na Guerra.”*¹³¹³

[The confessions we hear in the Fortress of Arima and its surroundings exceed seven thousand, let alone those who communicate, and the sick, and those who are served in distant and remote places. One hundred adults were baptized,

¹³¹² REBELLO, Amador (ed.). *Compendio de Algumas Cartas que este Anno de 97 vierão dos Padres da Companhia de IESV, que residem na India, & corte do grão Mogor, & nos Reinos da China, & Iapão, & no Brasil, em que se contem varias cousas*. Lisbon: Alexandre de Siqueira, 1598, pp. 97-8.

¹³¹³ Ajuda 49-VI-8, f. 26.

including foreigners, as well as a few Koreans who the Japanese captured in the war.]

The efforts continued into the seventeenth century. Between 1606 and 1607, missionaries visited the islands of Gotō, baptizing circa one hundred children and sixty adults, while hearing confessions from 1,800 Christians. Among the converts, there were many Christian Koreans, “*que por aquelas ilhas há cativos dos japões*” [that there are in those islands, captives of the Japanese.]. One Korean man, baptized Paulo, served the local *daimyō* as his gardener. Becoming somewhat leader of the Christian Korean community, Paulo also convinced a female servant of the same lord to convert.¹³¹⁴

While the slave market was depleted of Japanese men and women and replenished with Korean prisoners of war, the Jesuit front of action also gradually changed. The structural reforms and the new *modus operandi* developed during the period between the two Japanese campaigns in Korea happened in parallel with the preparations of the new war. The peace negotiations were being delayed by the Chinese who, according to the Jesuits, wanted to tire the Japanese in order to make them accept more easily their demands.¹³¹⁵ As for the mission, a new Bishop arrived in the archipelago between the two campaigns. His arrival would radically change the relation missionaries had with the enslavement of Japanese and Koreans, as well as with slave traders.

A providential authority

The missionaries in Japan had long waited for a Bishop. The idea was first considered in the 1550s. According to the model of the time, the Church needed the necessary support of a Christian civil authority in order to defend the Bishopric. When the project is discussed in 1558, the Jesuits gathered in Rome decided that a member of the order was not to be indicated for the post of Bishop, as Loyola forbade Jesuits to occupy prelaties. Nevertheless, in the 1560s the Portuguese crown was already considering sending a Bishop to China and another one to Japan. Cardinal D. Henrique thus defined that such chair should be occupied by a Portuguese Jesuit, submitted to the Portuguese monarch. The Portuguese authorities managed then to command two of their prelates in Ethiopia to head east. With Papal approval, one abided: D. Melchior Carneiro. The decision represented a drawback to the creation of a Japanese Bishopric, as the diocese of Macao had jurisdiction over China and Japan. Carneiro was based in Macao since 1568 and became bishop in 1576. However, as he could not physically be in the archipelago, there were issues he could not address directly. And even though many

¹³¹⁴ GUERREIRO, Fernão. *Relação Anual das Coisas que Fizeram os Padres da Companhia de Jesus nas Suas Missões, Tomo Terceiro*. Lisbon: Imprensa Nacional, 1942, pp. 156-7.

¹³¹⁵ REBELLO, Amador (ed.). *Op. cit.*, p. 121.

priests travelled from Japan to Macao to be ordained, Japanese converts needed a Bishop in Japan to administer Confirmation and act directly on matters that required the physical presence of a prelate in his domains to be acted upon.¹³¹⁶

The following Bishop officially appointed to the Macanese diocese was D. Leonardo de Sá. Still, he never managed to interfere in issues of the Japanese mission, given the resistance of the Jesuit missionaries. The Priests and Brothers in Japan wished to solve their issues *in loco*, always refusing to accept decisions of those outsiders who knew nothing of the cultural specificities and difficulties of ruling issues in the islands. Although there were voices against the idea, it seems that some very influential missionaries wished to have a Bishop in Japan. Fróis, in his *Historia de Japam*, wrote of Japanese converts asking for a prelate for their community.¹³¹⁷ In 1595, a letter described how the Japanese children were being prepared to receive a future Bishop, as they would learn to sing and play instruments in order to serve in the Churches and help a potential prelate.¹³¹⁸

In the end, Claudio Acquaviva, general of the order, wrote in 1587 to Valignano transmitting him the decision: a Jesuit Bishop was going to be indicated for the newly created Bishopric of Funai. The name chosen was Sebastião de Morais, a Jesuit born in 1533 and member of the order since 1550, who had worked in Italy and as Provincial of Portugal. Morais embarked in April of 1588 to India, but he passed away near Mozambique in August of that year. His premature death made the Portuguese crown indicate not only a Bishop, but his substitute in case the indicated was unable to fulfill the post. The news of the persecution of Christians declared by Hideyoshi also made the king consider that the Bishop of Funai should reside in Macao until the situation became calmer. Thus, in 1592, Pedro Martins is nominated for the Bishopric, with Luis de Cerqueira as his substitute.¹³¹⁹

Pedro Martins was a Coimbra-born Jesuit who arrived in India in September 27th 1586. In Goa, he met Valignano, who promptly appointed him Superior of the Jesuit house, later Provincial of India. By order of the Archbishop of Goa, D. Matheus de Medina, Martins left India in April of 1593, and arrived in August in Macao, where he stayed as interim prelate for the local diocese while the effective Bishop, D. Leonardo de Sá, was captive in Sumatra.¹³²⁰

¹³¹⁶ COSTA, João Paulo Oliveira e. *O Cristianismo no Japão e o Episcopado de D. Luís Cerqueira*. PhD thesis. Lisbon: Universidade Nova de Lisboa, 1998, pp. 224-33. Jesús Lopez-Gay also explains how the absence of a Bishop affected some liturgical elements, such as the use of holy oils in the Baptism and other ceremonies. See LOPEZ-GAY, Jesús. *El Catecumenado en la Mision del Japon del S. XVI*. Rome: Libreria dell'Universita Gregoriana, 1966, pp. 166-81.

¹³¹⁷ HJ IV, p. 281; COSTA, João Paulo Oliveira e. *Op. cit.*, pp. 232-7.

¹³¹⁸ REBELLO, Amador (ed.). *Op. cit.*, pp. 92-3.

¹³¹⁹ COSTA, João Paulo Oliveira e. *Op. cit.*, pp. 240-7.

¹³²⁰ APO, Fasc. 3, p. 525.

The arrival of a Jesuit Bishop would represent the guarantee of the order's hegemony over the Japanese mission and the community of converts in the archipelago. The authority of the Bishop would subject any secular clergymen or members of other orders that happened to be in Japan, as effectively happened when the Franciscans arrived in the archipelago in the 1590s. Furthermore, the presence of a Bishop would alleviate Valignano from part of his responsibilities.¹³²¹ A prelate would have enough jurisdiction to solve many of the issues that had required the Visitor's attention since his arrival in India, including slavery.¹³²² Nevertheless, in order to understand the impact of his actions one must not lose the perspective that Martins was not officially part of the mission. He was not exclusively supervising the work of the Vice-Provincial or overseeing the missionaries. As a Bishop, he was an Episcopalian authority that represented a shift in the political power balance of the clergymen of Japan and of the Portuguese merchants living in Japan or those that would come periodically on board the ship from Macau.¹³²³

While in Macao, Pedro Martins received reports from Japan that showed the situation in Japan was not as dire as authorities believed in India and Europe.¹³²⁴ The king wrote to Vice-Roy Matias de Albuquerque in 1598 summarizing the information the Bishop had offered him about Japan a couple of years before:

“O Bispo do Japão, Dom Pedro Martins, me escreueo nas vias do anno passado por cartas feitas em Macão de 4 de Janeiro de 96 que em todas aquelas partes tirando Namgasaque os Religiosos da Companhia que lá amdaõ pregaõm, e se diz missa publicamente, e que se emtemte que o tirano dissimula, e que aquele anno se fizeraõ de nouo cinco ou seis mil cristaõs, e que muitos dos principaes daquelas partes se emtendia que o seriaõ por morte deste tirano polo serem já em oculto, e que tinha dado licença que se fizessem cristaõs os do pouo, mas não os

¹³²¹ Even though Valignano registered some harsh criticism against Martins when they first met in Macao, see LOPEZ-GAY, Jesús. “Don Pedro Martins, SJ (1542-1598), primer obispo portugués que visitó el Japón.” In: In: CARNEIRO, Roberto e MATOS, Artur Teodoro de (org.). *O Século Cristão do Japão – Actas do Colóquio Internacional Comemorativo dos 450 Anos de Amizade Portugal-Japão (1543/1993)*. Lisbon: Centro de Estudos dos Povos e Culturas de Expressão Portuguesa da Universidade Católica Portuguesa and Instituto de História de Além-Mar da Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa, 1994, pp. 84-5.

¹³²² Bishops were historical and canonically required to make Canonical visitations, “in order to correct abuses which may have crept in, and to promote discipline.” HYLAND, Francis Edward. *Excommunication: its nature, historical development and effects – a dissertation*. Washington: Catholic University of America, 1928, pp. 154-5.

¹³²³ Valignano showed great concern on the role the Bishop would play in regard to the mission and its superiors. See ALVAREZ-TALADRIZ, José Luiz. “Semblanza de Don Pedro Martinez, S.J. Obispo de Japón por el Padre Alejandro Valignano, S.J., Visitador de Japón.” In: *Osaka Gaikoku Daigaku Gakuhō*, n. 29, Osaka: Osaka Gaikokugo Daigaku, 1973, pp. 442-51.

¹³²⁴ The Bishop narrates how he decided to go to Japan and his arrival in JapSin 31, f. 143.

nobres, e que leuantaraõ muitas igrejas derrubadas, e desestia da guerra de Choray por se temer de todos.”¹³²⁵

[The Bishop of Japan, Dom Pedro Martins, sent me via the ships last year letters written in Macao in January 4th 1596, saying that in all those parts, except Nagasaki, the Religious men of the Company who are there preach, and mess is celebrated publicly, and that they understand the Tyrant dissimulates, and that in that year there were new five or six thousand Christians, and that many important people from those areas understood [that was possible] because of the death of that Tyrant, as he is hidden, and that he had given license allowing those of the people to be converted, but not the nobles, and that they rebuilt many destroyed churches, and that [Hideyoshi] had given up the war of Korea because he was afraid.]

By hearing that the persecution was fading away and that Hideyoshi could have been dead already, the Bishop decided to leave Macao, from where he set sail in July to arrive in Nagasaki in August 14 1596. According to Marcelo de Ribadeneira, Martins received in 1596 the title of ambassador of the Vice-Roy of India, which may also have helped him to decide for crossing the sea to Japan.¹³²⁶ The Bishop was received by effusive Japanese Christians and local Portuguese residents. The date chosen by the prelate to disembark was providential. A report written in Spanish by an anonymous Jesuit in India summarizes the arrival of the prelate:

“El p[adr]e ob[is]po P[edr]o Martinez llego a Japon donde fue Receuido con gran fiesta de los N[uest]ros y de los Portugueses y principales de la tierra.

Agustino Secundono g[e]n[er]al de la Conquista del Coray ha llegado a aquel tiempo y sauiedo la venida del padre ob[is]po le fue a uisitar y despues le embio 200 fardos de Arroz y otros tanto de Trigo y lo mismo hicieron otros Caualleros principales tubose por bien pro nostrio entrar el p[adr]e ob[is]po en Japon vispera de la asump[ci]on de n[uest]ra s[eñor]a que es el mismo dia en que entro el p[adr]e Xauier (...).”¹³²⁷

[The Priest Bishop Pedro Martins arrived in Japan where he was received with great enthusiasm by our [associates] and the Portuguese and the principal [authorities] of the land.

¹³²⁵ APO, Fasc. 3, p. 861.

¹³²⁶ RIBADENEIRA, Marcelo de (auth.), LEGÍSIMA, Juan R. de (ed.). *Historia de las Islas del Archipélago Filipino y Reinos de la Gran China, Tartaria, Cochinchina, Malaca, Siam, Cambodge y Japón*. Madrid: La Editorial Católica, 1947, p. 530.

¹³²⁷ ANTT, Casa de Cadaval, n. 26, “*Papeles Varios Curiosos*”, ff. 357v-358.

Agostinho Settsu-no-tono, general of the Conquest of Korea, was arrived at that time and upon hearing the arrival of the Priest Bishop came to visit him, later sending 200 sacks of rice and some others of wheat, and the same did other principal knights. And was decided that the Priest Bishop should enter Japan in the eve of the Assumption of Our Lady, which was the same day Father [Francisco] Xavier had entered Japan.]

The Bishop was received not only by local converts and Portuguese, but also by Konishi Yukinaga 小西行長, who at the time had had a leading role in the first Japanese invasion of Korea. The carefully picked date for his arrival, the festivities, and the climate surrounding the arrival of not only an ecclesiastical authority, but an ambassador of the Vice-Roy sent in reply to Hideyoshi's previous embassy, were reasons for the missionaries to celebrate.

Rui Barreto, a Jesuit writing from Nagasaki in October of 1596 to the general of the order, saw many providential signs before and after the arrival of the Bishop. Martins' personal biography, which included captivity in Africa and shipwrecks, became supporting evidence for a prophetic reading of the plans of God for Japan. Barreto wrote:

“(...) Veja V[ossa] R[everência] o q[ue] se pode esperar de e[m] o S[enh]or Bispo partindo de Machao aparecer e[m] Japaõ hum cometa e no mesmo dia q[ue] apareção q[ue] foi de Sancta M[ari]a Magdalena chouer no Miaco cinza e[m] m[ui]ta quãtidade a qual aqui todos uimos p[or]que a trouxerão de la hos p[adr]es E noutra cidade tres legoas do Miaco me escreueo hum p[adr]e q[ue] chouera no mesmo dia area e depois de chegado a Japaõ aos 3 de Setembro ouue taõ grandes terremotos q[ue] no Miaco a m[ui]to nobre cidade de Fuximi q[ue] agora Taixosama tinha acabado de fazer e nella posto toda sua gloria tezouro & riquezas p[ar]a as mostrar aos ebaixadores de China lhe vinhaõ dentro e[m] poucas horas veo tudo posto p[or] t[er]ra e assolado e este escasam[en]te esquapou cõ a vida p[or] que soom[en]te das Molheres morreriaõ mais de mil pessoas ao q[ue] dizê q[ue] a cidade de Ozaca lhe acõteçeo quase o mesmo e a do Sacay ficou quasi posta p[or] t[er]ra nas teras dos bonzos naõ falo p[or] que naõ ficou dellas conforme ao q[ue] dizê couza nenhuã e[m] que sendo taõ fortes & sumptuosas & cõ tudo isto as Nossas Igrejas todas ficaraõ em pé e se V[ossa] R[everência] quer hu pouco olhar mais atras veja quam p[oder] dizer liurar Nosso S[enh]or o Bispo do Catiueiro de Africa, do naugrafio da Nao Sãtiago E do poder dos cafres de Masambique e trazerlo a Jmdia e ahi o ordenar bispo e trazendo a Japaõ no mesmo dia e[m] que o P[adr]e Mestre fr[ancisc]o [Xavier] de Sancta memoria a elle chegou q[ue] foi em o dia de N[ost]ra S[enho]ra dasumção parece q[ue] todas estas cousas estaõ mostrando q[ue] N[osso] S[enh]or cõ sua uinda a esta t[er]ra a de lançar os camis & fotoques p[or] t[er]ra e a de leuantar & deixar e[m]

*pe a sua Igreja som[en]te E q o liurou de tantos perigos pera p[or] seo meo fazer grãdes maravilhas nesta t[er]ra (...)*¹³²⁸

[See Your Reverence what we may expect for when the Lord Bishop left Macao a comet appeared in Japan and on the same day of Saint Mary Magdalene it rained ashes over Miyako in large quantities which we all witnessed because the priests brought [some ashes] from there. And in another city three *legoas* away from Miyaco a priest wrote me saying it rained sand on the same day. And after [the Bishop] had arrived in Japan, on September 3rd there were such great earthquakes in Miyako, in the most noble city of Fushimi, which Taicosama had just built and in it he had put all his glory, and treasures, and wealth to show to the ambassadors from China who were to come, and in a few hours everything crumbled was devastated and he [Taicosama] escaped narrowly, because among women alone more than one thousand people died, and they say almost the same happened in Osaka, and Sakai was almost destroyed. I will not talk about the temples of the bonzes because according to what they say nothing is left, although they were so strong and sumptuous. And even all this happened, all of our churches stand intact, and if Your Reverence remembers a little bit further in the past Our Lord set free the Bishop from captivity in Africa, from the shipwreck of the *Nau Santiago*, and from the power of the kaffirs of Mozambique, and brought him to India to ordain him bishop there, bringing him to Japan on the same day Father Master Francisco Xavier, of holy memory, had arrived, which was the day of Our Lady of Assumption. It seems all these things show that with his arrival to this land Our Lord will destroy the kami and hotoke and raise and leave standing his church alone, and that [God] freed him of so many trials to use him to work many wonders in this land.]

Friar Jerónimo de Jesús, accusing the Bishop of being one of the responsible for the 1597 martyrdom, also registered the same miraculous rain:

¹³²⁸ JapSin 12-II, f. 370. For example, Martins's personal accounts of his shipwreck on his way to India was used by the Jesuits in Europe in at least four publications promoting their missions in Asia, as listed by Sommervogel. See *Recueil d'un fort notable naufrage tiré des lettres du Pere Pierre Martinez, écrites en la ville de Goa és Indes Orientales, au Reuerend P. General de la compagnie du nom de Iesvs, le 9. iour de Decembre 1586*. Paris: Nicolas Niuelle, 1588; and *Raguaglio d'un notabilissimo naufragio cavato d'una lettera del Padre Pietro Martinez scritta da Goa al molto Reuerendo P. Generale della Compagnia di Giesv alli IX di Decembre MDLXXXVI*. Rome: Appresso Francesco Zanetti, 1588 (also published that same year in Milan and Venice). SOMMERVOGEL, Carlos. *Biblioth que de la Compagnie de Jésus, Tome V*. Strasburg: Province de Belgique, 1894, p. 654.

“Antes, pues, de la llegada del Obispo al Japón, día de la Magdalena, llovió tierra y ceniza, y cabellos y gusanos, en aquellas tres ciudades principales, Meaco, Uzaca y Sacay y Fugimen, que es el castillo del Emperador.”¹³²⁹

“Thus, before the arrival of the Bishop to Japan, on the day of Mary Magdalene [July 22nd], it rained dirt and ashes, hair and worms, on those three main cities: Miyako, Osaka, and Sakai, as well as in Fushimi, which is the castle of the Emperor [Hideyoshi].”

While for the Franciscans the arrival of Martins was preceded by signs of bad omen, for the Jesuits these miracles gave high hopes regarding the mission. Not only the struggles the bishop had faced to arrive to Japan were signs of achievements to come, but earthquakes, ashes and sand rains, as well as the destruction suffered by Hideyoshi in Fushimi suggested those were the last days of the persecution, and the end of the rule of Japanese deities, which would be deposed in favor of the Christian God.¹³³⁰

In Nagasaki, Pedro Martins, accompanied by the *Capitão-Mor* Rui Mendes de Figueiredo, visited the Jesuit seminary, where he was received by boys and girls singing hymns and psalms who, unhappy about receiving only the Bishop’s blessings, would try to touch his hands and clothes.¹³³¹ In the first two months spent in the city, the bishop gave the Sacrament of Confirmation to four thousand converts, and Holy Orders to five Brothers of the Company.¹³³²

Upon hearing news of the prelate’s arrival, Hideyoshi called him to Fushimi 伏見. Martins left Nagasaki in October 23rd. Ribadeneira tells us that the Bishop’s entourage was composed of four well-dressed Portuguese, four of their servants, and two Jesuits. Escorted by Maeda Gen’i 前田玄以, Martins met Hideyoshi, who agreed the Bishop

¹³²⁹ PÉREZ, Lorenzo. *Fr. Jerónimo de Jesús: Restaurador de las Misiones del Japón – sus cartas y relaciones (1595-1604)*. Florence: Collegii S. Bonaventurae, 1929, p. 120.

¹³³⁰ The same tone is found in A. Franco’s *Ano Santo da Companhia*, as mentioned by Lopez-Gay. See LOPEZ-GAY, Jesús. “Don Pedro Martins, SJ (1542-1598), primer obispo portugués que visitó el Japón.” In: CARNEIRO, Roberto e MATOS, Artur Teodoro de (org.). *O Século Cristão do Japão – Actas do Colóquio Internacional Comemorativo dos 450 Anos de Amizade Portugal-Japão (1543-1993)*. Lisbon: Centro de Estudos dos Povos e Culturas de Expressão Portuguesa da Universidade Católica Portuguesa and Instituto de História de Além-Mar da Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa, 1994, p. 88.

¹³³¹ ANTT, Casa de Cadaval, n. 26, f. 358. See also Boxer’s translation of an affidavit of the captain written in this period stating he visited the seminary with Martins. BOXER, Charles Ralph. *The Christian Century in Japan, 1549-1650*. Berkeley, Los Angeles and London: University of California Press, Cambridge University Press, 1951, pp. 415-8.

¹³³² JapSin, 13-1, f. 16.

could stay in Nagasaki.¹³³³ After visiting Christian communities in Kyoto, Martins set sail from Sakai heading back to Kyushu in December 8th.

The Bishop spent about eight months in Japan, before returning to Macao in 1597. During his stint in the archipelago, the most resounding events were the incident with the San Felipe galleon in October of 1596 and the martyrdom of Franciscans and Japanese Christians in February 5th 1597. The two topics dominate the correspondence written in this period.¹³³⁴

The actions of the Bishop in Japan were not unanimously appreciated. One of his critics was Francesco Pasio. The Italian Jesuit wrote in March 3rd of 1596 a letter to the general of the order accusing Pedro Martins of trying to change the “*natura i costumi, faciendoli como Europei*” [nature and customs, making them like the Europeans.] According to Pasio, that was a very difficult task, given that the Japanese were very fond of their habits and nature. His argument was that even the four boys that were taken to Europe by the Jesuits did not change their ways with their trip, as it happened also to the “*molti Giapponi comprati de Portuguesi che cõ andare co loro molti anni, como tornano a Giapone, sono como gli altri punctualmente*” [many Japanese purchased by the Portuguese that although spend many years with them, once they return to Japan, become exactly the same as the others.]¹³³⁵

The issue of slavery seldom appears on contemporary Jesuit sources of the years Martins was in Japan. Despite that, the intricate records of the gathering of 1598 in Nagasaki, promoted by the bishop’s successor, Luís de Cerqueira, gives the context in which Martin’s acted against the slave trade in Japan.¹³³⁶ The ecclesiastical notary of mission, Mateus de Couros, who penned the document, explains that there were two main forces acting on curtailing the slave trade before Martins’ arrival: the permit system used by the Jesuits and Hideyoshi’s prohibition.

The text defends that the *modus operandi* which the Jesuits had been applying in Japan since the times of Cosme de Torres, was approved by the prelacy in Macao. It reads:

¹³³³ RIBADENEIRA, Marcelo de (auth.), LEGÍSIMA, Juan R. de (ed.). *Historia de las Islas del Archipiélago Filipino y Reinos de la Gran China, Tartaria, Cochinchina, Malaca, Siam, Cambodge y Japón*. Madrid: La Editorial Católica, 1947, p. 530.

¹³³⁴ Particularly letters compiled under JapSin 12-II, 13-I and 13-II.

¹³³⁵ JapSin 13-I, f. 61v.

¹³³⁶ The document is in BRAH, *Cortes 566 (9/2666)*, maço 21, f. 273-276v. It has been translated by Pagès in PAGÈS, Léon. *Histoire de la religion chrétienne au Japon – Seconde Partie, Annexes*. Paris: Charles Douniol, 1870, p. 70-9. It has been studied recently by Lúcio de Sousa though mostly in a descriptive and superficial way. SOUSA, Lúcio de. “Dom Luís de Cerqueira e a escravatura no Japão em 1598.” *Brotéria*, 165. Braga, 2007, pp. 245-61. For the purpose of clarification, I included in the appendix of the present thesis my own transcription of the document.

“E se estes ãnos pasados se derão em Jappão escritos de ãnos de serviço foi parte por se não ter tanta experiencia dos inconuenientes e males que acima se tem apontado, parte porq[ue] como os portuguezes se enchião de moços e moças e asi como asi os leuauão catiuos p[ar]a sempre sem lhe poderem impedir estas compras escolhendo os padres de dous males [a]o menos ao que era em mor fauor dos catiuos lhe asinalauão estes ãnos de serviço não podendo o fazer e também por assi o terem encomendado que fizesem aos ditos P[adr]es os B[is]pos da China em q[uan]to tinham iurisdicção em Jappão.”¹³³⁷

[And if in past years writings signing years of servitude were given in Japan it was part for lack of experience regarding the inconveniences and evils that were indicated above, part because as the Portuguese would buy lots of young men and women and as they would take them captives forever, with no chance to impede these purchases, choosing the priests at least the evil that was in favor of the captives they would sign them these [permits of] years of servitude, although they could not do so, and also because thus was recommended to the Priests by the Bishops of China, who had jurisdiction over Japan.]

The notary explained how the idea for signing years of servitude, a practice started as early as the 1560s, was a mistake perpetrated by the missionaries in order to avoid larger evils. The justification is, first, that they lacked the necessary authority to do anything but enact permits; second, signing years of servitude – thus effectively using the Japanese notion of temporary servitude, the so-called *nenkihōkō* 年季奉公 – would avoid putting the Japanese in permanent slavery; and third, it was a practice allowed and recommended by the Bishops of China. Until the late 1590s, Macao had had exactly two bishops: Melchior Carneiro and Leonardo de Sá. If the source is correct, it means that the missionaries had consulted the two bishops before and obtained from them authorization to enact the permits. This means that the practice had official – or at least local – recognition as early as 1568, when Melchior Carneiro arrived in Macao, although the diocese of Macao, with jurisdiction over Japan, would not be separated from Malacca until 1576.¹³³⁸

A second factor that stroke the missionaries was Hideyoshi’s legislation against human trafficking. As we saw on chapter VI, we know that since 1587 the Japanese ruler enacted a prohibition against the purchase of Japanese servants. The 1598 Jesuit document registers the law as follows:

¹³³⁷ BRAH, *Cortes* 566 (9/2666), maço 21, f. 275.

¹³³⁸ For a summary of Carneiro’s administration as bishop, see SOARES, Kevin Carreira. “Os Bispos de Macau (1576-1782). Master’s dissertation submitted to the University of Coimbra, 2015, pp. 39-43, 129-55.

“*Aiuntase ao que fica dito a prohibiçãõ de Taicosama S[e]ñor Uniuersal de Jappãõ o qual tem posta lei iusta que não se leue fora de Jappãõ p[ar]a outros reinos gente comprada uedendo isto rigurosamte cõ pena de morte a qual por uezes se executou neste porto de Nangasaqi em algus Japões vendedores e ainda em algus corretores destas compras dos quais p[ar]a mor terror crucificarãõ hu[m] junto do cais por onde os portuguezes se seruem p[ar]a ir e uir da nao.*”¹³³⁹

[We may add to what was said the prohibition of Taikō-sama, Universal Lord of Japan, who has enacted a just law determining that people purchased in Japan are not to be taken to other kingdoms outside of Japan, using it rigorously under pain of death, which has been for times executed in this port of Nagasaki, where some Japanese sellers and still some brokers were [executed], and for greater terror one was crucified at the docks used by the Portuguese to come from and go to the ship.]

Not only the Jesuits recognized there was local legislation forbidding human trafficking, but they also considered this law to be just. Even though they repeatedly depicted Hideyoshi as a terrible tyrant in their letters, they understood this piece of legislation as just. As we saw on chapter III, laws enacted by foreign polities were considered just if they contributed to the expansion of Christianity, or, if moral theology was to be applied, attended the requirements defined by Thomas de Vio in his *Summa Caetana*, for example.¹³⁴⁰ The text also reports how the law was being enforced by the *Nagasaki Bugyō* 長崎奉行 Terazawa Hirotaka 寺沢広高, who was effectively executing Japanese traders in the port-city.

There is a letter from Hideyoshi to Terazawa ordering the return of prisoners taken from Izumi 出水, in Satsuma 薩摩, and Minamata 水俣, in Higo 肥後, to the three areas controlled by the Shimazu clan in Southern Kyushu. The document reads as follows:

薩州和泉^(出水)並肥後水俣之不寄侍百姓、男女共ニ、薩荔・大隅・日向
 其外隣国へ買取相越由、被聞召候、任 御法度旨、早ゝ召返、如先ゝ還
^(住)
 任 可申付候、若違背之族於在之者、急度言上可仕候、右之趣堅申触可
 召返候也、

八月廿九日 御朱印

^(正成広高)
 寺澤志 广守とのへ¹³⁴¹

¹³³⁹ BRAH, *Cortes* 566 (9/2666), maço 21, f. 275.

¹³⁴⁰ See Thomas de Vio's *Summa Caetana*, verbo *Lex iniusta*. For the application of this method in India, see Francisco Rodrigues's text in Codex 805, ff. 64-64v and this thesis's Chapter III.

¹³⁴¹ *Dai Nihon Komonjo lewake Dai 16 Shimazu-ke Monjo no 2*, n. 968.

[I have been informed that samurai and commoners, men and women, from Izumi, in Satsuma, and Minamata, in Higo, were indistinctively purchased and brought to Satsuma, Ōsumi, Hyūga and other neighboring countries. As the Law [*Gohatto*] orders they should be swiftly returned and restituted to their place of origin, and if there is someone infringing [this law], he must be reported. The aforementioned order must be thoroughly publicized and [the captives] returned.

29th day of the 8th month, Vermillion Seal

To Lord Terazawa Shima-no-Kami [Masanari Hirotaka]

By comparing the timeline of the events in Izumi and Minamata in this period, Fujiki Hisashi believes the document to be enacted on the second year of the Bunroku 文禄 era, which corresponds to 1593.¹³⁴² If that is the case, the order addressed to Terazawa was written on September 24th of that year, in the Western calendar. Since this date, Terazawa was diligently hunting down captives taken from Izumi and Minamata in order to guarantee their return from Satsuma, Ōsumi, Hyūga and neighboring areas. Simultaneously, he would be punishing traders responsible for selling the prisoners. Thus, what the Jesuits were witnessing was probably the crucifixion of merchants selling Japanese captives taken from those areas in Southern Kyushu. At the same time, Hideyoshi's policies towards Korean captives seem to be distinct. Although it may not have been a conscious decision, the ruler was enforcing a prohibition on the trafficking of Japanese people while at the same time allowing the trade of Korean captives during this period. The result was the substitution of sources for forced labor, from local battlegrounds to overseas conflicts, while at the same time guaranteeing the market was sufficiently provided.

One of the executions performed under Terazawa's command was the crucifixion of a dock official near the area used by the Portuguese to access their ship. The executions sent a clear message to the Portuguese side: they were the next in line. As the Jesuits were aware, the legal principle of *ryōseibai* 両成敗 meant that not only sellers, but also purchasers of the human cargo in Nagasaki could be targeted by local authorities if they decided to do so.

During his stay in Nagasaki, Pedro Martins was aware of the risks of royal jurisdiction being surpassed. He quickly took notice of the detrimental influence Portuguese merchants exerted on the local society, as they promoted disorder and havoc. In a letter addressed to the Portuguese king written in October 23rd 1596, the bishop denounces:

¹³⁴² FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005, p. 53.

“(...) os Capitães das naos como não uem cá senão a ser mercadores, & fazer seus neg[oci]os t[em]poraes fazem muito pouca ou nenhuma Just[iç]a nas desordens dos Portuguezes, os quais fere[m], & matão, & não são por isso punidos antes a mesma nao se acolhem como a Igreja & nas mãos de quem auia de fazer a Just[iç]a delles se daõ por mais seguros. Os Iappoens com isto Zombão de nos, e desedificãose do nosso gouerno. Tem os gentios em pouca conta nossa ley, E querem entrar p[e]la jurdição de V[ossa] M[agestade] & Castiguar per si aos portuguezes ia q[ue] os Capitaens os não Castigão. E tinha ia passada chapa q[ue] se os portuguezes brigassem estiuessem p[e]las leis de Jappaõ. E hum P[adr]e da Comp[anhia] de Resp[ei]to lhe fez tirar isto vendo q[uan]to praiudicaua [sic] a iurdição de V[ossa] Mag[esta]de. O Remedio disto não veio outro senão dar V[ossa] Mag[esta]de a superetenden[cia] da Justiça ao B[is]po posto q me poderão tachar dizer eu isto, mas Como estou iá co hum pê [...] ceria & não sou perpetuo, só Com o zello de seruiço de D[eu]s, & de V[ossa] Mag[esta]de o digo q[ue] [...] o B[is]po sempre será p[esso]a de muita confiança & mandar quaa Ouu[id]or p[ar]a isto ha de ser como os outros, E por uentura pior q[ue] o Capitão porq[ue] ha de ser mais pobre & ha m[ui]tos poucos homens de inteireza q[ue] terião estes carregos nestas partes taõ Remotas.”¹³⁴³

[As the captains of the ships come here only to be merchants, and make their secular businesses, they make none or little justice against the disorders promoted by the Portuguese, who injure and kill, and are not punished by that, rather they take refuge on their ship or in the church, and in the hands of those who were supposed to make justice they feel safer. The Japanese mock us for that, and discredit our governance. The gentiles pay little heed to our law, and attempt to intervene into Your Majesty’s jurisdiction and castigate by themselves the Portuguese, as the captains fail to do so. And there was a law enacted already that if the Portuguese brawled they would be punished by the laws of Japan. But a respected Priest of the Company, upon seeing how detrimental this law was to Your Majesty’s jurisdiction, managed to have this law retracted. I cannot see another remedy for this situation except for Your Majesty to give superintendence powers to the Bishop, even though I may be criticized for saying this, but as I am already... and I am not immortal, only with the zeal of the service of Our Lord and of Your Majesty I say that... the Bishop will always be a person of much trustworthiness, and an auditor sent here to address this situation would be the same as the others, or even worse than the captain, because he would be poorer and there are very few men of integrity who could have manage such responsibility in these remote areas.”

¹³⁴³ JapSin, 13-I, f. 16v.

Already in the very first couple of months in Japan, Martins realized the difficulty regarding the delivery of justice against the Portuguese merchants coming on the ship from Macao. Non-cooperative captains created this situation in which Portuguese merchants felt free to do as they wanted in Japan. This level of concern for justice demonstrates that the actions of Martins in Japan must not be understood simply as a new presence in the mission, but rather as a different level of preoccupation with the balance of power between Portuguese merchants and the local society. But even though it is not clear whether the 1598 reference to the executions and the threats against Portuguese merchants and the Bishop's letter are describing the same situation, the theme seems to be the same. By the prelate's letter, we see that local authorities, most probably Terazawa Hirotaka, had tried to overcome the Portuguese authority by threatening punishments against these Portuguese.

But different than the developments of 1598, Martins' letter tells us that the Jesuits managed to overthrow this decision. Nevertheless, despite their political success, the Bishop realized these difficulties could arguably come up again. He was concerned with the limits to his episcopal authority whenever the situation asked him to address these issues. The solution, as the bishop saw it, was to reinforce his authority in order to work as an extension and overseeing arm of the secular power of the crown in Japan. Given the *capitão-mor* never represented a permanent presence in the archipelago, Martins believed the bishop ought to be responsible for supervising the Portuguese community. It was not an absurd proposition – there was a long history of bishops administering cities in Europe.¹³⁴⁴ In the absence of a Portuguese municipal structure, able to properly distribute justice among the merchants and the residing Portuguese, Martins saw on the strengthening of his own authority a legitimate and adequate exit.

But the execution of Portuguese men meant more than only the trespassing of the crown's jurisdiction. It could put the whole *Nanban* trade, as well as the mission and the Christian convert community, at risk. It threatened the financial health of much of the *Estado da Índia* which depended on the ship of Macao. Also, the Jesuits feared that breaking the Japanese law could lead to the seizing of the Portuguese ship by Japanese authorities, as had happened to the vessel San Felipe in 1596.¹³⁴⁵

Considering the situation, the *otona* 乙名 or ward elders of Nagasaki had decided to send a warning to the representatives of the Portuguese enclave in China.¹³⁴⁶ Although the order of events presented in the minute of the 1598 meeting is confusing, it is possible

¹³⁴⁴ LANGE, Tyler. "The Birth of a Maxim: 'A Bishop Has No Territory'." In: *Speculum*, 89/1. Chicago: Chicago University Press, 2014, p. 130.

¹³⁴⁵ BRAH, Cortes 566 (9/2666), maço 21, ff. 275-275v.

¹³⁴⁶ For an explanation in English on the administrative structure of Nagasaki in this period and the role played by the *otona*, see ELISONAS, Jurgis. "Nagasaki: The Early Years of an Early Modern Japanese City." In: BROCKEY, Liam Matthew. *Portuguese Colonial Cities in the Early Modern World*. Surrey (UK) and Burlington (USA): Ashgate, 2008, pp. 85-7.

to determine a basic timeline of the developments. It seems the executions were happening before the arrival of D. Pedro Martins, as they register that the Bishop was warned by the *otona* while in China, before coming to Japan in 1596 – hence, the enforcement of Hideyoshi’s legislation by Terazawa since 1593. Thus, he must have been warned by correspondence brought on board of the returning ship captained by Manuel de Miranda, who did the 1595 trip on behalf of D. Francisco de Sá (or Eça).¹³⁴⁷ The warning was taken lightly by the chamber of Macao – they would not include a provision in the *capitão-mor*’s contract prohibiting the transport of human cargo from Japan until D. Pedro Martins’ return to the port in 1597. When the 1598 Captain-Major Nuno de Mendonça’s two junks set sail from Macao in July 16 of 1598, the revised contract with the city of Macao included the new provision.¹³⁴⁸ According to the Jesuit text, the contract threatened Mendonça of losing his official authority as captain-major – *alçada* – if he consented men and women to be transported on his vessels. That meant if the captain kept condoned the slave trade, he could lose his legal powers.

The reception of the law by the Jesuits reveals their plans regarding slavery. The text of 1598 includes the following notice: “(...) *sendo esta lei iusta e tâ[o] rigurosa bem se dexa uer quã[o] mal se podem iustificar estas uendas e compras de moços (...)*” [Being so just and rigorous, this law clearly demonstrates how one cannot fairly justify these sells and purchases of young men.]¹³⁴⁹ The enforcement of the local legislation and the fact the Jesuits decided to consider it a just legal text became contributing factors to the denial of legitimacy of the enslavement of people in Japan and the condemnation of the slave trade.

Warned by the *otona* of Nagasaki and concerned with the risks threatening royal jurisdiction in Japan, Martins enacted an excommunication against those trafficking humans in Japan. It was the first formal condemnation of Portuguese merchants purchasing Japanese slaves enacted by Japan Jesuits. According to the episcopal notary, Mateus de Couros, author of the 1598 document:

“(...)o S[e]n[h]õr Bispo Dom Pedro seu antecessor posto que ao principio daua alguãs licenças pera se leuarem de Jappão Moços E moças comprados como antes se dauão assinalando ou fazendo assinalar a algu[n]s delles ãnos de seruiço: toda uia depois que ueo a Jappão, E tomãdo esperientia [sic] da terra entendeo os graues incomuenientes que destes catiueiros E annos de seruiço resultauão agora antes da sua partida p[ar]a a India passara huã carta de

¹³⁴⁷ BOXER, Charles Ralph. *The Great Ship from Amacon – annals of Macao and the old Japan trade*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1963, p. 58.

¹³⁴⁸ For the date of these and other ships sailing between Macao and Nagasaki in the period of 1597-1617, see COSTA, João Paulo de Oliveira e. “A route under pressure: Communication between Nagasaki and Macao (1597-1617). In: *Bulletin of Portuguese-Japanese Studies*, núm. 1. Lisbon: Universidade Nova de Lisboa, 2000, pp. 84-94.

¹³⁴⁹ BRAH, *Cortes* 566 (9/2666), maço 21, f. 275v.

escomunhã que os dias passados aqui se publicou na qual esta pênna de Escomunhão maior ipso facto incurrenda a ssi reseruada prohibiãõ que ninguem comprase nem leuasse de Jappão moços ou moças comprados, aiuntando mais de pênna des curzados [sic] por cada moço ou moça que se comprasse et de perdere[m] os assi[m] comprados: E isto cõ tanto rigor que declarada na dita Escomunhão que nem seu uigairo nem outra alguã pessoa que Em Jappão suas uezes tiuesse podesse dar licença p[ar]a se comprar algu[m] (...).”¹³⁵⁰

[The Lord Bishop Dom Pedro [Martins], his [Luís de Cerqueira’s] predecessor, although at first gave licenses to young men and women to be taken out of Japan as it was usual before, assigning them or making them be assigned a few years of service, after arriving in Japan, and learning from the experience in the land, he understood the serious inconveniences we faced now because of these servitudes and years of service, and before his departure to India he enacted a letter of excommunication that in a few days was announced, which under pain of major excommunication *ipso facto incurrenda* reserved to himself, forbade anyone to buy and take away from Japan purchased young men and women, adding a fine of ten *crúzados* for each young man or woman who had been bought, and purchased [young men and women] were to be lost [the purchase nullified]. And that was so severe that the said Excommunication declared no vicar or any other person in Japan had the chance to give license to buy one [young man or woman].]

Understanding the dimension of the threat slavery represented to the mission and the trade because of the dissatisfaction shown by Japanese authorities, the Bishop then decided to enact the excommunication. As pointed by recent research, the original letter has not been found yet.¹³⁵¹ Also, it is interesting to consider that, according to the 1598 text, one of the Bishops of China, during the period when they had authority over the Japanese diocese, had enacted a similar excommunication. Referring to the decision taken by Luís de Cerqueira, to renew the order, “*como seu antecessor o B[is]po Do[m] Pedro o tinha feito e antes delle o B[is]po da China no t[em]po que a xpãdade de Japão pertencia a seu bispado (...).*” [as his predecessor, the Bishop D. Pedro [Martins] had done and before him the Bishop of China, in the time the Christianity of Japan belonged to his bishopric.]¹³⁵²

Nevertheless, the available sources offer secure indicators on how this order worked. Martins’ decision established a new rule for Portuguese merchants in Japan – Japanese or Koreans were not to be purchased nor taken out of the archipelago. By

¹³⁵⁰ BRAH, *Cortes* 566 (9/2666), maço 21, f. 273.

¹³⁵¹ SOUSA, Lúcio de. “Dom Luís de Cerqueira e a escravatura no Japão em 1598.” *Brotéria*, 165. Braga, 2007, p. 257.

¹³⁵² BRAH, *Cortes* 566 (9/2666), maço 21, f. 275v.

reading the 1598 document, it seems that the Jesuits decided to finish their permit system, in place since the Cosme de Torres era, and prosecute slave traders. Interestingly, the main difference here between the ecclesiastical legislation and the local Japanese legislation, enforced by Hideyoshi's administration, was that the bishop included the Koreans in his ban, while the Japanese ruler expected to use them

Considering the overall picture, the enactment of the excommunication indicates the Jesuits felt their political power was threatened, and that the permit system was in fact unable to deal with the situation. The enactment of a rule determining that all those who infringed it would be excommunicated was usual when the religious powers were under threat of a general sense of secular and mercantile pragmatism among the community of the faithful. As put by Lea, "*The less the church was respected, therefore, the more clamorous became her demands for respect. All who refuse canonical obedience to their bishops were declared excommunicate (...)*."¹³⁵³ This sense of crisis can be attributed to the new situation created by the surge of Korean servants in Japan – it must have become very difficult for the missionaries to examine, verify and legitimize the enslavement of every man and woman sold to the Portuguese with this boom in the slave market.

The precise date when Martins enacted the excommunication is unknown. If we follow the general rules of episcopal administration, he would not be able to enact such order before arriving in Japan, because canon law often forbade the enactment of such decision outside one's jurisdiction, even though Martins had been already informed by the authorities of Nagasaki before his arrival.¹³⁵⁴

He could have discussed the issue while in Japan. A partial list entitled "*Aluguãs [sic] couzas que a cerca da Christandade de Japão assentou o Senhor Bispo D. Pedro Martins em hũa consulta que se fez em Nangazaqui em Março de 1597*" [Some of the things concerning the Christianity of Japan that were decided by Lord Bishop D. Pedro Martins during a consultation that was done in Nagasaki in March of 1597] shows he in fact sat with the missionaries and discussed many troubling issues. The list tells us of the prelate's decisions regarding Christian feasts, where they should be held, the calendar to be followed, and which converts were exempt from those, among other rulings that depended on the presence of a bishop. Included in the list is the suggestion made by Pedro Martins regarding Japanese labor:

“Emcomendou S. S.^a aos P.^{es} que tirassem a consciencia erronia aos pobres, e aos que tem amo, que por causa da pobreza, ou dos cuyacus q lhe

¹³⁵³ LEA, Henry C. *Studies in Church History – The Rise of the Temporal Power, Benefit of Clergy, Excommunication, The Early Church and Slavery*. Philadelphia: Henry C. Lea's Son & Co., 1883, p. 332.

¹³⁵⁴ RODRIGUES, Manuel. *Summa de Casos de Consciência*, Cap. LXXVI, *Quien puede descomulgar*, n. 2.

mandaõ fazer seos sñores, Não podem deixar de trabalhar nos dias santos, e domingos, se seião facilissimos em dar lhes a licença qdo. lhe pedirem.”¹³⁵⁵

[His Lordship asked the Priests to forgive the consciences of the poor, and those who have masters, that because of their poverty, of the *kuyaku* 公役 that are ordered by their masters, cannot avoid working on Holy Days, and Sundays, and be generous in giving them their licenses whenever they asked for it.]

The decision told local missionaries to forgive those that, because of local bondage ties, could not excuse themselves from work to participate in Christian services. These included not only those that because of their economic conditions were compelled by necessity to work, but also those that were constrained by their masters to labor. Also, an interesting detail of the passage above is that it states the purpose of Martins’ decision *to forgive the consciences of the poor*. It demonstrates that the Bishop was actively considering issues of moral theology faced by the local missionaries, apropos of the Christian consciences of converts. One can reasonably expect that the issue of slavery would also be one of the problems scrutinized by the prelate during the consultation of March 1597. The Jesuits finally had the necessary authority and ecclesiastical power to assess their needs and solve small issues, which before needed confirmation from their superiors in Rome. This was a unique opportunity for the local missionaries, and there is the possibility the excommunication was enacted during the Nagasaki consultation of March 1597.

Yet, further documentation clarifies at least the year the decision was enacted. In a letter dated October 24th 1598, D. Luís de Cerqueira, the Bishop of Japan, explains to the Portuguese king how the process took place. According to Cerqueira, Martins came to Japan, where he witnessed the problems caused by the slave trade. After considering the issue:

*“(…) quando da China se partio pera Goa a tratar com o Viso rej sobre o rremedio desta igreja deixou hua escõmunhão que se mandou se publicasse aqui em Japão (...). Publicou sse a escomunhão mas como poucos dias depois della publicada se soube aqui de sua morte E pollo consequinte a dita escõmunhão tinha espirada”*¹³⁵⁶

[When from China he sailed to Goa to discuss the remedy for this Church with the Vice-Roy, he [Pedro Martins] left an excommunication to be published here in Japan. The excommunication was published, but a few days after being published we heard of his death. Consequently, said excommunication expired.]

¹³⁵⁵ Ajuda, 49-VI-8, f. 6.

¹³⁵⁶ JapSin 13-II, f. 202v.

The minutes of the 1598 gathering registered similar circumstances regarding the enactment: “(...) *antes da sua partida p[ar]a a India passara huã carta de escomunhã[o] que os dias passados aqui se publicou (...)*.”¹³⁵⁷ [(...) before his departure to India he approved a letter of excommunication that in a few days was announced (...)]. The excommunication order was then sent to Nagasaki and published during the Bishop’s absence. Martins left the Portuguese port of China on early 1598 and died February 9th.¹³⁵⁸ According to Cerqueira, the letter was invalidated few days after the news of Martins’ death arrived in Japan. However, João Paulo Oliveira e Costa, who listed the ships between Macao and Nagasaki between 1597 and 1617, informs of no ship arriving in Japan from China that could bear the news neither of the letter of excommunication nor the Bishop’s death. Thus, there are at least two different non-Portuguese ships arriving from Macao to Nagasaki during the first half of 1598, both bringing news. In sum, although it is hard to determine the precise date the excommunication was published in Japan, or when it expired, we do know it was published effectively in 1598, sometime before the Jesuits heard the news of Martins’ final demise. The date 1596, which has been repeated by the historiography as the year in which Martins published the excommunication, is definitely off.¹³⁵⁹ Also, the effects of the letter were not promptly felt by the Portuguese merchants, as the excommunication apparently was not in effective when Nuno de Mendonça’s ships arrived in August 1598.¹³⁶⁰

Nevertheless, Martins’ decision, although a provisory measure, became an important precedent for his successor. In the meantime, the priests were still waiting for the definitive answers the procurator sent to Europe, Gil de la Mata, was to bring to Japan. Francisco Calderón wrote in April of 1597:

*“Algunas cosas tenia q escrever a V.P. como cõsultor del padre V.P. de Japon, pero assi por esperar por la llegada del padre Egidio q fue a Roma por p[ro]curador, como aunq[ue] las tentare cõ el padre Visitador, por esto no las escreuire aqui.”*¹³⁶¹

¹³⁵⁷ BRAH, Cortes 566 (9/2666), maço 21, f. 273.

¹³⁵⁸ LOPEZ-GAY, Jesús. *El Catecumenado en la Mision del Japon del S. XVI*. Rome: Libreria dell’Universita Gregoriana, 1966, p. 180; LOPEZ-GAY, Jesús. “Don Pedro Martins, SJ (1542-1598), primer obispo portugués que visitó el Japón.” In: CARNEIRO, Roberto e MATOS, Artur Teodoro de (org.). *O Século Cristão do Japão – Actas do Colóquio Internacional Comemorativo dos 450 Anos de Amizade Portugal-Japão (1543-1993)*. Lisbon: Centro de Estudos dos Povos e Culturas de Expressão Portuguesa da Universidade Católica Portuguesa and Instituto de História de Além-Mar da Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa, 1994, p. 94.

¹³⁵⁹ See, for example: CABEZAS, Antonio. *El Siglo Ibérico de Japón – La presencia Hispano-Portuguesa en Japón (1543-1643)*. Valladolid: Universiad de Valladolid, 1995, p. 98; KATAOKA, Inácia Rumiko. *A Vida e a Acção Pastoral de D. Luís Cerqueira S.J., Bispo do Japão (1598-1614)*. Macao: Instituto Cultural de Macau, 1997, p. 182.

¹³⁶⁰ For the list of ships between Macao and Nagasaki in this period, see COSTA, João Paulo de Oliveira e. *Op. cit.*, pp. 84-5.

¹³⁶¹ JapSin 13-I, f. 63.

[Some issues I had to write to Your Paternity as consultant to the Vice-Provincial Father of Japan, but as we await the arrival of Father Egidio [Gil de la Mata], who has gone to Rome as procurator, and as I will discuss them with the Father Visitor [Valignano], I will not write them here.]

Considering the alternatives available to the missionaries, Martins' decision represented a meaningful measure to contain slavery. In order to understand the implications of the excommunication, we must start by analyzing what it meant for this period. Excommunication was one of the ecclesiastical punishments church prelates had at their disposal: "*admonitions, censures, the imposition of penances of varying degrees of humiliation and severity, and in extreme cases excommunication.*"¹³⁶² It most certainly was one of the harshest forms of punishment the church could enact. Its effects could mean, for the most part, a prohibition of the excommunicated to appear before secular tribunals, exile, forfeiture of properties, imprisonment and others.¹³⁶³ Furthermore, it was a punishment recognized in any Christian area.¹³⁶⁴ Indeed, excommunication was the final power of the church in its arsenal, which "*could refuse Holy Communion to anyone who failed to heed the call.*"¹³⁶⁵ It was, as put by Alexander Murray, the "*church's equivalent to the kings' sword, minus the bloodshed.*" Not only that, it was considered "*as a part of the bishop's duty. One mark of a negligent bishop was that he failed to excommunicate people when he should.*"¹³⁶⁶

Still, it was not a penalty according to the procedures of the Church. Rather, it was "*a formal proclamation of temporary religious and social exclusion. The First Council of Lyons, 1245, stated that "the aim of excommunication is healing and not death, correction and not destruction.*"¹³⁶⁷ This medicinal nature of excommunication was certainly present in many areas, but Portuguese laws considered different meanings and consequences for this punishment.

In this period, there were in principle two types of excommunications: major and minor. Manuel Rodrigues, the Portuguese author of a popular *summa* of cases of conscience published by the end of the sixteenth century, presented a useful summary of the arguments of casuistry of his time, including the still much popular Navarro. The *summa* also explained some of the rules concerning excommunications enacted by bishops. First, it defines excommunication as a kind of ecclesiastical censure, which

¹³⁶² HÖPFL, Harro. *Op. cit.*, p. 78.

¹³⁶³ LEA, Henry C. *Studies in Church History – The Rise of the Temporal Power, Benefit of Clergy, Excommunication, The Early Church and Slavery*. Philadelphia: Henry C. Lea's Son & Co., 1883, p. 332.

¹³⁶⁴ *Idem*, p. 393.

¹³⁶⁵ COREY, David D. and CHARLES, J. Daryl. *Just War Tradition: An Introduction*. Wilmington, DE: ISI Books, 2012, p. 75.

¹³⁶⁶ MURRAY, Alexander. *Conscience and Authority in the Medieval Church*. Oxford: Oxford University Press, 2015, p. 165.

¹³⁶⁷ VODOLA, Elisabeth. *Excommunication in the Middle Ages*. Berkeley, Los Angeles, and London: University of California Press, 1986, p. 7.

forbids one of communicating with other faithful, to be applied by the church as punishment against a sin. Major excommunications, like the one enacted by Martins, impeded someone not only of communicating with other parishioners, but also of taking part in elections, receiving any of the Sacraments, and completely isolated the person from communicating with others by speaking, written letters, messages, or public preaching. Nevertheless, one could still pray privately for the excommunicated person.¹³⁶⁸ A person could be excommunicated for acting against canon law, in which case it would be an excommunication of right, or for violating an order given by an ecclesiastical judge – an excommunication *ab homine*. In this second case, an excommunication would be invalidated when the judge died, because it was not binding to violators. The excommunication *ab homine* determined a rule set by a prelate. If the rule was infringed, the offender would be automatically under the threat of excommunication. The individual could pay a certain fine, determined by the responsible judge, or be official and publicly excommunicated.¹³⁶⁹

The 1598 document is clear on the type of excommunication enacted by Pedro Martins: major *ipso facto incurrenda*. It means that if the rule was infringed by anyone, the individual was excommunicated without the need for an official declaration of the prelate. In practice, it means that the rule punished those that were not near the Bishop as well. By official and public processing by the Episcopalian authority, purchased men and women were returned – the document does not mention if they were set free or simply returned to their seller – and the buyer would be fined 10 *cruzados* per purchased head.¹³⁷⁰ The excommunication was not appealable by the punished individual with the local priest of his or her parish, and no one was allowed to enact licenses for new purchases.

Academic research on the topic demonstrates that in many parts of Europe excommunication was a measure scoffed at. Harry Höpfl, on the impression Jesuits had of excommunication, says:

“It was therefore not enough for the Church merely to deal with heretical doctrines. Jesuits in any case thought purely ecclesiastical punishments laughably inadequate. Even the Church’s ultima ratio of excommunication was scorned by heretics as ‘thunderbolts without lightning’; it had as little effect on them as the excommunications handed down by their own churches. As Christoph Rosenbusch sarcastically remarked, no good Württemberger ever found that his beer tasted one whit the worse for a censure from his Protestant Church, and as for being banned from (otherwise compulsory) attendance at services, they positively

¹³⁶⁸ RODRIGUES, Manuel. *Summa de Casos de Consciência*, Cap. LXXVIII, *Descommunição*, n. 1.

¹³⁶⁹ *Idem*, n. 2.

¹³⁷⁰ Ruiz de Medina comments that the fine was apparently very cheap, given that it equated the price of about 15 liters of wine. RUIZ DE MEDINA, Juan G. *Orígenes de la Iglesia Católica Coreana desde 1566 hasta 1784 según documentos inéditos de la época*. Rome: Institutum Historicum S.I., 1986, p. 114

welcomed it: 'I therefore say that heresies are not to be punished by excommunication alone; one must reach for other punishments as well, so that people will feel them'.¹³⁷¹

Alexander Murray reminds us that excommunications were met with rather indifference by many during the Middle Ages.¹³⁷² But, of course, this punishment could be followed by many material losses. As put by Lea, "(...) *had excommunication entailed only the remote consequence of perdition, it would have been comparatively inert in its effects on the violence of the turbulent races of Europe.*" Its effects could mean, for the most part, a prohibition of the excommunicated to appear before secular tribunals, exile, forfeiture of properties, imprisonment and others.¹³⁷³ In the same vein, in Portugal, there were immediate consequences to excommunication rather than just spiritual or supernatural sanction. According to the *Ordenações Manuelinas*, the Royal ordinations of the early sixteenth century, if an individual was officially excommunicated, the secular arm of the law could be called upon to by the ecclesiastical judge to arrest the person and force him to pay the determined fine.¹³⁷⁴ In this sense, a severe censure from Martins could lead to harsher legal consequences. But even if we do not consider the secular punishment that was pegged to the ecclesiastical censure, an excommunicated individual would face much trouble to keep his business on without being able to communicate with other members of the Christian community. Manuel Rodrigues states that "*es illicito tratar cõ los descommulgados, no solamente en los diuinos oficios, mas au[n] en todas las cosas humanas (...).*"¹³⁷⁵ But even though Rodrigues explains that an excommunication would not invalidate contracts or forbid an individual of making new contracts with others, it was an obstacle considering the difficulties a person would have if he decided to make a contract with and excommunicated individual.¹³⁷⁶

In the end, the bishop's decision can be read as an ultimatum to slave traders in Japan. The arrival of such a high Episcopalian authority in Japan, a historical first since Xavier had stepped on the islands, meant that all merchants involved in purchasing and

¹³⁷¹ HÖPFL, Harro. *Op. cit.*, p. 79.

¹³⁷² MURRAY, Alexander. *Conscience and Authority in the Medieval Church*. Oxford: Oxford University Press, 2015, p. 192-3.

¹³⁷³ LEA, Henry C. *Studies in Church History – The Rise of the Temporal Power, Benefit of Clergy, Excommunication, The Early Church and Slavery*. Philadelphia: Henry C. Lea's Son & Co., 1883, p. 392.

¹³⁷⁴ OM, Lib. 5, Tit. XLVI: "*Dos excomungados, e da pena que ham de pagar – Qualquer que for excomungado, tanto que for denunciado por excomungado ao pouo (nos Luguares em que se deue denunciar) por seu Prelado, ou por aquelle que ouuer poderio de o excomunguar, se se nom absoluer, e sahir da dita excomunham ao tempo que lhe for assinado polo Juiz Eclesiastico, e for contra elle pedida em a Nossa Corte, e casa da Sopricaçam, e impetrada ajuda de braço secular, Mandamos que seja preso por qualquer Justiça de Nossos Reynos, a que for requerido com a dita Carta de ajuda de braço secular, e pague di em diante a pena, que Dissemos no primeiro Liuro no Titulo Dos Alcaldes Moores.*" The ordinations also included in the following title a provision protecting appealing excommunicated individuals.

¹³⁷⁵ RODRIGUES, Manuel. *Op. cit.*, n. 3.

¹³⁷⁶ *Idem*, n. 14.

selling slaves in Japan could, in theory, face secular justice and prison. In practice, nonetheless, the bishop lacked secular authority to apply these punishments to their full extent. While Martins' demand for an amplification on his secular powers remained unanswered, the missionaries depended on the good will of the captain-major. If Martins' obtained a positive reply, the bishop would surpass the authority of the captain-major, who was still the ultimate representative of the Portuguese royal power in Japan.

In face of the persecution against Christians, and in order to address the crescent concern regarding the entrance of Franciscans in Japan via Manila as well as the Jesuit spiritual monopoly over the archipelago, Pedro Martins decided to go back to India.¹³⁷⁷ In March of 1597, after the informal consultation he did with the Jesuits in Nagasaki, the bishop left Japan on the same ship he had arrived on the year before, with captain-major Rui Mendes de Figueiredo. In Macao, Martins met Valignano, the Bishop of China D. Leonardo de Sá, and his own coadjutor, D. Luís de Cerqueira. When Sá died in September of 1597, Martins and Cerqueira held the funeral. In December, they decided the Bishop should not return to Japan, but rather leave to Goa, where he would discuss challenges faced by the missionaries in Japan with the Vice-Roy.¹³⁷⁸ However, after setting sail from Macao, Pedro Martins ultimately died in a shipwreck in February 9th 1598, near the Straits of Singapore.¹³⁷⁹

The news of his death arrived in Japan a few days after the new Bishop Luis de Cerqueira and Valignano arrived, in August.¹³⁸⁰ Francesco Pasio affirms in a letter written in October 3rd 1598 that the Jesuits were informed of the death of the Bishop by a ship coming from India. This ship was not the one where Valignano and Luís de Cerqueira arrived from Macau, as Pasio reiterates that the Visitor knew of Martin's fate in Japan. Most probably, the news was transmitted via the ship that brought Gil de la Mata, as Pasio tells us it had not touched Macao and came directly to Nagasaki, arriving eight days after the Visitor.¹³⁸¹ The Christian community of Japan once more found itself without a prelate, and the excommunication invalidated.

¹³⁷⁷ The bishop was not against the presence of other orders, but he opposed the entrance of missionaries via the Philippines. See COSTA, João Paulo Oliveira e. *O Cristianismo no Japão e o Episcopado de D. Luís Cerqueira*. PhD thesis. Lisbon: Universidade Nova de Lisboa, 1998, p. 214. Also, his relationship with Valignano was very unstable, thus it has also been pointed as a factor for his decision to return to India. For the criticism Valignano had of Martins, see ALVAREZ-TALADRIZ, José Luiz. "Semblanza de Don Pedro Martinez, S.J. Obispo de Japón por el Padre Alejandro Valignano, S.J., Visitador de Japón." In: *Osaka Gaikoku Daigaku Gakuhō*, n. 29, Osaka: Osaka Gaikokugo Daigaku, 1973, pp. 439-68.

¹³⁷⁸ LOPEZ-GAY, Jesús. *El Catecumenado en la Mision del Japon del S. XVI*. Rome: Libreria dell'Universita Gregoriana, 1966, p. 180

¹³⁷⁹ *Idem*; LOPEZ-GAY, Jesús. "Don Pedro...", p. 94.

¹³⁸⁰ JapSin 13-II, f. 201v.

¹³⁸¹ See letters in JapSin 13-I and JapSin 54, ff. 1, 6v.

So, what we can conclude from this puzzle, is that the letter of excommunication approved by Pedro Martins had arrived in Japan in 1598 and was invalidated days later by the news of his death along the Malay Peninsula. Considering canon law, which effectively impeded the letter of being enacted outside of Japan and required a prelate to enforce it, it seems to us that Martins' decision was in fact enacted by Cerqueira himself upon arriving in Nagasaki in August of 1598. Days later, it was voided by Martins' death, thus it became imperative for the priests to gather and discuss the issue, which may serve to explain why the issue was one of the first discussed by the new Bishop Cerqueira, in the September 4th 1598 gathering.

Meanwhile, Hideyoshi prepared a new invasion of the Korean Peninsula. Starting on March 14th 1597, the ruler ordered Japanese forces to start crossing the sea back to the southern part of the peninsula, an operation that lasted until circa August. This second campaign would bear witness to a huge increase in the number of slaves in the Japanese market. Whereas the first Japanese invasion of Korea brought lots of Korean men and women to be enslaved in Japan, the second invasion seemed to make of this activity an industry. Even though the Macanese authorities had forbidden the transport of slaves, and the Bishop had enacted an excommunication, it seems Portuguese merchants were circumventing the rules. Japanese brought crowds of Korean prisoners to the islands, and Portuguese merchants were eagerly acquiring them and taking them out of the archipelago. Contemporary sources are graphical in their description, and the following section will present the gruesome scenario in which these prisoners were captured and transported to Japan.

Broken expectations and instrumental arguments

By the end of 1596, former captain and then *Vedor da Fazenda* – Fiscal of the Treasury – Vincencio de Bune was accused of receiving “*mancebos desbarbados em sua casa*” [unbearded young men in his house], that is to say, homosexual behavior by the Inquisition of Goa. It seems Bune was paying a certain João de Moraes and other young men for sexual favors. During the inquiry, the Inquisitors relied on the aid of a few trusted clergymen to verify the contents of the witnesses' depositions. Among the convened priests, one was the Procurator of Japan, Gil de la Mata.

Father Alexandre Valignano, then once more Visitor of Japan, wrote in 1596 that he received the procurator in Goa. Gil de la Mata had left Lisbon with the *armada da Índia* in March 10th, but unfortunately during the cross from Italy to Spain he lost all correspondence he had received from the superiors of the order in Rome. According to the Italian Jesuit, the procurator did not bring the much-expected resolutions for all the issues discussed during the consultations and provincial congregation of Japan, as well as

financial aid and materials, such as relics and Agnus Dei, and human resources that were expected to become “*remedio temporal e spiritual da China e de Japão*” [secular and spiritual remedy of China and Japan]. Valignano found himself hopeless, “*sem remedio, sem gente e sem saber nenhuma cousa do que devo de fazer*” [without remedy, without people and without knowing anything of what I am supposed to do].¹³⁸² On November 26th 1596, the Visitor wrote a very distraught letter to the general of the order, Claudio Acquaviva, lamenting the apparent distrust the superiors had regarding the mission in Japan and the opinion that the decisions taken in Japan were moving the missionaries away from the defining principles of the order.

“*Como nuestro señor fue servido q el p[adr]e Gil da Mata llegase aqui sin ningunas cartas, ni papeles de V[uestra] P[aternalidad] ni otros papeles ni respuesta de la cõsulta, o cõgregacion q[ue] de Japon le embiamos, porq[ue] se perdieron todos como ia se ha escrito, no tenemos otra lus de la uoluntad de V[uestra] P[aternalidad] se no la q[ue] el p[adr]e Gil de mata nos da de palabra, que en cosas tan diuersas y tan arduas de las quales se ha de dar relacion, y satisfaciõn a muchos, no es escrito tan firme q[ue] pueda hombre del todo descãsar en el no puede agora responder a las cosas sino cõforme a lo q[ue] tengo entendido del p[adr]e Gil de Mata (...).*”¹³⁸³

[It was a service of Our Lord that Father Gil de la Mata arrived here, [although] without any letter, nor paper from Your Paternity nor any other papers nor answers to the consultation nor to the congregation of Japan we sent you, because all was lost as it has been written. Thus, we have no sign of Your Paternity’s will but what Father Gil de la Mata tells us, which concerning such diverse and difficult issues as these that we must report and give satisfaction to so many people, it is not as trustworthy as the written word in which one may rely upon. And now we cannot respond to these issues but with what I have understood from Father Gil de la Mata.]

Valignano knew that resolutions for the difficult issues in the Japanese mission and the solutions the missionaries proposed locally needed to be underpinned with credibility. They had to convince not only fellow order members, but other ecclesiastical authorities and missionaries from other orders that the solutions they were applying to the local issues in Japan were legal and legitimate, theoretic and legally. The spoken word of Gil de la Mata, who could only report orally what he was told in Rome, was not enough. Regarding the apparent distrust towards the Japanese mission and the rumor they were diverting from the original principles of the order, Valignano went so far as to declare that he believed “*Bien me parece q[ue] se yo me hallara en Roma en lugar del p[adr]e Gil de Mata quedara V[uestra] R[everencia] y los p[adr]es asistentes con otra opinion*

¹³⁸² DI XVIII, pp. 628-9.

¹³⁸³ JapSin, 13-I, f. 31.

*en muchas estas dos cosas, y en todas las mas cosas particulares (...)*¹³⁸⁴ [It seems to me that if I was in Rome in the place of Father Gil de la Mata Your Reverence and the assisting priests would end up with a very different opinion regarding these two issues and other particular things.]

The Visitor decided then to leave Gil de la Mata in Goa, waiting for the next ships to arrive bringing new missionaries for Japan, the new Vice-Roy, and possibly resolutions for the issues faced by the Japanese mission, so the procurator “*poderá dar conta de seu officio e não hir sem nada com huma mão sobre a outra, como heria se fosse agora.*” [be held accountable for his mission and would not go [to Japan] without anything, empty handed as he would be if he decided to go now.]¹³⁸⁵ Effectively, the Japanese mission was facing harsh criticism not only because of their practices and solutions adopted to address local issues, but also because of the capital spent in gifts and other expenses they deemed necessary for negotiating with Japanese rulers. One of the loudest voices against Valignano’s methods was Father Francisco Cabral. Former Superior of Japan between 1570 and 1580, Cabral had had his fair share of disagreements with the Visitor before. By the end of the century, the Portuguese Jesuit was Provincial of India and once more charged against Valignano’s methods. His 1593 letter to the general of the order certainly triggered the missive sent by Acquaviva to Valignano criticizing his expenses in the Japanese mission.¹³⁸⁶ Another letter, addressed to Father João Álvares, Acquaviva’s assistant, shows how much he discredited the Visitor’s plans and procedures. In December 10th 1596, Cabral wrote:

“Mas V.R. não se fie em rezões aparentes dadas de tão longe, e donde se não tem mais noticia que a que se dá por cartas, que porventura dizem somente o bem e calão o mal. Porque não há cousa tão impossivel, que pera se persuadir ser possivel, se não possam dar rezões aparentes, pois té para provar que não há Deus põem S. Thomás na 1^a parte tres argumentos, inda que depois determina o contrayro.¹³⁸⁷ E crea V.R. que fazer grandes regimentos e governar especulativamene todo o mundo hé cousa facil e quem quer o pode fazer; mas pôr em exercicio este governo e sayr bem e accomodado à terra e circumstancias della, isto hé difficultoso e de poucos.”¹³⁸⁸

¹³⁸⁴ *Idem.*

¹³⁸⁵ DI XVIII, pp. 629-31.

¹³⁸⁶ See Francisco Cabral’s letter dated December 15th 1593, published in SCHÜTTE, Josef Franz. *Valignanos Missionsgrundsätze für Japan, Erster Band 1573-1582, Zweiter Teil 1580-1582.* Roma: Edizioni di Storia e Letteratura, 1958, p. 469. Acquaviva’s appeal for a return to humility and poverty in the Japanese mission was written in January 17th 1595, same day he wrote to Cabral commenting his response to Valignano. See DI XVII, pp. 39-42.

¹³⁸⁷ Cabral is referring to one of the earliest texts of the Aquinas’s *Summa Theologica*, pars 1, q. 1, art. 2.

¹³⁸⁸ DI XVIII, p. 607.

[But Your Reverence do not trust false reasons given from far away, and from where there are no other news but those given via letters which perhaps mention only the good and are silent regarding evil. Because there is nothing so preposterous, that to convince one of their truthfulness, one may not give false reasons, as Saint Thomas [Aquinas], that in order to prove that there is no God gives three arguments in his 1st part, even though he concludes the opposite. And do believe, Your Reverence, that to make big rules and govern hypothetically all the world is easy and those who wish to do so can do it; but to put in practice this government and get good results used to a country and to its circumstances, that is difficult and a task for few.]

Cabral did not pull any punches when referring to Valignano's administrative practices. He accuses the Visitor of spending too much time legislating, writing unnecessarily long texts – a possible reference to Valignano's *Sumários* and others. His criticism was also personal, calling the Italian Jesuit bossy and snob. Cabral follows on affirming that the Visitor was, deliberately, arguing in favor of the need of his authority, defending that a commissary of visitor was always needed for the Province itself.¹³⁸⁹ The proposals made by the Italian Jesuit met harsh criticism in Cabral's text, as he dismiss their necessity and reiterates the success of his stint as Superior in Japan.¹³⁹⁰ He criticized the increase in the number of missionaries in Japan as one of the reasons for the distrust Hideyoshi had developed regarding the Jesuits and the decision to expel the priests.¹³⁹¹ The tone used by Cabral was, surely, personal, directly intended to use the case of Japan to criticize Valignano himself. Nevertheless, it certainly reflects some of the issues concerning the methods used by the Visitor and the other missionaries in Japan that worried other Jesuits in India as well.

Gil de la Mata seemingly returned empty handed from Europe, lacking grave decisions ballasted with necessary authority from Superiors of the order. But just eight days after his arrival in Japan, and sixteen days after Valignano and Cerqueira had arrived, the replies from the Superiors of the order and other papers came via the Philippines.¹³⁹² Among the papers, there probably were the answers to the questionnaire Gil de la Mata had brought with him to Europe in 1594.¹³⁹³ The commentaries were offered by Gabriel Vázquez, a prominent Spanish theologian who at the time taught in the University of Alcalá de Henares.¹³⁹⁴ While it is difficult to precise the date when de la Mata and

¹³⁸⁹ *Idem*.

¹³⁹⁰ *Idem*, p. 609..

¹³⁹¹ *Idem*, pp. 616-8.

¹³⁹² See JapSin 13-II, f. 213.

¹³⁹³ Lopez-Gay indicates that Gil de la Mata had presented the moral issues of Japan to other theologians as well, although it seems the replies obtained by the procurator have not been preserved. LOPEZ-GAY, Jesús. "Un Documento Inédito del P.G. Vázquez (1549-1604) sobre los Problemas Morales del Japón". In. *Monumenta Nipponica*, Vol. 16, No. 1/2. Tokyo: Sophia University, 1960, pp. 128-9.

¹³⁹⁴ For more details on Vázquez's biography, see LOPEZ-GAY, Jesús. *Op. cit.*, pp. 119-22.

Vázquez met, it certainly happened during his five-month stay in Spain, where the Procurator of the Japanese mission would be found between early October 1594 and March 24th 1595.¹³⁹⁵

One of the objectives of Gil de la Mata's mission to Europe was to present a list of moral issues faced by the missionaries in Japan that had been elaborated by the Jesuits before his departure.¹³⁹⁶ The list was produced before the arrival of bishop Pedro Martins in Nagasaki, thus a few of the issues presented by Gil de la Mata in Europe were promptly solved by the episcopal authority before his return to Japan. For example, while Martins decided on the calendar of festivities to be followed by Japanese converts, the list still brings this topic on question number 41.¹³⁹⁷

The questionnaire is written in Latin and consists of a long list of arguments and questions followed by the answers provided by Vázquez, each numbered from 1 through 45. The document was transcribed and translated to Spanish by Lopez-Gay in the 1960s.¹³⁹⁸ The issue of slavery is discussed in detail in the fourth section of the list entitled “*Circa bello, et captiuos*” [Concerning war and captives], between the questions numbered 22 through 31, between folios 68v and 70 of the manuscript. Vázquez answers are listed under the title “*De bello, et captiuus*” [Of war and captives], between folios 74v and 75, following the same numbering. Here, we transcribe the Latin text with our translation to English, followed by our analysis. Also, the order is slightly altered, to ease the understanding of the text – we intercalated each question with Vázquez's respective answers.

“[f. 68v] 22. *Supposita uniuersali consuetudine in japonia, iam inde ab antiquis, temporibus recepta, quod qui maiorem habet potentiam eum, qui minorem habet, debellare conatur, et illius terras in suum dominium convertit, propter quod ueri et naturales domini uix in japonia reperiuntur. Supposito etiam, quod licet hi, qui aliorum dominia usurpant, illorum cessionem facerent, ad primi Regis japoniae succesoris potestatem, qui adhuc extat, et in honore habetur, peruenire non possunt; cum ille, quamuis in maximo honore habeatur, nullam habet potestatem nec gubernandi modum, Dubitatur, utrum isti, qui per eiusmodi bella adquirent ista dominia, tuti sint in conscientia, saltem postquam illa pacifice*

¹³⁹⁵ SCHÜTTE, Josef Franz. *Documentos sobre el Japón Conservados en la Colección 'Cortes' de la Real Academia de la Historia*. Madrid: Imprenta y Editorial Maestre, 1961, pp. 19-21. Kataoka misunderstands the date of the document as produced after Gil de la Mata left Japan for his second trip to Europe. See KATAOKA, Inácia Rumiko. *A Vida e a Acção Pastoral de D. Luís Cerqueira S.J., Bispo do Japão (1598-1614)*. Macao: Instituto Cultural de Macau, 1997, p. 189. Gil de la Mata, as we will see, never reached his destiny the second time.

¹³⁹⁶ LOPEZ-GAY, Jesús. *Op. cit.*, p. 126.

¹³⁹⁷ *Idem*, pp. 139, 144, 154, 159. Martins's decision concerning the religious calendar is included in Ajuda, 49-VI-8, ff. 5v-6.

¹³⁹⁸ LOPEZ-GAY, Jesús. *Op. cit.*. The original document was transcribed between pp. 132-44, while its translation is included between pp. 144-160.

*possident, cum in re dubia melior sit conditio possidentis, et [f. 69] uerum dominum reperire, uel si sit in illius potestatem dominia deuenire impossibile appareat, uel an dissimulare liceat, quia licet de restitutione dominorum admoneantur, nulla ratione id facient, et ipsi ea bona fide possident.*¹³⁹⁹

[In Japan there is the universal custom, accepted since ancient times, according to which those who are more powerful attempt to eliminate those of less power, and take over their land and put under their dominion. Because of this [custom], we can hardly find true and natural lords in Japan.¹⁴⁰⁰ Furthermore, those that can do so, that seize land from others, [even if] they returned these lands they cannot achieve the power of the successor of the first king of Japan, who exists and is honored even though he has no effective power or governmental authority. The question is, whether these lords, who acquire their dominions by this kind of war, can own these lands in good conscience, at least when these are owned peacefully, as when in doubt the condition of the possessor is better. And it seems to be impossible to find the real [legitimate] lord, or to return these dominions to its legitimate owner. Is it licit to dissimulate? Because if we admonish them to retribute these lands, they would not do so, and they own these [lands] in good faith.]

The inquiry starts by undermining the applicability of European ideas of *dominium* to Japanese social practices. According to it, analysis of Japanese practices using European civil and canonical law results in a fruitless effort, and all Japanese lords would be taken as illegitimate according to any legal principle. Because of the custom of overtaking military lands without following European notions of just war, it was impossible to find “*ueri et naturales domini*” [legitimate and natural lords]. It is interesting to notice that the missionaries concluded that even natural law was useless to justify Japanese military territorial conquests. They also suggest that, because of the political structure of Japanese society, no lord could achieve the power of the Emperor, here referred as the descendant of the first king of Japan, and which he understands to be the only legitimate land owner in the archipelago. The issue raised by the questionnaire is whether land possessions could be retained in good conscience. Of course, its concern with the conscience of the lord means that the missionaries were in reality worried with local Christian lords and their territorial conquests – whether converts could be forgiven for conquering land militarily or if they should be admonished to return these. In fact, it warns that any attempt to make them retribute an illegitimate conquest would fail, as they themselves considered these to be legitimately owned and conquered. The problem, thus, is whether Jesuits should dissimulate and pretend to ignore this issue.

¹³⁹⁹ LOPEZ-GAY, Jesús. *Op. cit.*, pp. 135-6.

¹⁴⁰⁰ Lopez-Gay mistranslated this sentence as follows: “Por lo cual, apenas si se pueden encontrar verdaderos y naturales poseedores.”, giving it the opposite meaning. LOPEZ-GAY, Jesús. *Op. cit.*, p. 149.

The Jesuits present two arguments: first, that in case of any dispute, the owner of the land should be favored – *in re dubia melior sit conditio possidentis*, the so called *possidentis* principle. This idea was originally presented numerous times in the Digesta, and was later on inherited by canon law as a basic principle for solving multiple issues, the *regula iuris* 65 VI: “*In pari delicto vel causa potior est conditio possidentis*”.¹⁴⁰¹ The rule has been translated in a number of ways, which helps to clarify its meaning: “*In a case of equal or mutual fault [between two parties] the condition of the party in possession [or defending] is the better one*”; “*Where each party is equally in fault, the law favors him who is actually in possession*”; “*Where the fault is mutual, the law will leave the case as it finds it*,”¹⁴⁰² or the more recent “*In doubtful cases the lot of the owner should be preferred*.”¹⁴⁰³ That is to say, depending on the interpretation, it could mean a judge should actively favor the party in possession, or rather that the judge should abstain from enacting a decision and leave the fracas as it was. In the case presented here, theology would favor Japanese lords. It was adopted in substitution to the previous watchword *in dubio pars tutior est sequenda* [in doubt, the safest option is followed], representative of the doctrine of Tutorism.¹⁴⁰⁴ As it turns out, this principle was widely applied by Jesuits in general during this period, and it was one of the cornerstones of the medieval procedural law and property law that effectively helped moral theologians, especially the Society of Jesus, “*to formulate freedom of action in the first place*.” The result is that with this reading, man became free to act as he wished, unless there was a superior law that could “*sufficiently demonstrate that in a particular case it limits the will’s freedom*.”¹⁴⁰⁵ The principle had been already adopted by Navarro as well in his works, and it was one of the key concepts in casuistic and canonical analysis to assess dubious questions way into the seventeenth and eighteenth centuries.¹⁴⁰⁶

The second argument is presented at the end of his question, as an addendum – Japanese lords owned their properties in good faith (*bona fides*). That is not a simple figure of speech. The questionnaire is referring to Canon law, more specifically Gratian’s *Decretum*, where the jurist incorporates the original idea from Augustine and determines that the good faith is the state of ignorance regarding the ownership of something. The

¹⁴⁰¹ See Digesta 6, 2, 9, 4; 12, 5, 8; 20,1,10; 20, 4, 14; 50, 17, 128. Corpus iuris canonici, reg. iur. 65 VI.

¹⁴⁰² BLACK, Henry Campbell. *A Law Dictionary*. Union, NJ: The Lawbook Exchange, Ltd, 1995, p. 606.

¹⁴⁰³ MARYKS, Robert Aleksander. *Saint Cicero and the Jesuits – The Influence of the Liberal Arts on the Adoption of Moral Probabilism*. Hampshire, UK and Rome: Ashgate and Institutum Historicum Societatis Iesu, 2008, p. 117.

¹⁴⁰⁴ KIRK, Kenneth E. *Some Principles of Moral Theology and their application*. London: Longmans, 1920, p. 197.

¹⁴⁰⁵ DECOCK, Wim. *Theologians and Contract Law: The Moral Transformation of the Ius Commune (ca. 1500-1650)*. Leiden: Martinus Nijhoff Publishers, 2013, pp. 167-8. See the following section for a broader explanation.

¹⁴⁰⁶ SCHÜBLER, Rudolf. “Moral Self-Ownership and Ius Possessionis in Late Scholastics”. In: MÄKINEN, Virpi and KORKMAN, Petter (ed.). *Transformations in Medieval and Early-Modern Rights Discourse*. Dordrecht: Springer, 2006, p. 161; GAY, Juan-Pascal. *Jesuit Civil Wars: Theology, Politics and Government Under Tirso González (1687-1705)*. London and New York: Routledge, 2012, p. 215.

bona fide possessor is, thus, the person that firmly and sincerely believes to have the right to something better than anyone else.¹⁴⁰⁷ The principle of bona fide was used in the resolution of other issues in Japan as well. For example, “*men who lived bona fide with a wife*” were to have their marriages considered legitimate.¹⁴⁰⁸

As explained by Rudolf Schüßler, the necessity of good faith for the possessor to “(...) *enjoy the benefits of a stronger or better position*” had been determined by glossator Johannes Andreae.¹⁴⁰⁹ The second argument thus complements the first one – the fact the principles of possession in Japan were guaranteed by their customs protected their good faith. The issue here is double: the Jesuits needed to prove the Japanese had full belief in their customs, thus guaranteeing their possession rights, or *dominium* – hence the utility of ethnographic descriptions for moral theology. Second, the missionaries were uncertain whether they could artificially keep the Japanese converts in ignorance, in order to maintain their *dominium*. The implication here is, obviously, that this right of possession based on *bona fides* could be extended to the *dominium* over servants and others. By keeping them ignorant, the Jesuits guaranteed that Japanese Christians would not incur in sin just because of their customs. That would excuse them from prosecution – or condemnation – by ecclesiastical justices.

Vázquez answers:

“[f. 74v] 22. *Uidetur in hoc casu locum habere perscriptio regni, quae tunc existimatur legitime introducta iure naturali, etiam per iniustum bellum, quoties possessores, uel eorum successores ita possident regnum, ut legitimo domino sine detrimento magno regnum illud restitui non possit, quia utilitas publica praeferenda est utilitati priuatae personae, qualis est antiquus possessor regni.*”¹⁴¹⁰

[22. In this case, it seems there is a general prescription, which is estimated to be legitimately introduced by natural law, that is to say, even though by means of unjust war, whenever these possessors, or their successors own a dominion that cannot be restituted without greatly damaging its legitimate owner [they can own

¹⁴⁰⁷ See SALINAS ARANEDA, Carlos. “Un influjo frustrado del Derecho Canónico en el Código Civil de Chile: mala fides superveniens nocet”. *Rev. Estudios Histórico-Jurídicos*. [online]. 2004, n.26, pp. 471-489. Available at: <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0716-54552004002600015&lng=es&nrm=iso>. ISSN 0716-5455. <http://dx.doi.org/10.4067/S0716-54552004002600015>; and the *Decretum Gratiani*, available at http://geschichte.digitale-sammlungen.de/decretum-gratiani/kapitel/dc_chapter_0_5, accessed in November 24, 2016.

¹⁴⁰⁸ COLLANI, Claudia von. “Mission and Matrimony.” In: KU Wei-ying (ed.). *Missionary Approaches and Linguistics in Mainland China and Taiwan*. Leuven: Leuven University Press, Ferdinand Verbiest Foundation, 2001, p. 18.

¹⁴⁰⁹ SCHÜßLER, Rudolf. “Moral Self-Ownership and Ius Possessionis in Late Scholastics”. In: MÄKINEN, Virpi and KORKMAN, Petter (ed.). *Transformations in Medieval and Early-Modern Rights Discourse*. Dordrecht: Springer, 2006, pp. 152-3.

¹⁴¹⁰ LOPEZ-GAY, Jesús. *Op. cit.*, p. 142.

them]. The public good prevails over the private good, as with possessors of dominions in Antiquity.]

The Spanish theologian undoubtedly accepts the arguments. The case of the Japanese seemed to be perfectly in accordance with his reading of moral theology: natural law, that is to say, the prevalence of common good over personal interests allowed the Jesuits to keep the Japanese ignorant. The possibility of sin would be eliminated in the acquisition of a dominion by war or inheritance because there was no original possessor inclined to reclaim the dominion back, and public good was to be favored.

The following question concerns the process of war waging in Japan:

“23. Quoniam japonenses semper cum ista bella aggrediuntur, iuste se id facere, existiment, iustas causas existimantes, uel quia illa dominia prius more japonico sui praedecessores occuparunt, uel quia eorum parentes, uel consanguinei in bello, uel alio modo ab illarum terrarum, quas expetunt, dominis occisi sunt: licet iuste id fieret, uel ex quacumque alia causa apparente, immo sine aliqua apparenti causa ad id facile inducuntur, in quibus rarissime mala fides inuenitur. Dubitatur, utrum cum his, qui eiusmodi bella aggrediuntur, quando bona fide procedunt, Patres dissimulare possint, quando certo sciant, quod talis admonitio potius scandalum, quam utilitatem generabit.”¹⁴¹¹

[23. When the Japanese wage these wars, they believe to be acting justly, because the dominions they take over, according to the Japanese customs, priorly were either occupied by their forefathers, or their parents and relatives are killed by the owners of these lands in war or some other manner. Though it should be done justly, or with some apparent reason, the fact is that wars are easily waged without apparent reasons, [although] in these it is rare to find any bad faith. The question is whether the Priests can dissimulate when wars are waged in this way, when there is good faith, and when they are certain that any admonition would result in more scandal rather than being meaningful]

The process of justice of war was strictly connected to the authority of the war-waging prince and the causes of the conflict, as we have seen already earlier in this thesis. The arguments are, yet, a renewed attempt to supercede moral theology's rules and appeal to the prevalence of good faith and the preservation of the mission. Furthermore, the two arguments presented are strikingly similar to the two offered in his previous question. First, it once more appeals to the principle of *bona fides*. The argument here is that Japanese customs, which allow war in case of vengeance or recovery of a territory formerly owned by the waging lord, secure that these warlords did not act in bad faith. In fact, the question goes to the point of implying that rarely these local mandataries acted

¹⁴¹¹ *Idem*, p. 136.

dishonestly. Also, it defends that ecclesiastical admonitions – and here we can understand any ecclesiastical punishment as well – against Christian Japanese would fail to produce result, rather provoking more problems than solutions.

Vázquez reply is short:

“23. Difficile mihi uidetur, cum Principibus, qui sunt causa belli, dissimulare in confessione, quia cum in eorum potestate sit, a tali bello abstinere, poterit fortassis admonitio aliquando nonnihil operari.”

[23. It seems difficult to me to dissimulate in the confession of Princes, as they are the cause of war. Sometimes admonitions can work, as they have the power to avoid waging war.]

Vázquez indicates a flaw in the missionaries’s arguments. Exactly because there was no external causes used to wage war in Japan, the Spanish theologian understood that the Japanese lords themselves were the sole responsible for war, that is to say, the conflicts were waged as an individual matter rather than public interest. This conclusion goes directly against Aquinas’s theology. As we have seen before, one of the main ideas of the Thomasian doctrine concerning government was that the main interest of the prince should be the public interest.¹⁴¹² Therefore, the Jesuits were thus advised to not abstain from working against the waging of such wars. Vázquez believed that, even though it would be a risky task, the strategy could work from time to time. Here the Spanish theologian refers to the idea that it was the prince’s prerogative not only to wage war, but it was also in their power to avoid doing so, a notion that was repeated by every author that dealt with the issue during this period. Consequently, Vázquez dismisses the missionaries’s attempt to bypass these issues and, instead, instigates them to keep trying to meddle in these issues by the ways of confession.

The next question concerns consultations regarding the justice of war in Japan.

“24. Utrum, quando japonenses urbanitatis, uel amicitiae causa Patres interrogant, utrum bonum sit, eiusmodi bella aggredi, supposita eorum bona fide, et quod ab incepto proposito etiam admoniti non desistent, an liceat Patribus, cum bellum aut iniustum, aut dubium credunt, ne eiusmodi Principes in fide mala constituentur, se ipsos excusare, dicentes bellica negotia ad ipsos non pertinere, uel amphibologicum responsum dare, quamuis ipsi iaponenses ex tali responso in eodem proposito confirmantur; a quo, ut suppositum est, etiam admoniti nulla ratione desistent.”

¹⁴¹² WHETAM, David. *Just Wars and Moral Victories – Surprise, Deception and the Normative Framework of European War in the Later Middle Ages*. Leiden and Boston: Brill, 2009, p. 88.

[24. Sometimes, courtly Japanese ask the Priests out of friendship whether it is fine to wage war in this manner, that is to say, assuming they act in good faith, and furthermore they do not desist of their initial intent even when admonished. Can the Priests excuse themselves when the war is unjust, or there is reason to doubt of its justice, lest these Princes act based in bad faith, saying they have nothing to do with war issues and provide an ambiguous answer? Although the Japanese with these answers we suppose may confirm their purposes, even though warned by no means they would desist.]

The missionaries expand on the issue of war-waging, exposing the limits of advice and ecclesiastical punishment in Japan. The priests had a very narrow range of action – even though their power was considerable in some cases, as the influence Afonso de Lucena apparently had over Ōmura Sumitada. The question here refers to the nature of advices they could give to Japanese Christians in good conscience, without incurring in any sinful action. If the missionaries were to advice local lords on matters of war, considering they were following their customs and, therefore, acting in good faith, the only option for the Jesuits was to act deceitfully, avoid the issue and offer non-answers that could not compromise their mission and the souls and consciences of Japanese Christians. The main problem here to the Japan Jesuits was the control they exerted on the level of knowledge Japanese converts had regarding Christian doctrine. If the priests spoke freely about all religious matters, they would create a situation of conflict between local Japanese customs and Christian dogmas. The missionaries here were asking a central question – could they purposefully keep the Japanese converts in a state of blissful ignorance regarding their condition? Could they artificially create a situation that would, at the same time, protect the souls of Christians in Japan and legitimately follow theological rules?

Vázquez replies:

“24. Extra confessionem, quando non speratur fructus, non licebit uerbis amphibologicis uti, quibus japonenses possint confirmari: licebit tamen se excusare ab huiusmodi responso.”

[24. Out of confession, when one does not expect results, it is not allowed to use ambiguous words, which the Japanese may use to confirm their intentions. However, it is legitimate to excuse oneself from replying.]

The Spanish theologian makes a clear distinction between two types of spaces where the missionaries held dialogue with their parishioners – the confessional box’s interior and exterior. The difference was that, during confession, the missionary was to expect solid results from indoctrination, while the same was not necessarily valid elsewhere. The space of confession was exactly where religious economic relations took place, where the faithful submitted their list of sins to the evaluation of the priest who, as

a representative of Christ, determined the debt to be paid in prayer by the Christian to God and his community. Here we can remember Pope Boniface VIII and his celebration of the mercantile nature of confession.¹⁴¹³ Precisely because the confession was surrounded by this mystic aura, words had more impact than outside of it. The solution for difficult questions in confession was none other than ambiguity, which was the only way to avoid spiritual risks. But, outside of the confessionary, ambiguous words could be associated with other, more terrestrial and secular risks. Therefore, Vázquez believed that, while there was no problem with ambiguity during confessions, advices given elsewhere had to be weighed in a different fashion. In his opinion, the solution was, instead of using ambiguity, to abstain from replying.

The inherent difficulty to apply the theory of just war in Japan created a series of practical challenges for the local Christian community. The following question presents some of these dilemmas.

25. Utrum milites, qui propter hoc munus obeundum determinata stipendia habent, nec umquam iustitiam belli examinare consueuerunt, sed uocati semper necessario dominis suis obediendum esse iudicant, tuti sint in conscientia; et an cum huiusmodi bella adeunt, in quibus Patrum arbitrio iusta causa non apparet, quamuis ipsi bona fide id faciant, possint ad sacramenta confessionis, et Eucharistiae admitti, si de hoc nullum scrupulum faciant, supposito, quod admoniti aut raro [f. 69v] ab hoc proposito desistent, aut si aliqui circa hoc suis dominis non obedirent, statim tamquam proditores, et inimici ab illis cum suis uxoribus, et filiis occidentur; et ipsorum domini si hoc consilium a Patribus emanasse intellexerint, graue scandalum patientur, et Patres ipsos sibi infectos et inimicos credent, aliaque multa incommoda, et inconuenientia orientur. Et quod si consilium petant, eiusmodi milites, supposito, quod constat illos consilium non accepturos, aut si aliquis illud acceperit, quod statim occidetur, an liceat Patribus se excusare, aut amphibologice respondere.

[25. Can soldiers receive their stipends for their duties while conserving their consciences? They are not used to examine the justice of war, but always have to obey their lords when called upon. They go to war in good faith, but, according to the Priests' judgement, [these wars] have no apparent cause. Can they [even in this case] receive the sacraments of Confession and Communion? We know they do not have any scruple regarding these wars, and when admonished they rarely give up their intent. Furthermore, if others do not obey their lords they become traitors and enemies and are condemned along their wives and children. Also, if their lords discovered that the soldiers had taken advice from the priests, they would be scandalized, and the priests would be considered

¹⁴¹³ DIGARD, Georges, FAUCON, Maurice, and THOMAS, Antoine (eds.). *Les Registres de Boniface VIII; recueil des bulles de ce pape*, vol. 2. Paris: E. de Boccard, 1884, p. 12.

opponents and enemies, causing other many disadvantages and inconveniences. And if the soldiers took advice from the priests regarding these issues, we may assume that they will not follow [our] advices, or if they accept any advice they will perish. So, can the priests abstain from replying, or give ambiguous answers?]

As the Japanese Christian community was composed not only of lords, but also of many lower-level warriors serving non-Christian lords, the problem of obedience was a difficult one for the missionaries. Warriors could be summoned to take part in unjust conflicts – by theological standards – thus putting their consciences at risk. The problem was once more the limits of actions available to the priests. As members of the Christian community, these soldiers could face ecclesiastical punishment – such as exclusion from taking part of sacraments, nominally Communion and Confession, the two main pillars ruling the participation of an individual in the Christian community. The missionaries’s concern was that, when a Christian took part in an unjust war, he was incurring in a grave error – theologians unanimously determined that the “*obedience to a sovereign did not justify a subject following him to an unjust war, and any spoils taken in such war (...)*” were to be restored.¹⁴¹⁴ This punishment consists, effectively, in a minor excommunication, as it impedes the Christian to receive the sacraments.¹⁴¹⁵ On the other hand, condemnation by Japanese social mores was harsher, including capital punishment not only for the soldier but also to his immediate family. The Japan Jesuits once more ask whether ambiguity could be used to avoid giving direct answers or if the priests should simply avoid responding at all.

Vázquez answer is as follows:

“25. *Cum his licebit dissimulare, quia ad eos examinare iustitiam belli non pertinet. Si uero consilium petant, an liceat tale bellum, non licebit [f. 75] amphibologice respondere, licet dissimulare, sed palam ueritatem exponere; si tamen consilium solum petatur de utilitate, et commoditate temporali belli, dicendum est ut in praecedenti.*”

[25. In this case, it is licit to dissimulate, because it is not their duty to examine the justice of war. However, if they seek advice regarding the justice of said war, it is not allowed to reply ambiguously, nor dissimulate, but [one must] show the truth. If they ask about the temporal utility and convenience of these wars alone, then the answer must be as in the previous case.]

While the missionaries emphasized the actual participation in war, Vázquez focused on the nature of the question asked to the priests. The problem was, according to the Spanish theologian, when warriors asked specific questions. Although he considers

¹⁴¹⁴ LEA, Henry Charles. *A History of Auricular Confession and Indulgence, vol. II*. Philadelphia: Lea Brothers, 1896, p. 49.

¹⁴¹⁵ Navarro, *Manual de Confessores*, cap. XXII, n. 1.

dissimulation to be an acceptable solution for most cases, when Christians questioned specifically the legitimacy of a conflict, priests were not to deviate from the answer. But, when the convert was concerned more with secular matters, Vázquez advice was to consider whether the questioning was done during confession or elsewhere, as in the case of question number 24.

As missionaries considered the task of evaluating the justice of wars waged in Japan impossible and preferred to resort to the *bona fides* of Japanese Christians, they had doubts concerning the issue of war spoils.

“26. *Utrum ea, quae in eiusmodi bellis capiuntur ex utraque parte tam in ipso conflictu, quam post partam victoriam, iuste possideantur, et maxime captiui an in ueram seruitutem redigantur, quoniam omnes in bello bona fide procedunt, licet a parte rei nulla iusta causa in bello illo appareat, uel saltem an dissimulare liceat, quando bona fides re patet, et admonitio nullum effectum habebit, supposito, quod ista dominia ut in plurimum ueros dominos non habeant, et si sint, quod ad illorum potestatem deuenire non possunt.*”

[26. Regarding the spoils taken in this type of war by both sides of the conflict, can they be justly kept after one obtains victory? Especially in the case of captives, can they be put in legitimate servitude? All of them act in good faith during war, although in reality there is no just cause in any of [their] wars. Can [the priests] at least turn a blind eye, when all is in good faith, or when admonitions are ineffective, assuming that these dominions have no legitimate lord, as it ordinarily happens [in Japan], and if they have [legitimate lords] these [lands] do not reach them?]

They finally arrived to a central issue of war: the legitimacy of enslavement. First, the missionaries admitted that none of the wars waged in Japan could, by theological standards, be considered just. Second, they remitted to the idea that *dominium* legitimacy in Japan was conditioned by good faith and ignorance, given that no warlord legitimately possessed any land according to European models. That is why the issue of land control was fundamental to understand slavery. If the principle of *dominium* was conditioned, could slavery be justified based solely on good faith and ignorance as well? Could Japanese customs be considered enough to justify the *asservicement* of individuals?

The missionaries were aware of the problem of individuals enslaved as result of an unjust war. Aquinas already did define the basic tenets of legitimacy of spoils of war in his *Summa Theologiae*.¹⁴¹⁶ Hostiensis, in his *Summa Aurea*, detailed the many instances when spoils taken in unjust wars had to be restituted.¹⁴¹⁷ Nevertheless, the

¹⁴¹⁶ Aquinas, *Summa Theologiae*, 2^a-2ae, q. 8.

¹⁴¹⁷ See LEA, Henry Charles. *Op. cit.*, p. 47, and *Summa Aurea*, De Poenitentiis & remissionibus, n. 61.

concern with the preservation of the mission and the state of ignorance by which the Japanese Christians were protected seem to allow Vázquez to remit to his solution of separating spaces of discourse.

“26. *In confessione non licebit dissimulare cum his, qui possident res captas in bello, propter rationem dictam in casu. 14. et 23.*”

[26. One may not dissimulate in confession with those who own something captured in war for the reasons given in cases 14 and 23.]

The Spanish theologian was making a reference to the reply given to the 14th question, where he said that although converts had what he calls invincible ignorance, and that the real problem was the possible damage inflicted to a third party. For that reason, the confessor ought to admonish the penitent, putting his faith on the hopes that the strategy worked from time to time. The so-called invincible ignorance – *ignorantia invincibilis* – was one of the classifications of ignorance as defined by Augustin, and which served “*as an excuse to hold the sinner harmless*”.¹⁴¹⁸ As Japanese converts had absolutely limited access to Christian dogma, they could not be held guilty. However, as slavery was an act that had direct consequences to a third party, the priest was advised to admonish and warn the Christian during confession, as well as suggest the Japanese convert to restitute the enslaved individual for the sake of his soul. Thus, Vázquez conditions the proposal, reminding Japan Jesuits that beyond the *bona fides* in which Japanese Christians acted, accordingly to their own customs and mores, the missionaries were to take into consideration the consequences of their actions regarding others.

The next question was very similar to the previous one, although the missionaries added a new twist to their arguments:

“27. *Utrum, quando iustitia belli est dubia, et milites a suis dominis ad illa bella uocantur, ea, quae in bello milites capiunt, tuto in conscientia possideant, et captiui in ueram seruitutem redigantur.*”

[27. If there is doubt regarding the justice of war, and the soldiers are summoned by their lords to these conflicts, then can the soldiers keep in good conscience what they captured during war? [Also], can the captives be subjected to legitimate servitude?

The question is repeated, although here they were referring to warriors subjected to the obligation of obeying their lords. This is a key difference – while in question 26 the subject of the issue was Japanese Christians who had the power to wage war, that is to say, lords or princes, in the political lingo of the time, here the subject were warriors. The main difference was that while princes were deciding by themselves to wage war, and

¹⁴¹⁸ LEA, Henry Charles. *Op. cit.*, pp. 250-1.

these conflicts were, necessarily in the Japanese case, unjust, lower-class warriors were being dragged to war by their masters. This may seem trivial, but the fact that these soldiers lacked the authority to determine whether wars were just or unjust created a precedent, which according to the missionaries's arguments would allow soldiers to keep their captured prisoners. The problem was, thus, two-fold: it represented a threat to the Christian conscience of these soldiers, while at the same time it put in doubt the legitimacy of captives enslaved by these warriors.

Vázquez replies:

“27. Non uidentur isti iniuste res illas possidere, quia uocati sunt a dominis, et non erat manifesta causa iniustitiae, quare cum his saltem licebit dissimulare.”

[27. It does not seem that they are possessing these things unjustly, because they have been summoned by their lords, and the unjust causes were not manifest. Therefore, at least with them [soldiers] it is licit to dissimulate.]

The exceptional case of soldiers bound by their obligation with their masters constituted a formidable instance where missionaries were allowed to ignore the reality of the situation. Differently than princes, soldiers had no obligation with the public interest. As the causes for the war were not publicly recognized as unjust, and these soldiers were kept in their ignorant condition, captured individuals could legitimately be enslaved. The conjunction of factors that allowed the enslavement of Japanese had more to do with the situation in which the enslaver found himself than the situation in which the captured individual was reduced to servitude. This is one of the very few instances where the enslavement of Japanese people was recognized as completely legitimate.

Surely, the missionaries knew that war was not the only situation in which one could be enslaved. After discussing the justice of war, and the relation of slavery and war, they proceeded to question other Japanese methods of enslavement.

“28. Utrum filii, propter parentum peccata, licet grauius non sint, in seruitutem redigi possint, ut est in usu apud japonenses, uel saltem an circa id dissimulare liceat, quando bona fide proceditur, interim quod non est potestas ad eiusmodi consuetudines reformandas.”

[28. Is it acceptable, as defined by Japanese customs, for children to be reduced to servitude because of sins committed by their parents, even when these are not serious offenses? Or, at least, can one dissimulate in regard to this custom, when they act in good faith, given that for now [we] do not have enough authority to reform these customs?]

The enslavement of children as punishment against crimes committed by their parents was common place in Japanese society, as pointed out by the questionnaire. Here we may bring a comparison with the determinations of the First Goa Council. In 1567, the prelates and vicar of Goa decided that slaves that were subjected to servitude as punishment according to just laws were to be recognized as legitimate slaves. Francisco Rodrigues, then rector of the Jesuit college of Goa, proposed the application of standards defined by Cajetan to determine the justice of foreign laws. But the Japan Jesuits's proposal was different. The missionaries did not see the enslavement of children as the result of a legal proceeding, but rather as the product of customs – in their text *ūsū*, the ablative singular of *ūsus*. That meant that they saw no legal justice being dispensed in these cases, rather a less formal practice taking place. The point was that, given the precarious situation of the missionaries in Japan in the 1590s, they lacked the necessary authority to influence the legislative process or even to change the usual ways of the Japanese. What is apparent here is that they were admitting they were aware of the need to reform these customs as an ultimate solution for the issue of slavery. However, as the missionaries were unable to do so, the problem of legitimacy regarding this kind of servitude remained a challenge for the Jesuits. Their only option was resorting to the good faith of Japanese actions and overlook these practices.

Sousa gives an interesting interpretation of this specific question which is worthy to reproduce:

“Como podemos verificar, esta questão é astuciosa e ambígua, em primeiro lugar, por que [sic] na primeira oração se procura saber se o costume de escravizar os filhos pelas faltas dos pais é considerado lícito pelos teólogos europeus, e na oração seguinte, pretendem saber se poderão dissimular esse mesmo costume. Ou seja, porque [sic] é que querendo esclarecer se este uso japonês é lícito, pretendem imediatamente conhecer se é possível dissimulá-lo? A resposta parece-nos evidente, porque o consideram ilícito.”¹⁴¹⁹

[As we can see, this question is astute and ambiguous, first because on the first clause they want to know whether the custom of enslaving children because of their parents' faults is considered licit by the European theologians, and in the following clause they wish to know if they can dissimulate [with] this very custom. In other words, why is that if they want to clarify whether this Japanese custom is licit, they want immediately to know whether is possible to dissimulate? The answer seems to us evident, because they consider it illicit.]

Sousa tries to expose as a self-evident truth that the Jesuits already considered enslaving children for their parents' crimes an illicit practice. However, his forceful reading of the Latin text ignores that the missionaries included a condition for their

¹⁴¹⁹ SOUSA, Lúcio de. *Op. cit.*, p. 263.

dissimulation: the Japanese had to act in good faith. As we explained above, if the Japanese were acting in *bona fides*, the Jesuits believed that they could pretend to not see these practices and their religious consequences. On closer examination, however, Sousa is missing the point. The evidence suggests that the Japan Jesuits were not sure about the validity of these practices given the circumstances the Japanese Christians were of ignorance regarding religion, as we will see further on this section.

Vázquez puts the issue of custom reform aside and, pragmatically, replies:

“28. Possunt filii redigi in seruitutem, quia licet corporaliter non possint puniri filii a iudice humano, propter delicta parentum, possunt tamen puniri paena infamiae, amissionis bonorum, et consequenter seruitutis.”

[28. The children may be subjected to servitude, although human judges may not dispense corporal punishment to them by offenses committed by their parents. Nevertheless, they can be punished with punishments such as infamy, loss of property, and consequently servitude.]

Interestingly, the Spanish theologian alters the language used to describe the crimes committed by the parents, preferring *dēlicta*, a rather general term meaning *failure*, instead of *peccata*, as in the missionaries’s text, which means not only *sin*, but also *transgression*. The point is that, even though Japan Jesuits said they were dealing with customs, the language used by them was legal and religious. Vázquez understood it as an issue of mores and substituted for the more appropriate generalist wording. As for his reply, the theologian confirmed that moral theology was on their side and listed the instances where it was acceptable, leaving the problem of consuetudinary reform aside.

After exposing the issues concerning the process of enslavement and legitimacy, the missionaries proceeded to comment the trade of human servants.

“29. Commune est apud japonenses, captiuos emere, nullo circa eorum captiuitatem examine facto, et ut in plurimum tales captiui non sunt, Dubitatur, utrum melius sit, cum japonensium bona fide dissimulare, [f. 70] uel potius ueritatem aperire, supposito, quod inter centum uix duo reperientur, qui admoniti eiusmodi seruos in libertatem redigent.”

[29. It is common among the Japanese to buy captives without performing any exam of their captivity, and ordinarily they are not [legitimate] captives. The question is if it is better to dissimulate with the good faith of the Japanese or rather to declare them the truth. Assuming that out of one hundred [captives] we find only two [legitimate captives], those enslaved in this manner would be freed after [their masters were] admonished]

The questionnaire presented here the problem of lack of rigor in the slave trade in Japan. Since the 1570s, the legitimacy of slaves was subjected to exam by secular judges and religious men in other areas of the Portuguese empire. However, in Japan, the Jesuits witnessed the trade going on internally without any scrutiny among the Japanese, thus putting their souls at risk. The missionaries, thus, presented two possible responses: they could disregard the situation, believing solely in the good faith of the Japanese – which meant to keep them in a controlled state of ignorance – or reveal them the many issues that this trade raised regarding moral theology. The final sentence is an example of wishful thinking on their part, believing in the ability of local converts, declaring that upon being admonished the Japanese Christians would set free their unjustly kept servants. The presentation of a percentage to justify the issue of illegitimacy – only two in every one hundred slaves were legitimate – was a common trope among anti-slavery texts in this period. One example that regularly is repeated in the specialized historiography is that of a letter written circa 1600, probably by the bishop of Cabo Verde, D. Fr. Pedro Brandão, who underlined that of every one thousand slaves that were taken to Portugal, about nine hundred were unjustly enslaved.¹⁴²⁰

Once more, Sousa bases his reading on the text's ambiguity, thus trying to implicate that “*defende-se sublinaramente que é preferível permiti-lo* [o comércio de escravos].” [it is being defended subliminally that it would be better to allow the slave trade.] The Portuguese researcher questions why the missionaries were so permissive with Japanese slavers, and who would benefit from a favorable reply from Vázquez. He then proposes a substitution of “Japanese” by “Portuguese” in the text, a substitution that would make the question acquire an allegedly more understandable meaning.¹⁴²¹ Sousa is attempting to indicate ambiguity where there is supposedly none. The questionnaire was the written form of a private conversation between fellow Jesuits, thus there was no argumentative necessity to bring up ambiguity as an analytical tool. Sousa's suggestion to substitute “Japanese” by “Portuguese” is also hardly helpful. In the end, the move would result in prying the historical source to follow the researcher's logic.

To answer Sousa's question regarding a proposed permissiveness towards the Japanese, we can again point out to the delicate state of ignorance the converts were themselves in. This is what the missionaries were effectively asking their addressee. Their concern was with the spiritual consequences of internal slave trade among Japanese people to the converts. Sousa ends his paragraph by posing this question: were the Jesuits in fact trying to validate “*o comércio de escravos realizado pelos Portugueses no Japão, uma vez que estes eram os principais compradores dos fornecedores japoneses?*” [the slave trade done by the Portuguese in Japan, given these were the main buyers of Japanese

¹⁴²⁰ MOTA, Avelino Teixeira da. *As Viagens do Bispo D. Frei Vitoriano Portuense à Guiné*. Lisbon: Publicações Alfa, 1989, p. 71.

¹⁴²¹ SOUSA, Lúcio de. *Op. cit.*, p. 264.

providers?]¹⁴²² The problem with this question is that it assumes the Portuguese were in fact the main purchasers of slaves in Japan, which is a problematic assumption. The difficulty to determine safe statistics for the period in regard to national and foreign buyers makes this assumption hard to accept. Nonetheless, even if we admitted Sousa's assumption, the short answer would be no. Jesuits were, as we are showing with this thesis, validating their own participation in the trade, which had been established out of their control. Furthermore, Sousa's attempt to bend historical sources in order to favor his own theory seems at least odd.

Vázquez reply is short: “29. *In confessione dissimulare non licet, propter id quod diximus casu. 14, 23, et 26.*” [29. It is not allowed to dissimulate in confessions, as we have said in cases 14, 23 and 26.]. Once more, he stresses the difference of space and the rules concerning language according to the place where the priest is addressing the issue with his parishioner. That means that, once more, he is advocating for a subdued attitude, in which the issue was to be addressed during confession in the hopes of convincing the Japanese Christian of his obligation.

In the following question, the Jesuits considered the reality of slave trade and how to address the already in place problem of illegitimate slaves being sold and purchased.

“30. *Utrum, licitum sit christiano hominem emere, quem cognoscit, non esse captivum, si tamen illum non emat, absque dubio a gentilibus emetur, et in perpetuam servitutem redactus spe saluationis carebit, et an propter eiusmodi beneficium, et pecuniam, quam pro illo dedit, liceat christiano iuxta quantitatem pecuniae ad certum annorum numerum a Patribus taxatum, illius hominis ministerio uti, uel illorum annorum servitium alteri uendere.*”

[30. Is it licit for a Christian to buy a man who he knows [for a fact] is not [legitimately] captive? If he does not purchase [the man], there is no doubt a gentile will buy him, and he will be reduced to perpetual servitude with no hope of salvation. Is it acceptable for the Christian, in exchange for the benefice he will do to the man, and for the money spent on him, to enjoy the labor and services of this man during a certain number of years determined by the priests accordingly to the amount of money used? Also, is it acceptable to sell their services to others for this number of years?]

Here, they put to the test one of the oldest methods used by the Jesuits in Japan: the trade of temporary servants – *nenkihōkōnin* 年季奉公人 – whose period of servitude was defined by the priests. This is a reference to the permits issued since the time of Cosme de Torres as early as the 1560s. The missionaries submitted the practice to the analysis of the theologians of Europe with a short exposure of its benefits – safeguarding

¹⁴²² *Idem.*

the life of the servant, giving him the hope of religious salvation – in contrast with the risks of not taking this bold step – abandon captured men and women to be purchased by non-Christians, taking away from them any possibility of secular and spiritual freedom.¹⁴²³ The central claim in favor of a form of tolerable slavery was, ultimately, that the Jesuits would assume a prominent position of intermediaries, controlling the period of servitude and, effectively, regulating the market.

Vázquez did not waste words in his reply: “30. *Uidetur licitum, pro pecunia, qua illum redemit, uti opera illius, arbitrio prudentis.*” [30. It seems licit that, for the money spent rescuing them their labor may be used, according to wise judgement.]. His favorable reply would certainly have pleased the missionaries.

The last question of the section is as follows:

“31. *Antiquum est apud japonenses consuetudine, quod quando uxores ex uirorum, aut filiae ex parentum domibus ff[ug]ientes tonorum, uel dominorum domus adeunt, ab ipsis recipiuntur, ipsae tamen in perpetuum capituae manent, et liceat postea a propriis uiris uel parentibus petantur, nulla ratione traduntur, et eadem consuetudo introducta est in dominis temporalibus, qui filias famulorum suorum in uxorum ministerium uocantes, eas postea parentum domos adire, uel matrimonium contrahere non permittunt. Dubitatur, utrum melius sit, cum japonensium bona fide dissimulare, quam ueritatem aperire, supposito quod eos id admonere, cum in tota japonia commune sit, et uix aliter ad suum ministerium famulas inueniant, ad nihil ajiud deseruiet, quam ad illos in mala fide constituendos.*”

[31. It is an old Japanese custom that when wives run away from their husbands' houses, or children from their parents', and take refuge in the houses of their *tono* or lords, they are received but are subjected to perpetual servitude. And if their husbands or parents later ask for their return, they are not returned in any way whatsoever. The same custom was introduced among secular lords, who claim the daughters of their servants to serve their wives. Thus, it is not allowed to them to return to their parents' houses, neither to contract marriage. The question is if it is better to dissimulate with the good faith of the Japanese instead of revealing them the truth, assuming that warning them will serve only to put them in bad faith, as this custom is common in the whole of Japan, and they have no other way of finding servants for this [type of] service.]

The last question of this section regarded another Japanese custom, which forcefully put individuals in perpetual servitude. Here, the missionaries were referring to

¹⁴²³ Sousa understands this question aims at validating the temporary servitude and ultimately the slave trade with the Portuguese. See SOUSA, Lúcio de. *Op. cit.*, p. 265.

those known in Japan as *fudai genin* 譜代下人, a category of servants that was present in Japanese legislation. Unable to establish a central authority, the Muromachi Bakufu ended up leaving to local *daimyō* to regulate legal issues, including slavery. In these texts, the condition of the *fudai genin* is fully regulated, although Jesuits preferred to refer to it as custom rather than law.¹⁴²⁴ The question concerns, once more, whether the Jesuits could use the argument of Japanese good faith – or their ignorance regarding Christian dogma – to connive with the presence of these servicemen and women. Also, it is interesting to notice the use of the term *famulus*, which is an indication that the missionaries were avoiding equating servitude in Japanese society to slavery, rather preferring a generic and legally non-compromising term. This way, Japanese serving local lords were not subjected to the appreciation of moral theology under standards used to treat slaves, or *servi*.

Vázquez answered: “31. *Hoc tempore non uidetur aliquid innouandum in tali consuetudine, cum nullus fructus speratur, sed potius damnum, et non sit manifesta causa iniustitiae.*” [31. For now it does not seem necessary to innovate said customs, for no good result could be expected, rather much damage; unless there is manifest unjust cause.]. Considering the possible damage that condemning these customs could have to the integrity of the mission and its missionaries, the theologian gives the missionaries carte blanche to ignore the situation. He recognizes that this practice of servitude was not to be meddled with nor acknowledged.

Sousa’s reading of the document was, namely questions 26 through 31, that the Jesuits were simply trying to obtain arguments to support their practices in Japan. Most of all, the questionnaire would be an attempt to legitimize the slave trade carried by the Portuguese in Japan.¹⁴²⁵ He fails to identify the relevance of the argument of “good faith”, as an indicator of the state of ignorance Japanese Christians had and the level of control missionaries enjoyed regarding access to dogmas. Also, he does not identify the connections between the arguments presented and the general theory of servitude defended by Valignano for Japan.

In conclusion, the questionnaire carried to Europe by Gil de la Mata is useful to understand two different aspects: first, it offers the interpretation of a European theologian, Gabriel Vázquez, regarding the problems faced by missionaries in Japan. But, most

¹⁴²⁴ For more on the *fudai genin* in medieval Japanese legal texts, see MAKI Hidemasa. *Nihon Hōshi ni okeru Jinshin Baibai no Kenkyū*. Osaka: Yūkaikaku, 1961, pp. 170-5. Recently, Adam Clulow has indicated the need to further explore the meaning of the use of the term *fudai* in contemporary translations to designate specific relations that were perceived as equivalent between European and Japanese social bonds such as vassalage, as it was understood to bear in itself the meaning of hereditary as well. Clulow refers to two documents that were translated by professionals of the VOC in 1630 and 1642 who used the term *fudai* to describe vassalage. See CLULOW, Adam. *The Company and the Shogun: The Dutch Encounter with Tokugawa Japan*. New York: Columbia University Press, 2014, pp. 100-1.

¹⁴²⁵ SOUSA, Lúcio de. *Op. cit.*, pp. 263-5.

importantly, it is a window to the theological bases the missionaries gave to their decisions concerning servitude in Japan. Although Vázquez's answers to the questionnaire are definitely meaningful to the missionaries themselves, as a historical document the missionaries's arguments offer a glimpse of the theoretical framework they built to support the ideology presented in the 1590's *De missionum legatorum Iaponensium ad Romanam curiam*. The idea of the tolerable enslavement of Japanese people is defended in a succinct and straight-to-the-point way, with all the general theological guidelines supporting its theoretical framework. Using the principle of favoring the possessor in a dispute and good faith as a justifier for local customs was not entirely new. As explained by Rudolf Schübler in regard to similar issues with African slavery:

*“A purchaser could with a good conscience retain and re-sell a bought person even in situations of doubt about legitimate enslavement because a bona fide possessor could retain and use the possessed good (i.e., the slave).”*¹⁴²⁶

Since Domingo de Soto started using the *possidentis* principle – favoring the possessor in a dispute of equal parts – many moral problems were quickly solved by considering the possessor acted in *bona fides*. This was the basic guiding principle by which Jesuits acted upon the issue of slavery during the period before the first letter of excommunication enacted by Pedro Martins in 1598. By considering this principle and the proposals included in the questionnaire, one may see how the Valignano's criticism of Western moral theology and casuistry was not a negation – Navarro, Cajetan and others were useless on the sense that their present state made difficult for missionaries to direct use them. Thus, the criticism was in fact an appeal for a review of the available manuals and its adaptation for better use in Asia.

The proposals and presentation of practices already in place in Japan were aimed at preserving the mission and maintaining the converts' consciences. The core of the arguments was the prevalence of possessors in dubious negotiations, and the reading of Japanese customs as legitimate arguments guaranteed by their good faith. By extending the principle to the Japanese case, the missionaries believed that they could dissimulate and avoid giving direct answers to converts while being unable to implement effective customary reforms in the local society. The success of such strategy depended solely on the monopoly of the mission by the Jesuits, as the entrance of other religious orders meant they would lose the control over the access to information by local converts. For that reason, the entrance of the Franciscans in the 1590s also must be included among the

¹⁴²⁶ SCHÜBLER, Rudolf. “Moral Self-Ownership and *Ius Possessionis* in Late Scholastics”. In: MÄKINEN, Virpi and KORKMAN, Petter (ed.). *Transformations in Medieval and Early-Modern Rights Discourse*. Dordrecht: Springer, 2006, p. 156.

factors that contributed to the end of the permit system, in place since the days of Cosme de Torres.

Vázquez does not contradict the arguments of the questionnaire for the most part. On the contrary, he proposes theoretical tools and theological arguments that could reinforce the Japan Jesuits's claims. That does not mean Vázquez himself was open to a universal application of the principle of favoring the possessor – as indicated by Rudolf Schüßler, the Spanish theologian believed this idea could be applied only to matters of justice.¹⁴²⁷ The main contribution by Vázquez was the control of the environment where Japanese Christians were, more specifically their access to knowledge. By proposing the use of ambiguity in confessions and controlling their language elsewhere, he in fact presented as a solution the use of controlled ignorance to avoid having the Japanese falling into a situation where they could be held accountable for their sins. That is not a surprising solution, considering Vázquez was responsible for the official introduction of the doctrine of Probabilism, inherited from the Dominican Bartolomé de Medina, as we will see on the following section.¹⁴²⁸

The association of the Japan Jesuits practices with the control of access to information proposed by Vázquez would protect the converts from the consequences of their own actions. Prisoners enslaved by loyal soldiers would be legitimated, while Christian lords would be advised in confession to set their captives free. To the missionaries, to keep their faith in an eventual success was the only legitimate option.

However, their proposals were born out of a critical analysis of Japanese slavery from the inside, that is to say, they considered local circumstances and the possibility of legitimizing them with the use of the *possidentis* principle. Questions 22 through 25 are an attempt to legitimize the Japanese form of *dominium*; 26 through 29 form an attempt to legitimize Japanese methods of enslavement under their current forms; 30 refers to the legitimacy of slave trade in the presence of doubts concerning legitimacy; finally, the last question references what the Jesuits themselves could do in order to protect the mission and the Christian converts themselves in face of apparent doubt. This internal argumentation would be put in question upon the arrival of the new Bishop, D. Luís de Cerqueira.

A change of principles

¹⁴²⁷ *Idem*, p. 162; See also VÁZ UEZ, Gabriel. *Commentaria ac Disputationes in Primam Secundae Sancti Thomae*, disput. LXV, Cap. III, q. XIX, Art. VI.

¹⁴²⁸ ZAGORIN, Perez. *Ways of Lying – Dissimulation, Persecution, and Conformity in Early Modern Europe*. Harvard University Press, 1990, pp. 161-2.

In August 5th 1598, the new Bishop of Japan arrived in Nagasaki. The ship captained by Nuno de Mendonça brought Alessandro Valignano and D. Luís de Cerqueira after 22 days on the sea. Nevertheless, the situation was dire for the missionaries. The Japanese mission was facing terrible financial difficulties – in the previous decade, Portuguese merchants had failed five times to make the trip between Macao and Nagasaki.¹⁴²⁹ Because of the persecution, the Jesuit residences in Arima and Ōmura had been burned down.¹⁴³⁰ The Bishop entered Nagasaki in a very different atmosphere in comparison to his predecessor. Valignano wrote that the missionaries could not even celebrate their arrival. While the Visitor immediately visited the Nagasaki governor Terazawa Hirotaka 寺沢広高, Cerqueira decided to hide his real authority for two years.¹⁴³¹

One month after Cerqueira's coming, Toyotomi Hideyoshi died in Fushimi. The Jesuits expected that the end of Hideyoshi's rule would also be the end of the persecution against Christians in the archipelago. As noted by João Paulo de Oliveira e Costa, even though the anti-Christian edict was not revoked, it may have helped to momentarily make the issue of Christianity secondary for the political players of the period. The missionaries immediately became more confident in the future of the mission, and the letters of the period following Hideyoshi's death bear witness of this optimism.¹⁴³²

The new Bishop immediately started working on pressing difficulties faced by the mission. As written by Kawamura Shinzō, Cerqueira was invested in creating a strong church – or community of believers – capable of resisting any new persecution.¹⁴³³ Between September and November, he summoned no less than five consultations. The first gathering, in September 4th, discussed the enslavement of Japanese and Koreans in Japan. The second consultation, held on the 23rd of the same month, centered on the issue of the Franciscans in Japan. In October 6th, the Bishop discussed miracles happened in Nagasaki. The following meeting was, according to João Paulo Oliveira e Costa, the most important one, considered by the Bishop himself “*como uma consulta a modo de sínodo*” [a consultation on the fashion of a synod] – it was held in an uncertain date of November

¹⁴²⁹ COSTA, João Paulo Oliveira e. *Op. cit.*, pp. 121-3.

¹⁴³⁰ According to Pedro de la Cruz, Terazawa Hirotaka decided to destroy 134 churches in the region because he wanted to guarantee the priests would leave Japan to China before Hideyoshi had a chance to come to Nagasaki. *JapSin* 13-II, ff. 288-288v.

¹⁴³¹ COSTA, João Paulo Oliveira e. *Op. cit.*, pp. 278-9.

¹⁴³² *Idem*, pp. 289-92. Interestingly, the idea that Hideyoshi's death was some sort of providential point on the history of Japanese Christianity can be seen in other authors as well. For example, the chronicler Agostinho de Santa Maria, writing by the end of the seventeenth century, considers that it was the final demise of Hideyoshi that put an end to what he called “the first persecution.” He also accuses the martyrdom of 1597 as the reason God punished Hideyoshi the following year with death. See SANTA MARIA, Agostinho de. *Rosas do Japam, Candidas Açucenas, e Ramalhete de fragrantas, & peregrinas flores, colhidas no Jardim da Igreja do Japão, sem os espinhos da infidelidade, & idolatria as pudessem murchar*. Lisbon: Antonio Pedrozo Galram, 1709, pp. 6-7.

¹⁴³³ KAWAMURA Shinzō. *Sengoku Shūkyō Shakai = Shisōshi*. Tokyo: Chisen Shokan, 2011, p. 279.

to discuss liturgical issues. The final consultation happened on November 23rd, on which the priests analyzed miracles recorded in connection to the bodies of the martyrs crucified the previous year in Nagasaki. Previous historical research has noted that these gatherings resulted on the intent of the new Bishop to implement the decisions of the Council of Trent in Japan.¹⁴³⁴ Nevertheless, at least regarding slavery, the need to change the relation of the missionaries with the phenomenon was resultant from the change of dynamics regarding their monopoly over local converts, orders from Rome and apparent difficulties in controlling the trade.

In that sense, the arrival of Cerqueira marked the definitive departure from Valignano and the missionaries's plans to apply the principle of *melior est conditio possidentis* and good faith to justify slavery in Japan. While Dom Pedro Martins's short stay in the archipelago was the first step in this direction, the continuous presence and influence exerted by Cerqueira certainly contributed to widen the distance between him and previous ideologies. The new Bishop and Valignano, instructed by Acquaviva, were keen on dogmatizing the mission's methods.

Oliveira e Costa suggests an interesting way of interpreting the early actions of Cerqueira in Japan. At first, the two consultations of September dealt with external issues, namely trading issues and the presence of friars coming from the Philippines to Japan. His first steps were to criticize and discipline laymen and non-Jesuit clergymen under his jurisdiction. The other consultations dealt with issues internal to the mission, that is to say, the everyday life of converts and the sensitive topic of miracles. On these last meetings, Cerqueira in fact assumed his role as shepherd of souls and tried to regulate the religious life of local Christians.¹⁴³⁵ Martins' actions also can be read from this angle, although the only action we know he took regarding Japanese slavery was to excommunicate its participating merchants. Cerqueira, on the other hand, had at his disposal not only the precedent left by his predecessor, but also the theological arguments and orders brought by Gil de la Mata from Europe.

The gathering took place at the Jesuit House of Nagasaki in September 4th 1598, and there were fifteen Jesuits in attendance. In addition to the Bishop D. Luís de Cerqueira, the Visitor Alessandro Valignano and the Procurator Gil de la Mata, there were also Pero Gómez, Afonso de Lucena, Celso Confalonieri, Alonso Gonzalez, Melchior de Mora, Francisco Calderón, Organtino Gnechi-Soldi, Diogo de Mesquita, Francesco Pasio,

¹⁴³⁴ COSTA, João Paulo Oliveira e. *Op. cit.*, pp. 309-10; LOPEZ-GAY, Jesús. *El Catecumenado en la Mision del Japon del S. XVI*. Rome: Libreria dell'Universita Gregoriana, 1966, pp. 181-2; SCHÜTTE, Josef Franz. *Valignanos Missionsgrundsätze für Japan, Erster Band 1573-1582, Erster Teil 1573-1580*. Rome: Edizioni di Stori e Letteratura, 1951, pp. L-LI; KATAOKA, Inácia Rumiko. *A Vida e a Acção Pastoral de D. Luís Cerqueira S.J., Bispo do Japão (1598-1614)*. Macao: Instituto Cultural de Macau, 1997, pp. 87-8.

¹⁴³⁵ COSTA, João Paulo Oliveira e. *Op. cit.*, p. 310. Costa ignores the October gathering, counting only four meetings. But considering his arguments, the October gathering can be included in the second group proposed by Costa.

Valentim Carvalho, Rui Barreto, and Mateus de Couros. Their expertise in theology varied; however, they had at their disposal at least Gabriel Vázquez's replies to the questionnaire sent by Valignano to European theologians via Gil de la Mata.¹⁴³⁶

This consultation was very different from a common congregation, as there was no voting process. In that sense, it resembled the consultations Valignano had organized since arriving in India in the 1570s. However, differently than the minutes of other meetings, the record available regarding Cerqueira's consultation on Japanese slavery does not include the opinions of all the standing members of the gathering. Instead, it presents the issue, the resolutions taken, and finally the reasons that led the bishop's decision-making process. Nevertheless, it is, as put by Nelson, "*the most important single Western source on servitude in Japan and on the export of Japanese slaves.*"¹⁴³⁷

The meeting started with an unambiguous acknowledgement: the Jesuit *modus operandi* regarding the enslavement and trade of Japanese men and women had to go. The former bishop D. Pedro Martins, after having "*esperientia da terra*" [experience of the land], concluded that there were many serious inconveniences resultant from the

¹⁴³⁶ Based on the MHJ, we could compile information on each participant of the gathering regarding their expertise: Gómez had studied in Alcalá, taught in Coimbra, was Superior of Bungo, where he taught philosophy and theology, and at the time of the meeting was Vice-Provincial of Japan. He had authored a theological compendium in Latin for the Portuguese Brothers in the Jesuits College of Amakusa. Lucena, Rector of the College of Ōmura, had studied philosophy and theology, taught grammar for three years, and was confessor of the Jesuit Brothers. Confalonieri was master of the novices of Nagasaki, had studied philosophy and theology, and had experience teaching rhetoric and Greek. González was Superior of the Residence of Amakusa, had studied casuistry and, even though had a mediocre level of Japanese proficiency, he was able to hear confessions in the language. Melchior de Mora was Rector of the College of Arima, was proficient in Japanese, later consultant to the Bishop. He had studied philosophy and theology. Calderón was first Rector of the College of Bungo, later transferred to Arie and Arima. He was confessor of the Jesuits, although he was a licentiate of Arts with no further specialization. Gneccchi-Soldi was Rector in Kyoto, could hear confessions in Japanese, and had studied Arts and a little of the theology. Before coming to Japan, he had been a Rector in Italy, as well as in Goa, and was Superior of the mission in Kyoto for more than two decades. Mesquita had accompanied the embassy of the young Japanese to Europe, had been Rector of Amakusa and was nominated Rector of the College of Nagasaki after the arrival of Cerqueira. Pasio worked in Nagasaki with Gómez and had studied Arts and two years of the theology. He had also been minister of the Goa College, procurator of the Jesuit Province of India, worked for a time in the Chinese mission and was a consultant of Valignano's. Valentim Carvalho was notary for the Bishop upon his arrival in Japan but was soon substituted by Mateus de Couros. He had studied philosophy and theology, was a licentiate in Arts by the University of Coimbra, taught Latin, rhetoric, Arts, and philosophy. Barreto had studied casuistry, had experience as minister in Bassein, procurator of the Jesuit Province of India, and Pai dos Cristãos – Father of the Christians – in Goa and Bassein. He could hear confessions in Japanese. Finally, the ecclesiastical notary Mateus de Couros, who had arrived in Japan with D. Pedro Martins in 1596, had studied theology and taught casuistry, and knew Japanese well enough to preach and write. Finally, Gil de la Mata had been to Europe as procurator of the mission and discussed the issue of slavery with theologians. MHJ I, pp. 109-10, 178, 218, 221-2, 286-7, 307-9, 356, 374, 396, 397, 408-9, 415, 429, 442, 444, 446, 452, 494, 521, 553, 581, 587, 593, 596, 603, 636, 658-9, 781, 852, 1236.

¹⁴³⁷ NELSON, Thomas. "Slavery in Medieval Japan". In: *Monumenta Nipponica*, vol. 59, No. 4 (Winter, 2004), p. 466.

Jesuits meddling with the slave trade. Cerqueira, after arriving in Japan, gathered the most experienced Priests in the archipelago. The bishop gives two reasons for the deliberation: first, the seriousness of the reasons given by his predecessor – “*as causas (...) era[m] de tanto momento (...)*”¹⁴³⁸ – and, second, the many theological doubts concerning the business of captivity and temporary slavery of Japanese and Koreans – “*(...) este negócio de catiueiro e ãnos de seruiço dos Jappões e Coreas tão duuidoso E scrupuloso (...)*.” It is important to take notice of the language used here – the Jesuits were deciding the issue of enslavement of Japanese and Koreans as a dubious case theological case. Thus, the analysis of this issue has to take into consideration arguments derived from moral theology and casuistry.

The issue had, according to information received by Cerqueira, raised concerns in China, India and Europe among theologians. According to the record, Cerqueira arrived willing to consider the opinions of local, more experienced missionaries before giving his final decision.¹⁴³⁹ Nevertheless, as he had been instructed by the Superior of the order to end the trade, there was not much leeway for deliberation. The bishop structured the meeting in the following way: Priests in Japan were to give their own assessments of the issue considering the reasons mentioned, including advices to the bishop on what to do to fulfil his episcopal duties. The issue was how to suppress the participation of the missionaries in the trade. More specifically the most pressing issue was whether the excommunication should be reenacted or if some other way of action was to be taken. Only after listening and considering all opinions and factors he would give his final decision.

After the deliberation and, with the unanimous consent of all Priests, the bishop enacted two decisions. First, Cerqueira decided to reenact the excommunication order and, second, to lobby the crown for effective secular measures against the trade.

“A pr[imeir]a [f. 273v] que a Sua S[en]hori]a como prêlado pertencia aqui En Jappão a talhar no melhor modo que podesse aos m[ui]tos peccados e embaraços de consci[ên]ciã que ha nestas compras e uendas e polo conseguinte deuia de renouar e publicar de nouo a dita Escomunhão sob as ditas pênas e ter mão e[m] não dar licença a ninguem p[ar]a comprar ou leuar de Jappão moços comprados nem por catiuos nem cõ[m] annos de seruiço.”

[The first one was that Your Lordship, as prelate in Japan was enticed to avoid in the best way possible allowing the many sins and embarrassments of

¹⁴³⁸ This acception of the word *momento* as a signifier of importance and gravity was characteristic of the Ignatians, although it had started being used in this sense by the Carmelites at first. See GARCÍA DE CASTRO, José. “Momento”. In: GRUPO de Espiritualidad Ignaciana (ed.). *Diccionario de Espiritualidad Ignaciana*, G-Z. Madrid: Ediciones Mensajero and Sal Terrae, 2007, pp. 1283-4.

¹⁴³⁹ In a letter written in October 3rd 1598, Pasio praised Cerqueira for deciding to listen to the missionaries in Japan before taking any decisions. JapSin 54, f. 12.

conscience that [could rise] from these purchases and sales. Therefore, he should renew and publish once more said excommunication under said punishments and intervene in order to not allow anyone licenses for purchasing or take away from Japan young men [and women] purchased nor as captives nor with years of servitude.]

The prelate decided that to reenact the order was to fulfil his duty as bishop, to protect the souls of his parishioners. For that, he believed that he should not give way for those taking part in the purchases and sales of slaves to commit any sin or any action that could jeopardize their consciences. The point was to create an ecclesiastical and legal situation where the slave trade would be completely suppressed, thus creating a setting where it would be, in theory, impossible to sin. With the excommunication order put in place, the Jesuits were therefore forbidden to enact any license for slave traders. Here, Cerqueira makes an interesting distinction: apparently, there were two kinds of licenses the missionaries could issue. One allowing the act of purchase, while the other would allow a servant to be taken away from Japan. Also, it indicates there were two kinds of purchases allowed by the Jesuits: the purchase of perpetual slaves or temporary slaves.¹⁴⁴⁰

The following decision, regarding the secular arm of the law, is described as follows:

“A 2a que p[ar]a estes males mais efficism[en]te se euitem deuia sua S[en]hori[a] de procurar que se represente este negoceo a sua magestade p[ar]a que auendo por seruiço de D[eu]s e seu aia por bem sua Magestade de interpor nisto sua real autoridade mandando que se publica de nouo e daqui por diante ex[e]qute a ley que el Rey Dom Sebastião que D[eu]s aja fez sobre a libertade dos Jappões p[ar]a que se guarde nestas p[art]es da India China E Jappão como se guarda Em Portugal.”

[The second [decision] so as to avoid these evils more effectively was that Your Lordship should sent a representative to present this issue to the king so, as it would be in the service of God and the crown, Your Majesty would intervene with your royal authority ordering to publish once more and from now on to be enforced the law which the King Dom Sebastião – the Lord bless his soul – made regarding the freedom of the Japanese for it to be observed in the parts of India, China and Japan as it is in Portugal.]

Cerqueira invoked the law enacted in 1570-1571 by Dom Sebastião, which was analyzed in chapter IV. The Jesuits were to choose a representative among them to lobby

¹⁴⁴⁰ The comparison between the two kinds of licenses is further developed by Sousa, although he does not indicate neither this nor any other source to substantiate his classification. SOUSA, Lúcio de. *The Jewish Diaspora and the Perez Family Case in China, Japan, the Philippines, and the Americas (16th Century)*. Macao: Fundação Macau and Centro Científico e Cultural de Macau, 2015, pp. 103-4.

the king directly, to obtain the reenactment of the *alvará*. The representative would also ask for its effective enforcement in Asia. Interestingly, the bishop mentions its enforcement in Portugal an example of successfully enforcement of the law. Cerqueira is most probably referring to the structure of slave examination that existed in the kingdom and which the late king attempted to establish in India in the 1570s. The problem here, once more, is the understanding of this law. As a baroque piece of legislation, it is not an absolute prohibition, but rather a legal code defining the conditions for the just enslavement of individuals.

The document goes on to list the main reasons that moved the prelate's decisions. It presents a total of four arguments: the problem of legitimacy; the deterioration of Japanese public opinion regarding the missionaries; the inconveniences caused by Portuguese traders; and Japanese legislation and justice. The first three issues addressed each of the three parts involved, namely: the slaves, the Jesuits, and the merchants. The last item, Japanese legislation, complements the general argument by calling attention to the social impact provoked by the slave trade in Japan.

The first reason was the illegitimacy of the enslavement of Japanese men and women. This was not a problem of race or nation: Cerqueira do not differentiate between Japanese and Koreans. Instead, he had issues with the methods employed on subjecting people to servitude in Japan. According to the document, experience had shown that there was no legitimate servitude in Japan: “(...) *se afirma por cousa certa que de cento não ira hu legitimam[en]te comprado (...)*” [it is said as a sure thing that out of one hundred there is no one legitimately purchased.] That is probably a reference to the opinions heard by the bishop during the meeting, who also inform Cerqueira that the majority of men and women sold in Japan were kidnapped or deceived. This position undermines the possibility of just voluntary servitude, as one of its prerogatives was that the servant-to-be had to be fully aware of his condition. The Jesuits' concern was not only with the enslaved individual: the document reminds its reader that this trade was a great threat to the “(...) *consci[ên]cias de quem os uende e de quem os comprão, e de que[m] nisto consente (...)*” [consciences of those who sell and those who buy them, as well as those who allow it.] That is to say, the slave trade had at least four potential victims: the sold servant, the seller, the buyer, and the clergyman who allowed the transaction to take place. To end the Jesuit participation in this business was also an issue of protecting the missionaries' souls as well.

One of the main controversies of the slave trade was the justice of war. Cerqueira states that the servitude as a result of capture in just war – “(...) *titulo de catiu[eir]o Ex parte iusti belli (...)*” – was very rare and doubtful in Japan. First, there was the issue of Korean slaves, who were taken in great numbers in the Portuguese ship from Nagasaki to Macao since Hideyoshi first invaded the peninsula, “(...) *de seis años a esta parte (...)*” [starting six years until now], that is to say, since 1593. The bishop then explains how

they understood the war was waged by the Japanese against the Koreans and determines that the invasion was unjust from the beginning. According to the Jesuit interpretation, Hideyoshi – referred as *Rei de Japão* – asked the Korean monarch to allow his troops to pass through Korea to China, in order to invade that country. The Korean king then justifiably denied passage to Hideyoshi’s armies out of loyalty and fear: loyalty to the king of China, his lord, and fear that the Japanese would occupy his territory or at least destroy it. For those reasons Hideyoshi waged a war considered by the Jesuits as unjust. The result was that the Japanese had captured an “(...) *infinidade de Coreas os quais trazem a Jappão e uendem por mui baixo presso.*” [infinite of Koreans who they bring to Japan and sell for a very low price.] Many Japanese from areas nearby Nagasaki, upon witnessing the eagerness with which the Portuguese acquired Koreans in Japan, would go not only to various parts of Japan searching for Korean servants to sell but also to the Korean Peninsula itself just to kidnap people for the trade. These kidnappings would happen in areas already subjected to the Japanese, a factor that also contributed to the diagnosis of the conflict as an unjust war, given that these were cases happening in areas already conquered and pacified by the Japanese, out of battlefields. It is interesting to notice that Cerqueira refers here to two cases of captives: those purchased in Japan, after being already enslaved and brought to the archipelago, and those kidnapped in pacified areas in the Peninsula. There is no mention to people taken as prisoners in the battlefields in Korea. This observation reiterates that the majority of Koreans captured in the war were first brought to Japan and purchased to be resold in Nagasaki to the Portuguese, or people kidnapped in conquered regions of Korea.

Next, the bishop presents a list of the various types of enslavement in Japan. It starts with a short resume on how Japanese slaves were captured in Japanese internal wars. First, Cerqueira affirms that in the court of Japan and in the Upper Kingdoms – a reference to Kyoto and its surrounding areas, collectively known as Gokinai 五畿内 – the custom of enslaving war prisoners was unknown. For that reason, when Hideyoshi heard that many Japanese were being captured and sold to the Portuguese in Kyushu, he forbade the practice, under the pain of death penalty.¹⁴⁴¹ In fact, forced labor was much more

¹⁴⁴¹ Although analyzing the same document, Sousa states the following: “*segundo os jesuítas, não era costume no Japão fazerem-se escravos nas guerras em que combatiam, e tendo Hideyoshi descoberto que no Sul do Japão se vendiam em grande número escravos japoneses a portugueses, interdita esse comércio sob pena de morte.*” [According to the Jesuits, it was not usual in Japan to make slaves in the wars they waged, and upon discovering that in Southern Japan great numbers of Japanese slaves were being sold to the Portuguese, Hideyoshi bans this trade under pain of death.]. Sousa’s reading ignores Jesuit sources and previous studies that affirm the opposite, such as Fróis’s *Tratado das Diferenças* and historiography that points to the contrary interpretation. For example, Thomas Nelson’s and Fujiki Hisashi’s works. See SOUSA, Lúcio de. “Dom Luís de Cerqueira e a escravatura no Japão em 1598.” *Brotéria*, 165. Braga, 2007, p. 248; FRÓIS, Luís. *Europa / Japão, um diálogo civilizacional no século XVI*. Lisbon: Comissão Nacional para as Comemorações dos Descobrimentos Portugueses, 1993; FUJIKI Hisashi. *Zōhyōtachi no Senjō – Chūsei no Yōhei to Doreigari*. Tokyo: Asahi Shinbunsha, 1995, 2005; NELSON, Thomas. “Slavery in Medieval Japan”. In: *Monumenta Nipponica*, vol. 59, No. 4 (Winter, 2004), p. 467.

common in Kyushu than in the rest of Japan in this period. However, Cerqueira reminds the reader that it has been eleven years of peace in the region – *onze años que nelles não ha guerras* – since Hideyoshi had conquered the island in 1587. Effectively, in his *Adiciones...*, Valignano also praised the state of things in Japan since the end of the military campaigns promoted by Hideyoshi.

*“Finalmente este Kwampakudono con su esfuerzo, prudencia y gran gobierno tiene reducido este Japón a perfecta monarquía, obedeciendo todos los señores a él y viviendo entre sí en mucha paz sin haber quien contra ningún otro levante guerra, porque ya entienden todos que son vasallos y súbditos y que a ellos no pertenece hacer guerra a otros, mas recurrir a él como a su príncipe para determinar sus diferencias [p. 367] entendiendo que si hiciesen otra cosa serían muy rigurosamente castigados y destruidos de él. Y así vive agora Japón en suma paz sin haber en este tiempo ni guerras ni levantamientos ni traiciones, ni muertes, de pueblos unos contra otros, ni corsarios en la mar, de que estaba en otro tiempo lleno Japón, ni hay otros tributos y violencias ni sinrazones que los señores hacían en otros tiempos a los que pasaban por sus tierras, porque Kwampakudono lo franquó todo, y así todos van por todas las partes de Japón seguros por mar y tierra.”*¹⁴⁴²

[Finally, this Kanpaku-dono, with his effort, prudence and great government, subjected the whole Japan to a perfect monarchy, with all lords obeying him and living among each other in peace, with no one trying to wage war against others, because everybody understands they are vassals and subjects and that it is not their prerogative to wage wars against others, but to resort to him [Hideyoshi] as his prince to solve their differences, understanding that if they acted differently they would be severely punished and destroyed by him. And now Japan is in complete peace, with no wars, unrests, or treasons in this period, nor deaths, nor villages against each other, nor sea corsairs, which in other times Japan was filled with. There are no other unreasonable tributes and violence which the lords used to subject those passing through their fiefs in other times, because Kampaku-dono took measures against it, and thus everybody can travel safely through all parts of Japan by land and sea.]

Here the bishop explains how the conquest had followed Japanese rules of war: instigating uprisings, and inciting local lords against each other. According to Cerqueira, this custom had been introduced more than three hundred years before, from which emerged the view that the strongest rulers could take territories from weaker lords either by force or by deceit. Thus, the bishop repeats the argument presented by the missionaries in their questionnaire and reiterates the impossibility of ruling the justice of a conflict in

¹⁴⁴² ALVAREZ-TALADRIZ, José (ed.). *Adiciones del Sumario de Japon*. Tokyo: Private edition, pp. 366-7.

Japan by the moral theological standards available. For that reason, he concludes it was impossible to define which slaves were legitimately captive. Here Cerqueira parts ways from the original proposition made by the Japan Jesuits: while they still believed that the *possidentis* principle and good faith were enough to justify *dominium* over human beings in Japan, as well as those captured by lower-class warriors were legitimate, the bishop decided in favor of absolute impossibility.

Cerqueira then speaks of how Portuguese merchants bought Japanese slaves with little or no examination on their legitimacy. Here, the bishop goes back to expose how the Jesuits analyzed the wars before his decision. As reported by the text, some offensive or defensive wars had been considered just in the past, and those taken captive in these conflicts were sold to the Portuguese with approval of the missionaries. The problem with this method was that, as related by the other presents in the gathering, many prisoners were taken in unjust wars and brought to be sold cheap in Nagasaki. Under threat of death by their sellers, these prisoners rehearsed appropriate answers to give the Portuguese merchants. However, after being sold, they would confess they had been deceived and instructed. This account is used by Cerqueira to show the ineffectiveness of the system put in place by the missionaries, and to confirm the impossibility to confirm the justice of war and legitimacy of enslavement in Japan.

The bishop also describes the same custom showcased by the questionnaire, which refers to the enslavement of wives and children of criminals in Japan. Next, he speaks of those who, upon fleeing their families and taking refuge in the local lord's quarters, would become servants. Last, he mentions people enslaved because of debt created by their parents. According to Cerqueira, all these three sorts of servants were either unjust or carried notable doubts concerning their legitimacy. Also, all of these were sold as legitimate slaves by dubious brokers who purposefully covered their illegitimacy.

Cerqueira's list continues by assessing the issue of parents selling their children to slavery out of necessity. As we have seen before, Francisco Rodrigues, the Rector of the Goa College, considered this legal in case of extreme necessity.¹⁴⁴³ In Portugal, the debate concerning these transactions resulted in the use of two terms to qualify necessity: great and extreme.¹⁴⁴⁴ The problematic use of these two terms in Portuguese legislation was apparently well-known by D. Luís de Cerqueira, as the Bishop employs both to describe the state that led parents to sell their children in Japan. That alone is an indication of the reach and impact of the debate on Brazilian slavery developed in the 1560s. The first criticism the bishop made was directed at the reasons behind said necessity. While at the same time safeguarding the honor of Japanese Christian lords, Cerqueira said that these parents would be led to subject their children to slavery because they could not pay

¹⁴⁴³ Codex 805, f. 97.

¹⁴⁴⁴ EISENBERG, José. 'A escravidão voluntária dos índios do Brasil e o pensamento político moderno'. In: *Análise Social*, vol. XXXIX, 170. 2004, pp. 16-9.

taxes demanded by non-Christian Japanese lords. However, the problem he had in Japan was that gentile rulers were creating this situation. A similar criticism was also made against Spaniard land-owners in the Phillipines by local missionaries during this same period, who would blame the surge in enslavements on the abusive taxation.¹⁴⁴⁵

On the other hand, the problem of definition of necessity also permeates this discussion. Cerqueira indicates that some children were sold not out of extreme necessity, but rather of great necessity. The issue here is relativism: given the local living standards, the Japanese were supposedly able to live in conditions that could be deemed extreme in other areas but were rather ordinary in the archipelago. In the end, children that went through these doubtful and problematic processes ended up being purchased by Portuguese merchants. Once more, the bishop criticizes the buyers for their carelessness on examining the enslavement and whether the necessity alleged by their parents was in fact extreme or great, or if these issues that led Japanese to sell their children could be addressed in any other way. The central criticism drawn by Cerqueira here is in regard to the conditions imposed by heavy taxation and the lack of rigor on the part of Portuguese merchants. This is clear by the amendment made by the bishop on the document. When describing Japanese parents selling their children to address their difficulties, the word “*licitamente*” is written over the text, indicating that, to Cerqueira, this method was, at least in principle, legitimate. The issue was, really, the conditions that caused this situation.

Next, Cerqueira deals with the issue of voluntary servitude, which here most probably refers to the practice of *nenkihōkō* 年季奉公 in Japan. The bishop makes it clear that the Japanese fulfilled all the conditions prescribed by moral theology for voluntary servitude, as for example the six points defined by Silvestre Mazzolini.¹⁴⁴⁶ Nevertheless, the problem here resided on the intentions of the voluntary servants: in Cerqueira’s opinion, many or most of them had little information regarding the kind of servitude that was expected from them, or would sell themselves for monetary reasons or, upon arriving in Macao, run away from their masters into the Chinese countryside. This reminds us of a letter written in March 1595 by Franciscan Friar Jerónimo de Jesús, who comments that “*no es credible lo que aquí passa y las importunaciones que nos hazen para ir de Japon*”¹⁴⁴⁷ [it is unbelievable what they [the Japanese] do and how they harass us to leave Japan.] The bishop also warns that these fugitives would become gentiles, thus undermining the argument in favor of slavery in exchange for Christian indoctrination.

¹⁴⁴⁵ NUCHERA, Patricio Hidalgo. *Encomienda, Tributo y Trabajo en Filipinas – 1570-1608*. Madrid: Universidad Autónoma de Madrid, 1995, p. 205.

¹⁴⁴⁶ Summa Silvestrina, verbo *De servitate, et servo*, 3.

¹⁴⁴⁷ PÉREZ, Lorenzo. *Fr. Jerónimo de Jesús: Restaurador de las Misiones del Japón – sus cartas y relaciones (1595-1604)*. Florence: Collegii S. Bonaventurae, 1929, p. 47.

Cerqueira indicates other failures of the Japanese voluntary servitude system: some would not receive any share of the price paid for their services, which was against the precepts of moral theology; others sold themselves into servitude because were not able to be hired in exchange of wages by the Portuguese, wishing only to pass to Macao. As result of these devious practices, Cerqueira declares that many Portuguese would not buy slaves in the same amount they did before. The bishop concludes that all these factors show how rare was legitimate servitude in Japan, and how many doubts could be cast on the legitimacy of these slaves. As the Jesuits had an active role in intermediating these transactions, Cerqueira was faced with the dilemma imposed by the doubts concerning legitimacy. Was he to follow the missionaries's original idea and favor the owner? Or was he to take a different approach? This is the point where Cerqueira parts ways with the Japan missionaries and fires the final blow against their proposals.

The Visitor represented a stance taken by many since Domingo de Soto's defense of the *possidentis* principle to solve issues regarding slavery, which favored the release from the observance of precepts when there was equality of doubt.¹⁴⁴⁸ In the case of slavery, as there was no way to affirm with certainty the legitimacy of slaves taken in Japan, the owner of the servant – that is to say, his buyer – was to be favored in a dispute against ecclesiastical power. In sum, in face of serious doubt regarding the legitimacy, the topic was entirely avoided to favor the owner of the slave. On the other hand, Cerqueira had a different approach. The bishop was inclined to return to the Gratian solution, that is to say, to favor the servant – *favore libertatis* – even if that meant a solution detrimental to the master's authority.¹⁴⁴⁹ That is clear at the end of the section, where Cerqueira concludes that “(...) *sendo assi[m] que he a comum opinião dos dd[ou]res que neste negoceo de catiueiro nos auemos sempre de inclinar en fauor da liberdade.*” [thus it is the common opinion of the doctors that in this matter of captivity we should always incline ourselves in favor of liberty.]

The theoretical clash between the missionaries's position and Cerqueira's is a reflection of the wider debate going on inside the Jesuit order by the end of the sixteenth century. With the abandonment of Tutorism in favor of Probabilism, the ideas of Polanco were left behind, and this vacuum was to be filled with new manuals. From this point of view, we can understand the 1592 questionnaire and Cerqueira's proposals as part of the process to elaborate new confession manuals adapted to the reality of Japanese Christianity. The missionaries's stance is, thus, a profoundly probabilistic one. It allowed for the illegitimacy of slavery to be ignored in favor of the owner, allowing the passage

¹⁴⁴⁸ LEA, Henry Charles. *Op. cit.*, p. 305; SCHÜßLER, Rudolf. *Op. cit.*, p. 156.

¹⁴⁴⁹ GILCHRIST, John. “The Medieval Canon Law on unfree persons: Gratian and the decretist doctrines c. 1141-1234”. In: *Studia Gratiana* XIX. Rome: University of Bologna, 1976, p. 277. See list by GARCÍA-AÑOVEROS, *Op. cit.*, p. 17.

from “*speculative certainty to moral certainty*”.¹⁴⁵⁰ In this sense, their practice was probably influenced by Bartolomé de Medina’s ideas, the Dominican who in a 1577 commentary on the Aquinas’s *Summa Theologiae* formulated Probabilism. Although the first Jesuit to defend Probabilism was, as pointed by Zagorin, Gabriel Vázquez, the Spanish theologian who supported the missionaries’s responses to the issue of Japanese slavery, it seems that authorities overseas were already putting Medina’s propositions in practice before Vázquez’s official endorsement.¹⁴⁵¹

On the other hand, Cerqueira’s position can be understood as a more rigorous stance. In the case of Japanese slavery, Cerqueira tended to favor freedom – *libertas*. His justification is that the chance of illegitimacy regarding the method of enslavement was too great to be ignored. This is the central argument in Cerqueira’s understanding of the issue of Japanese slavery. In this sense, while the missionaries’s proposal was an abandonment of the rigid stance of Tutorism in favor of a more malleable position, which could justify even less probable choices and, for that matter, more modern in regard to its approach to moral theology in general, Cerqueira’s was a more conservative position. Nevertheless, the Bishop must not be seen as a conservative or retrograde thinker himself – his response to slavery in Japan was directly influenced by the requests of his superiors in Europe. The reasons for his rigor can be found in the circumstances surrounding the mission itself, as the Jesuits could not afford anymore to keep a Probabilistic relation with slavery as it threatened the integrity of the mission. Nevertheless, Cerqueira’s general stance during his prelacy – including the publication of Sá’s *Aphorismii*, as we will see later – is closer to the missionaries’s than what one may conclude from his resolution of the issue of slavery.

But the gathering did not end by condemning Japanese slavery only from the side of the enslaved individuals. There were other consequences to the participation of Jesuits in the trade. The second reason presented by Cerqueira refers to the problems risen from the missionaries’ intermediation of these transactions. As stated by him, when the Bishop and the missionaries meddled with slave trade they became heinous for Japanese in general, Christians or not. In his opinion, the local population and the administration – referencing here Hideyoshi’s criticism to the trade – could not stand to witness their own fellow countrymen being taken away by foreigners. The bishop does not develop this argument further, nor even warns against the physical threats that missionaries could face because of their participation in the slave trade. The way he decided to include the social consequences slave trade could have for the relations established between the

¹⁴⁵⁰ The quotation is from Maryks’s explanation of a similar process proposed by Francisco Suárez. MARYKS, Robert Aleksander. *Saint Cicero and the Jesuits – The Influence of the Liberal Arts on the Adoption of Moral Probabilism*. Hampshire, UK and Rome: Ashgate and Institutum Historicum Societatis Iesu, 2008, p. 117.

¹⁴⁵¹ On Medina and Vázquez, see ZAGORIN, Perez. *Ways of Lying – Dissimulation, Persecution, and Conformity in Early Modern Europe*. Harvard University Press, 1990, pp. 161-2.

missionaries and the locals is rather blunt. However, considering the amount of material reporting the persecution suffered by the Jesuits in Japan, it probably was not necessary to go any further with the issue.

The third reason used by Cerqueira to defend his argument was the behavior of Portuguese merchants buying slaves in Japan. In the opinion of the bishop, these merchants gave bad examples and provoked much scandal among the Japanese with their behavior.¹⁴⁵² The first point is the transformation of the slave trade in a large-scale business. Cerqueira says that, as the profits were high, the merchants would buy as many slaves as they could, without caring for any exam of legitimacy. The dimension of the trade is illustrated by the mention that even “*os Lascars e moços dos portugueses*” [soldiers and servants of the Portuguese] would buy slaves. The result was that many would die in the trip to Macao, as they would be thrown into the ship’s hull one over the other. Many slaves would fall sick because of the conditions of the ships, and their masters were sometimes “*cafres e negros dos portugueses*” [Kaffirs and Blacks of [owned by] the Portuguese] who would ignore the sick or were not able to help them. The result was a large rate of slaves killed during the passing to China.

The second bad example given by the Portuguese merchants was their sexual conduct with female slaves. The bishop explains that the merchants would live illicit relations with these slaves, out of wedlock, after buying and taking them in their personal chambers in the ship to Macao. As claimed by Cerqueira, even the non-Christians would be appalled by their debauchery and conduct.

Third, there was the problem of slaves conditioned by temporary servitude resold into perpetual slavery. The Bishop accuses the Portuguese of discarding their licenses stipulating their service period. Also, these slaves could be subjected to perpetual slavery because their service period had ended. The justification given by the Portuguese was that if they were not kept in slavery, they would be helpless in Macao – the men would become thieves, attacking Chinese who came from villages with foodstuffs to the port-city, while the women would become prostitutes. Whether their condition was lost during the procedures of the slave trade or out of personal interests, the Bishop undermines the validity of the license system, thus reducing the participation of the missionaries in the process as a façade hiding abuses.

Fourth, the Portuguese would ignore ecclesiastical punishments, thus threatening episcopal authority and the influence of missionaries in Japan. The Bishop asks for a complete shutdown of the trade. In his opinion, even if there were excommunication

¹⁴⁵² The Franciscan Friar Jerónimo de Jesús also draws attention to the difficulties in converting Japanese in Nagasaki risen from “*los malos exemplos de los que vienen de fuera*” [the bad examples given by those who come from overseas.] PÉREZ, Lorenzo. *Fr. Jerónimo de Jesús: Restaurador de las Misiones del Japón – sus cartas y relaciones (1595-1604)*. Florence: Collegii S. Bonaventurae, 1929, p. 51.

orders in place, if licenses were enacted the initiative would fail. Portuguese merchants would continue to abuse them. The main point made here by Cerqueira is that, even if the excommunication was published, the license system had to be abolished in its entirety. On the authority of the Bishop, one of the abuses made by the Portuguese was that they would leave Japan before their confessions, that is to say, in the middle of Lent. Thus, he scratches from the start the possibility of using the excommunication to regulate and strengthen the Jesuit license system.

After exposing the bad examples given by the behavior of Portuguese in Japan, Cerqueira responds to each of the arguments used by the merchants to favor the slave trade. First, he explains that the Portuguese upheld that upon purchasing Japanese and Koreans they “*os librão de hu misarauel catiu[eir]o p[ar]a outro brando.*” [were freed from a miserable captivity to another more lenient.] This is a reference to Valignano’s argument in favor of the tolerable slavery, which classified the situation of servants under Portuguese masters as milder when compared to those serving non-Christians. Cerqueira replies by demonstrating that Japanese masters were not crueler than the Portuguese, but rather they would treat their slaves well, marry them with their daughters or relatives, and the slaves had access to anything they needed, including manumission whenever it was possible. In comparison, according to the Bishop, the Portuguese would brand their slaves with hot iron, as well as reducing temporary servants to perpetual slavery, exposing them to secular and spiritual evils.

Next, the Portuguese argument that if they did not buy the slaves, they would be killed by their sellers. To this Cerqueira replies that this was a rare occasion. Whenever it happened, if it happened, it was because if the slaves had been kidnapped, their kidnappers could be punished with death. Afraid of being found out, sellers could, theoretically, kill slaves. But Cerqueira gives little credit to this possibility, discarding the argument with no further explanation.

The Portuguese also defended that if they did not buy the enslaved Japanese, the people would be ultimately bought by non-converted Chinese, Siamese and Patanes and taken away from Japan. The same argument had been used by the Jesuits a decade before, when questioned by Hideyoshi Gaspar Coelho replied that instead the Kanpaku should focus on legislating against local lords who allowed the trade to continue. Cerqueira takes a different stance. First, he gives a short and blunt reply: “*non sunt facienda mala, ut eueniant bona.*”, that is to say, “*never do evil that there may come good.*”¹⁴⁵³ What the

¹⁴⁵³ This was originally a passage from St. Pauls letter to Romans, 3: 8 – “*et non sicut blasphemamur et sicut aiunt nos quidam dicere faciamus mala ut veniant bona*” – which was later adapted as a moral principle by Aquinas in his *Super Sententiis* lib. 4 d. 6 q. 1 a. 1 qc. 1 ad 4: “*Ad quartum dicendum, quod non sunt facienda mala, ut veniant bona, sicut dicitur Rom. 3; et ideo homo potius debet dimittere perire infantem quam ipse pereat, homicidii crimen in matre committens,*” in the *Summa Theologiae* II^a-II^ae q. 33 a. 6 arg. 3 “*Praeterea, secundum apostolum, ad Rom. III, non sunt facienda mala ut veniant bona. Ergo, pari ratione, non sunt praetermittenda bona ne veniant mala,*” and a longer discussion on *Super*

Bishop means here is that there is no way to assume that buying Japanese slaves was good or justifiable – it was, necessarily, an evil act or, as put by Franciscan theologian Cornelio Musso, *mendacia* (falsehood) or *iniustitias* (injustices).¹⁴⁵⁴ By resorting to the Pauline and Thomasian principle, Cerqueira is in fact radically characterizing the trade of Japanese slaves as an abominable and condemnable practice. Secondly, he explains that even when the Portuguese were purchasing slaves it did not stop merchants from other nations to buy their share of Japanese slaves – in the opinion of the Bishop, there were enough captives for all merchants. The real solution would be, in Cerqueira's opinion, to make it more difficult for the Portuguese to purchase slaves. If that were to happen, other merchants would cease buying slaves. Conforming to the text, the Portuguese were more generous in the amount paid for the servants, and if they were to stop sellers would charge more the non-Christian merchants, thus making the whole market collapse. In the end, it would be easier then to prohibit first the Portuguese merchants from buying slaves to later on address the issue with merchants from other regions. It is interesting to notice that while Gaspar Coelho believed in 1587 that the solution was to address the issue with local rulers, Cerqueira was not afraid of any trespassing of jurisdiction, rather suggesting the solution was legislation directly addressed at the Portuguese merchants.

The following argument presented by the Portuguese was that of Christian charity. They alleged that by purchasing Japanese and Korean slaves they would be taking these men and women out of their state of infidelity – that is to say, gentility. Also, Portuguese masters could use the service of these slaves for a limited period, making it a win-win situation. Cerqueira does not accept this argument, rather suggesting that by forbidding these transactions there would be greater goods and lesser evils. The Bishop says that as the Christian community was already large enough in Japan, there was no need to resort to slavery as a means of conversion and indoctrination.

Up to here, the text is explicitly addressing the complaints and arguments presented by Portuguese merchants. But in the following section, the focus of Cerqueira's rebuttal seems to change, as the arguments analyzed seem to be made by a different source. Using the very unclear indefinite pronoun *alguns*, the Bishop indicates that some people have defended that there were no church doctors reproving the temporary servitude backed by the Jesuits. Cerqueira must be referring to the theoretical framework defended by the missionaries in support of their participation in the slave trade. The Bishop counterarguments that this type of servitude was very rare in the world and estranged by

Romanos, cap. 3 l. 1. The Tomistic form was the one preferred by summists. For other authors and the use of the principle in canon law, see also GARCÍA-AÑOVEROS, Jesús. *Los argumentos de la esclavitud*. Digital document available at <<http://www.larramendi.es/es/consulta/registro.cmd?id=1137>>, 2000, p. 5 [accessed in 21 October 2013].

¹⁴⁵⁴ See MUSSO, Cornelio. In *B. Pauli Apostoli Epistolam ad Romanos*, cap. 3.

many, and as far as the Jesuits knew it had been adopted in Japan relatively recently.¹⁴⁵⁵ Temporary servitude, or the temporary enslavement, has been established by Roman law, for example for debt-slaves.¹⁴⁵⁶ Even though the system of temporary servitude had been mentioned by theologians before, Cerqueira's interpretation is that their purpose was not to justify the temporary enslavement of any gentile nation in the world, but rather to admit only few and very particular cases.

After rebuking the theological argument favorable to temporary servitude – foundation on which the license system was put in place by the Jesuits – it was time to strike the final blow to the practice used by the missionaries since the time of Cosme de Torres. The Bishop explains that, up to that moment, the main argument in favor of using the permit system was that it was the lesser of two evils: the priests could not prevent the trade, thus considering it would be better for the enslaved individuals they allowed them to be purchased by the Portuguese. As stated by Cerqueira, this practice had also been endorsed by the Bishops of China during the time they had jurisdiction over Japan. But after his arrival, considering all the inconveniences born out of this practice and the evils that it entailed, it was time to put an end to the license system.

Concluding his three main reasons, the text goes back to the topic of social impact. Now, the focus is on the legislative and administrative actions taken against the slave trade by the Japanese authorities. The section opens mentioning Hideyoshi's law, which forbade purchased people to be taken away from Japan, a crime punished by death. Cerqueira's interpretation was that Hideyoshi did not forbid the enslavement of people *per se*, but rather its trade and transportation overseas. This law affected directly not only the Portuguese, but all the other *Nanbanjin* mentioned as ordinary buyers: Siamese and Cambodians, in the 1580s, Chinese, Siamese and Patanes at the end of the 1590s. The Bishop considered this a just law, which means that it probably filled the prerequisites established by Cajetan and repeated afterwards by Francisco Rodrigues in judging the justice of legal codes.

Cerqueira explains that the law had been enforced, and offenders had been executed in Nagasaki. As reported by the Bishop, a few Japanese, slave sellers and brokers, had been executed. One of them was crucified right next to the area used by the Portuguese to embark and disembark from their ship. The greatest risk was posed by the Japanese legal principle of *ryōseibai* 両成敗, according to which both seller and buyer of a prohibited transaction were to be executed. The threat was real. Cerqueira describes

¹⁴⁵⁵ Effectively, this period witnessed the passage from Japanese slavery to temporary servitude. MORIMOTO Masahiro. "Jinshin Baibai". In: KAWAKITA Minoru (ed.). *Rekishigaku Jiten 1 – Kōkan to Shōhi*. Tokyo: Kōbundō, 1994, p. 437-8. See also MIZUKAMI Ikkyū. *Chūsei no Shōen to Shakai*. Tokyo: Yoshikawa Kōbunkan, 1969.

¹⁴⁵⁶ See JACKSON, Bernard S. "Biblical Laws of Slavery: a Comparative Approach." In: ARCHER, Léonie (ed.). *Slavery and Other Forms of Unfree Labour*. London and New York: Routledge, 1988, p. 89.

how Terazawa Hirotaka had enacted an order warning that Hidetoshi's law was to be fully enforced. The Bishop considers that if a Portuguese was executed by the Japanese, it would be to great dismay of the Portuguese people. Also, Cerqueira warns that Hideyoshi had his eyes on the Portuguese trade and the ship from Macao, and he could confiscate it as he did with the *San Felipe* galleon. Thus, the execution of a Portuguese could threaten both the Macanese merchants and the Portuguese in India, as well as the mission itself and the relations between the Portuguese crown and the Japanese administration. Because of the warning sent by the *otona* 乙名 or ward elders of Nagasaki to the representatives of the Portuguese enclave in China, which we mentioned previously, Portuguese captain Nuno de Mendonça had arrived in Japan with instructions to not allow the transportation of slaves purchased in Japan.¹⁴⁵⁷

In the conclusion, the text mentions the rigor of the Japanese law, as well as all the inconveniences born out of the slave trade mentioned before, as the main reasons behind the Bishop's decision to renew the excommunication letter enacted before by D. Pedro Martins and before him by one of the Bishops of China, probably D. Leonardo de Sá, Martins' predecessor.¹⁴⁵⁸ The second decision was that Cerqueira would send a representative to the Portuguese court in order to lobby for the reenactment and enforcement of D. Sebastião's *alvará* on Japanese slavery, first enacted almost thirty years earlier.

In sum, the September 4th 1598 gathering of the Jesuit missionaries with the newly arrived Bishop D. Luís de Cerqueira took three decisions: renewing the excommunication order enacted before by D. Pedro Martins, ending the enactment of licenses by the Japan Jesuits for slave buyers, and lobbying the Portuguese monarch to reenact D. Sebastião's law on Japanese slavery. However, while the 1570-71 law ended up creating the necessary conditions for the Jesuits to enact legitimate permits for Japanese slaves, the situation was very different by the end of the sixteenth century. With the Jesuits officially giving up on intermediating the trade, the issue of legitimacy would be left to secular justices. But, by enacting the excommunication, the Bishop effectively closed all possibilities for legitimate and legal purchases of slaves in Japan by Portuguese merchants.

When Gil de la Mata arrived in Japan carrying the answers given by Vázquez to the missionaries's questionnaire, as well as decisions obtained from the Jesuit Superiors, the papers brought had a decisive influence on Cerqueira's response to the challenge posed by Japanese slavery. The Visitor wrote in a letter in October 20th 1598:

¹⁴⁵⁷ Cortes 566 (actual 9/2666), maço 21, ff. 275-275v.

¹⁴⁵⁸ See SOARES, Kevin Carreira. "Os Bispos de Macau (1576-1782). Master's dissertation submitted to the University of Coimbra, 2015, pp. 46-7. Sá, brother of the Order of Christ, had a very difficult relation with the Jesuits, which may explain the little impact his excommunication had.

“Quanto a lo q[ue] toca al catiuero de los Japones y las raçones q[ue] V.P. desea q le escriuan yo trate largam[en]te sobre ello con el p[adr]e Obispo Don Luis y el lo trato con los p[adr]es de la consulta general q[ue] hizo y con parecer de todos visto tambien este capi[tu]lo q[ue] V.P. me escribio se resolbio en prohibir estas compras y vendas con pena de descomunión y con mucha raçon aunq[ue] con grande sentim[ien]to de los portugueses q[ue] deseavan llevar muchos este año conprados para Macan mas esta prohibicion no se poden llevar muy adelante si en ello no intervinieren tambien el braço Real y por esto el Obispo escribe sobre ello al ViRey y Arçobispo de Goa y a su Mag[esta]de y el p[adr]e procurador quando fuere llevara a V.P. las iustas raçones (...).”¹⁴⁵⁹

[As for the captivity of the Japanese and the explanations Your Paternity asked to be written, I discussed it extensively about it with the Father Bishop Dom Luís de Cerqueira, and he discussed it with the Priests in the general consultation he held. And with the approval of them all, seeing the chapter Y. P. wrote me, it has been decided to forbid these purchases and sales under pain of excommunication, and rightly so, although this decision was received with much regret on the part of the Portuguese, who wished to take many [slaves] purchased this year to Macao. But this prohibition cannot work on much longer without intervention from the Royal power. For that reason, the Bishop wrote about it to the Vice-Roy, the Archbisho/p of Goa and the Your Highness, and the Procurator Father [Gil de la Mata] will take these just reasons to Your Paternity when he goes there [to Europe.]]

Acquaviva’s weighed on the change of principles and finally on the decision for a complete prohibition of the slave trade in Japan. Thus, it is hard to believe Cerqueira was acting out of sensibility to this issue or concern regarding Japanese legislation and legal actions against the Portuguese and the missionaries, as it has been suggested by previous researchers.¹⁴⁶⁰ He arrived already commissioned to put an end to the activity. The arguments defending and supporting the trade brought by the Procurator Gil de la Mata would ultimately fall on deafened ears. The issue of slavery was not restricted to the structure of the mission alone or to a theological debate anymore – express orders from the higher echelons of the order had seemingly decided its fate already.

Valignano and the Japan Jesuits had shown it was impossible for episcopal authorities to curtail these practices without collaboration from the aid of the secular

¹⁴⁵⁹ JapSin 13-I, f. 193v.

¹⁴⁶⁰ See COSTA, João Paulo Oliveira e. *Op. cit.*, p. 311.

justice. That made Cerqueira write to the Vice-Roy, the Archbishop in Goa and the king himself. The next step for the Jesuits was lobbying the crown.

Lobby the crown

As Valignano left Nagasaki by the end of October, before the smaller junk of Nuno de Mendonça and an Indian carrack,¹⁴⁶¹ the Jesuits wrote about the decision. In a letter dated October 3rd 1598, Francesco Pasio praised the new Bishop for his determination in extinguishing the slave trade with the Portuguese:

“Ouue ateguora e[m] Japaõ huã desordem, que nu[n]ca se pode perfeitamête remedear, q[ue] foi quererê cada año os Portugueses tornarê p[ar]a Machao carreguados de moços, & moças Japoas, & isto cõ m[ui]ltas, e diuersas offenças de D[eu]s nosso S[enh]or que isto traz cõsiguo. O Bispo Dô Luis cõ ter este o prim[e]iro ano que ca passou, & estar recolhido sê se manifestar, como dito ha, se tê posto a querer totalmête remedear isto, & alem de o prohibir, cõ poena de excomunhão, e outras, esteue tam êteiro nesta parte, que cõ nenhuã pessoa, nê ainda cõ o Capitão mor, quis dispêsar p[ar]a leuar nê hu[m] soo, cõ o qual rigueur, & inteireza cõfiamos hauerse de tirar totalmête este abuso, & que, como não ouuer quê os cõpre, não hauera quê os furte, ou enganosa[m]te os traga a uender, & como os pri[n]cipios deste bô pastor seião tam excellêtes, cõfiamos que o progresso també sera m[uit]o feliz, & q[ue] sera p[ar]a grande bem da Christandade, & de todo este reyno.”¹⁴⁶²

[Until now, there was in Japan a disorder that wasn't possible to entirely remediate, which is that every year the Portuguese would return to Macao loaded with Japanese young men and women, something entailing great offenses to Our Lord God. The Bishop Dom Luís de Cerqueira, as it was his first year here and he was retreated without manifesting himself, as we have written, decided to completely remediate this situation, and besides forbidding it under the pain of excommunication, and other punishments, he has been so resolute that no person, not even the Captain Major, he has allowed to take away not even a single [slave], so rigorous and thoroughly that we trust this abuse will be entirely finished. And as there will be no one to buy them [slaves], there will be no one kidnapping or deceitfully bringing them to sell. And as the principles of this pastor are so

¹⁴⁶¹ COSTA, João Paulo de Oliveira e. “A route under pressure: Communication between Nagasaki and Macao (1597-1617). In: *Bulletin of Portuguese-Japanese Studies*, núm. 1. Lisbon: Universidade Nova de Lisboa, 2000, p. 85.

¹⁴⁶² JapSin 54, ff. 12-12v.

excellent, we trust the progress will also be very fortunate, which will be for the good of the Christianity and all of this kingdom.]

After the document was finished, it was sent to Portugal, probably on board of one of the two vessels that left Nagasaki in the end of October.¹⁴⁶³ Cerqueira wrote a letter dated October 1st 1598 to the king, where he gives his account of the gathering.¹⁴⁶⁴ In another letter written in February 20th of 1599 to the Jesuit Provincial of Portugal, Cerqueira comments that he had already sent the minutes to the king.¹⁴⁶⁵ A new copy of the minutes of the meeting was taken by Gil de la Mata, who again was commissioned to head to Europe. The procurator set sail on board of Nuno de Mendonça's junk in February 26th 1599, but the vessel sank.¹⁴⁶⁶ The letter written by Cerqueira on the 20th opens mentioning the decision regarding the slave trade, and it is worthy to reproduce here:

“O anno passado mandei a Sua Magestade um assento, que aqui se tomou sobre as injustiças e encargos de consciência, que concorriam nos captivos dos Japões, e corias que cada anno d'aqui levavam os portuguezes com uma sêde insaciável, que têm de levar esta gente comprada por pouco mais de nada, fazendo d'isto mercancia, com muito escândalo d'esta christandade. Puz aqui este anno passado uma excommunhão, como todos os annos se costumava a pôr, prohibindo que ninguém os levasse sem licença, e como tive mão em até agora a não dar a ninguém, nem ao mesmo capitão mór da viagem, por de se darem estas licenças succeder não se guardarem as dictas excommunhões, levando todos quantos mais moços e moças podiam, ha agora grande emenda 'nesta parte, mas, para de todo se cerrar esta porta, tenho pedido a Sua Magestade confirme a provisão d'el-rei D. Sebastião, que Deus haja, que sobre isto está passada, mas não guardada 'nestas partes. Agora torna o padre Gil da Malta a levar este assento, que v. r.^{ma} poderá vêr, e tractando-se ahi na meza da consciência este

¹⁴⁶³ João Paulo Oliveira e Costa makes an in-depth analysis of the other ways used by the missionaries to communicate with Europe apart from the ship between Macao and Nagasaki. See COSTA, João Paulo de Oliveira e. *Op. cit.*, p. 85.

¹⁴⁶⁴ SOUSA, Lúcio de. *Diáspora e Escravatura Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, pp. 142-3.

¹⁴⁶⁵ See letter reproduced in *O Instituto – Jornal Científico e Literário, Nono Volume*. Coimbra: Imprensa da Universidade, 1861, p. 135.

¹⁴⁶⁶ COSTA, João Paulo de Oliveira e. *Op. cit.*, p. 85. Gil de la Mata also carried with him other instructions and inquiries, but the Bishop had been careful enough to send copies in other ships as well. See *O Instituto – Jornal Científico e Literário, Nono Volume*. Coimbra: Imprensa da Universidade, 1861, p. 136. In 1599, the Jesuits were not sure whether the Procurator had died, so Cerqueira wrote the general of the order that another procurator should be chosen in Europe for their business. Finally in 1600, they were informed of Gil de la Mata's fate when the ship from Macao arrived bringing the news. See JapSin 20-II, ff. 64 and 70.

negocio, não deixe v. r.^{ma} de o favorecer, pois é em serviço de Deus e em bem d'esta christandade."¹⁴⁶⁷

[Last year I sent Your Majesty a decision which was taken here apropos of the injustices and burdens of consciences incurring from the enslavement of the Japanese and Koreans that every year the Portuguese would take from here with the relentless thirst they have of taking this people purchased for little more than nothing, making a trade out of it, with much scandal to this Christianity. I enacted here this year an excommunication [order], as it was usually done every year, forbidding anyone to take them [slaves] away without a license. I have been careful enough until now to not give [licenses] to no one, nor even the captain major of the trip, because by enacting such licenses the said excommunications would not be respected, and men and women would be taken away, as many as possible. Now we have here a great solution for this issue, but, in order to definitively close this door, I have asked Your Majesty to confirm the provision enacted by king D. Sebastião, may God rest his soul, which had been enacted regarding this issue but has not been observed in these areas. Now, Father Gil de la Mata will return taking this decision, which Your Reverence will be able to see, and taking this business up to the Board of Conscience, do not fail in favoring him, because it is service of God and for the good of this Christianity.]

There are two interesting points that must be observed here regarding the excommunication order: first, Cerqueira affirms that it was enacted every year; second, it allowed, in principle, the emission of licenses for purchased slaves. The fact that the excommunication had to be enacted and renewed every year is interesting because it denotes that, if the Bishop for any reason would find himself absent from his diocese, the policy could be discontinued. So, the fact that Cerqueira spent sixteen year in the archipelago, and that he insisted on the enforcement of the law, may indicate that the excommunication kept being continuously enacted by him every year. Secondly, the excommunication did not, in fact, excluded the possibility of the continuation of the license system. Precisely what stopped the system in its entirety was the determination of the Bishop in carry out Acquaviva's orders and curtail the slave trade. Furthermore, Cerqueira confirms that the definitive solution would be the enforcement of the law by the secular hand of justice. Without effective support of the crown, the policy was doomed.

The decision taken by the Bishop and the minutes of the gathering were addressed not only to the Portuguese king himself, but also to the Board of Conscience. Cerqueira

¹⁴⁶⁷ *O Instituto – Jornal Científico e Literário, Nono Volume*. Coimbra: Imprensa da Universidade, 1861, p. 135. Sousa also quotes part of the same letter from Kataoka's transcription, although he gives the wrong page number in her book. See SOUSA, Lúcio de. *Diáspora e Escravatura Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, pp. 143-4; KATAOKA, Inácia Rumiko. *A Vida e a Acção Pastoral de D. Luís Cerqueira S.J., Bispo do Japão (1598-1614)*. Macao: Instituto Cultural de Macau, 1997, p. 207.

expected that highly influential figures of the Jesuit order, such as the Provincial of Portugal, would work in his favor, putting pressure on the Board and the crown to act. In Japan, even though the closest representative of the regal power in the area, the *capitão-mor*, had been instructed by the Macanese chamber to not allow the transport of human cargo from Japan, the merchants had indeed bought a number of slaves, as noted by Valignano in his aforementioned October 20th 1598 letter.¹⁴⁶⁸ In October 25th of 1598, the Visitor wrote the general of the order, Claudio Acquaviva, commenting on the effects felt with the end of the slave trade:

“[D. Luís de Cerqueira] (...) *quitó las ventas y compras de los Japones por catiuos a los portugueses con q[ue] quitó muy grandes pecados y injusticias, q[ue] se hazian prohibiendo lo con rigurosa descomunion lo qual aunq[ue] fue algo sentido de los portugueses por el deseo q[ue] tenían de comprar Japones fue muy bien recibido de los Japones.*”¹⁴⁶⁹

[D. Luís de Cerqueira put an end to the sales and purchases of Japanese as captives [slaves] to the Portuguese. This also ended many great sins and injustices that were committed, forbidding it [the slave trade] with a severe excommunication. This was something deeply felt by the Portuguese, given their wish to buy Japanese, but was very welcomed by the Japanese.]

Valignano praises the decision, even though it meant the defeat of his proposal of tolerable slavery. Although it is unclear the reasons that took the Visitor to give up on his position – incapacity to control the booming slave market? – Valignano applauded the impact the end of the slave trade had on the Japanese society, as it certainly helped improving the image of the Portuguese and the missionaries. Nevertheless, the Portuguese were disappointed.

Cerqueira makes a similar comment regarding local converts. Writing on October 20th, the Bishop comments on the reception of his decision.

“*E particularmente se alegrarão os que o soberão de saberem de hu assento que Eu fiz com parecer dos Padres mais graues, o qual mando a el Rey e ao Viso rej E Arcebispo de Goa dando as razões por onde conuem atalhar as compras e uendas de Jappões E Coreas dos quais hia grande numero cada anno na nao da China, E iuntamente puz hua escõmunhão rigurosa sobre isto, de maneira que creo que cessarão totalmente estas compras E uendas de escauos Jappões.*”¹⁴⁷⁰

¹⁴⁶⁸ JapSin 13-I, f. 193v.

¹⁴⁶⁹ JapSin 13-II, ff. 213-213v.

¹⁴⁷⁰ Jap-Sin 13-I, f. 185v.

[And especially those who heard of the decision I made with the judgement of the most serious Priests rejoiced. I send this decision to the King and the Vice-Roy, as well as the Archbishop of Goa, giving the reasons by which it is more convenient to curtail the purchases and sales of Japanese and Koreans, of which great numbers would go every year in the ship of China. And together I enacted an excommunication order so rigorous on this regard, that I believe it will completely terminate these purchases and sales of Japanese slaves.]

Four days later, the Bishop took the pen again to write another letter, now addressed to the King, before the ships left to Macao. Thus, Cerqueira started his lobbying campaign to obtain formal secular legal actions against the slave trade.

“Outra cousa ha em Japão que tem necessidade que Vossa Magestade lhe ponha remedio, he este negocio de catiueiro E años de seruiço dos Japoes E Corias pollas muitas iniustiças E ofenças de Deos, E embaraços de consciencia que nisto ha. [O] Bispo de Japão dom Pero Martinz, meu antecessor depois que tomou a esperiença de Japão E uio com os olhos estes inconuenientes quando da China se partio pera Goa a tratar com o Viso rej sobre o rremedio desta igreja deixou hua escõmunhão que se mandou se publicasse aqui em Japão que ninguem comprasse nem leuasse fora delle mocos, ou mocas Japões ou Corias sem sua expressa liçença a qual reserua a assi com tanto Rigor per assi lhe parecer obrigação de consciencia que com então se partiu pera a India, E me emuiar a mim pera Japão declaraua na mesma escõmunhão alem tambem de mo ter dito de palaura que não era sua uontade que podesse dar esta liçença quem suas uezes tiuesse em Japão Publicou sse a escomunhão mas como poucos dias depois della publicada se soube aqui de sua morte E pollo consequinte a dita escõmunhão tinha espirada, tratei aqui muito deuagar este negocio do Catiueiro E annos de seruiço dos Japões E Corias pera uer se se deuia de renouar E confirmar a dita escomunhão E pera isto fiz aqui hua iunta de pessoas letradas E tementes a Deos E de esperiença das cousas de Japão E a todos sem descrepar nenhu[m] que se deuia de confirmar E publicar de nouo como de feito se confirmou E publicou conforme ao que os outros annos aqui E na China se tinha feito, E que deuia ter mão em não dar liçença a ninguem como te agora a não dei E que iuntamente deuia de procurar com Vossa Magestade que de nouo se publique, E execcute a lej que el Rej Dom Sebastião que Deos aja fez sobre a liberdade dos Japões pera que se guarde nestas partes da India, China, E Japão assi como se guarda Em portugal. As rezões que pera isto ha mando com esta a Vossa Magestade assinadas per todos os que na iunta se acharão pera que Vossa Magestade as mande uer. E parecendo lhe que uão bem fundadas faça Merce assi a esta christandade como a toda esta nação tão ingenua da dar ordem que de todo se serre a porta a estes catiueiros, E años de seruiço dos Japões, E Corias, pois assi parece o pede a justica, E rezão. Sobre isto escreuo tambem a India ao Viso rej

*emuiando lhe as mesmas rezões: porem o remedio aos muitos inconuenientes que destes catiueiros E annos de seruiço nascem Vossa Magestade o a de dar.”*¹⁴⁷¹

[Another thing in Japan that needs to be addressed by Your Majesty is this issue of captivity [slavery] and temporary servitude of the Japanese and the Koreans, because of the many injustices and offenses to God, as well as the embarrassments of conscience it brings. The Bishop of Japan Dom Pedro Martins, my predecessor, after he had [enough] experience in Japan and witnessed with his eyes the inconveniences, when he sailed from China to Goa to discuss a remedy for this church with the Vice-Roy he left an excommunication order which was published here in Japan, according to which no one was to purchase or take away from it Japanese or Korean men and women without his express permission, which he had so rigorously for it seemed to him an obligation of conscience of when he left to India. And he sent me to Japan declaring on the same excommunication letter, besides telling me in person, that it was not his intention to allow this permission to those in Japan. His excommunication was published, but as a few days later we heard of his death, consequently said excommunication expired. So I discussed very carefully this issue of captivity and temporary servitude of the Japanese and Koreans to verify if said excommunication should be renewed and confirmed. To that end, I gathered here a board of people who were literate, godly and experienced in the issues of Japan. All of them, indiscriminately, suggested the order should be confirmed and published again as it has been done before and published accordingly to what in other years and in China had been done, and I should be careful to not give licenses to no one, continuing to act as I have been doing until now. Also, I should lobby Your Majesty to publish again, an enforce the law King Dom Sebastião, may God rest his soul, made regarding the freedom of the Japanese, for it to be observed in these parts of India, China and Japan as it is in Portugal. The reasons for that I send along with this letter to Your Majesty, signed by all those who were in the board, so Your Majesty may submit it to consideration. As it seems to me they [the reasons] are well substantiated, as a favor to this Christianity as to the whole nation, so ingenuous, of ordering for this door of captivity and temporary servitude of the Japanese and Koreans to be entirely closed, as it seems to be what justice and reason command. In this regard I also write to India, to the Vice-Roy, sending him the same reasons. Nevertheless, Your Majesty shall give the remedy to the many inconveniences that these captivities and temporary servitude entail.]

This letter must be read as an appendix to the copy of the September 4th 1598 gathering memorandum sent to the king. Cerqueira here confirms that, since the excommunication issued by Martins, there was already intent of putting an end to the

¹⁴⁷¹ JapSin 13-II, ff. 202v-203.

license system. The final confirmation of the end of the system came with the orders sent by the general of the order, Claudio Acquaviva, via the Philippines, eight days after Gil de la Mata arrived in Japan in August 1598. There was no intention nor permission for the Jesuits to maintain their intermediation of the slave trade.

The Bishop reiterates the consensus reached by the priests in Japan in regard to the Japanese and Korean slavery, and that the excommunication and the end of the license system were the only possible actions to be taken by the missionaries and the episcopal authority in the archipelago. But, in order for the decision to be respected and observed, it was imperative to have the aid of the secular justice. The letter also makes an interesting observation: the memorandum elaborated by the priests in Japan was sent to the king so he could send them to be analyzed, most certainly by the Board of Conscience. If approved, D. Sebastião's law was to be reenacted. Another interesting phrasing of the letter is that the end of Japanese and Korean slavery and temporary servitude was an obvious choice, “(...) *pois assi parece o pede a justiça (...)*” [as it seems to be what justice commands]. An informed reader of the period would immediately understand the reference made that, in the opinion of the missionaries and the Bishop, the issue was reproachable before both Law of Nations – justice – and Natural Law – reason. Cerqueira's letters to the highest religious authorities in India – namely, the Vice-Roy and the Archbishop of Goa – indicated his attempt to procure support for his cause.

Finally, in February 22nd 1599, Cerqueira wrote the procurator of the province of Portugal, Baltasar Barreira, about the 1598 decision.

*“Por esta misma via escribo tambien a su Magestad que importa para el bien desta Cristiandad y quietud desus consçiençias confirmar y haçer publicar de nueuo la ley Sebastiana sobre la libertad de los Jappones, y mandar que se guarde en estas partes como se guarda en Portugal. Las raçones desto embio a V.R. para que por su parte procure que asi se ponga en execuçion, por ser negoçio en que ua la saluaçion de muchos, y de que estos nueuos christianos se escandalizan con raçon.”*¹⁴⁷²

[By this same route [of the Phillipines] I also write Your Majesty how important it is for the well-being of this Christianity and safety of their consciences to confirm and publish once more Sebastião's law concerning the liberty of the Japanese, and for it to be observed in these parts as it is in Portugal. The reasons I send Your Reverence so on your part you may procure this business to be executed, as it concerns the salvation of many, and from which these new Christians scandalize righteously.]

¹⁴⁷² BRAH, Cortes 9/2679, Legajo 13, doc. N. 61, 1v. Also mentioned in SOUSA, Lúcio de. *Escravatura e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, p. 144.

The letter was sent via the Phillipines, and in the missive the Bishop asked Barreira to lobby the crown in order to obtain the reenactment of D. Sebastião's law. In order to reinforce his argument, the phrasing denounces how Cerqueira wished to prove that the slave trade was detrimental not only to the physical preservation of the Christian community, but also of their consciences, thus reminding the addressee how the issue could affect the salvation of their souls. The Bishop was using all of his political resources, asking allies everywhere to lobby in his name. The Jesuit procurator in Portugal certainly would be a strong ally for his project.

Another authority Cerqueira entrusted with this mission was the rector of the Jesuit College in Manila, Pedro Chirino. In October 17th 1601, the Bishop wrote:

*“No dudo que algunos encurriran en la Descõmunion de los esclauos y que algunos Japones gentiles los lleuaran de aca, pero procuramos de hazer lo que pide la obligacion de nuestro officio. y ansi de nueuo aora encomiendo a V. R. lo mismo que otras uezes acerca desto tengo encomendado, dandole yuntamente las gracias por el amor y cuydado con que allá haze esto y los demas negocios que de aca encomendamos.”*¹⁴⁷³

[I do not doubt that some may be met with the excommunication of the slaves and that some Japanese gentile may take them [slaves] from here, but we tried to act in conformity to the obligation of my position, and so once more I ask Your Reverence the same I have done before regarding this issue, also praising you by the love and care which you devote there to this and other matters which we ask from here.]

Cerqueira asked Chirino for his collaboration on the issue, and as indicated by the letter it was not the first time he discussed the 1598 decision with him. Also, this letter shows that Cerqueira was aware of the limits of his powers, and that the enforcement of the excommunication depended on the cooperation of authorities in other ports as well, such as Chirino in Manila.

By the beginning of the 1590s, Valignano and the Japan missionaries exposed their ideas regarding slavery in a few occasions – the dialogue of the Japanese ambassadors, his additions to the summary of Japan, and the questionnaire sent to Europe. Starting from ideas characteristic of Probabilism, they built an entire theoretical framework characterizing the Japanese slavery tolerable. The arrival of Korean captives in Japan and their subsequent flow to the Portuguese slave trade slowly altered the way Jesuits dealt with local servants. They restructured the mission, praised the actions of Christian lords in the Korean Peninsula, and asked their superiors in Europe for definitive solutions regarding the new and challenging issues entailed by the war. The answer was

¹⁴⁷³ JapSin 20 I, f. 108v.

blunt: the Jesuits were to retire themselves from meddling with the slave trade. Cerqueira, adopting a more conservative theological position, decided in favor of freedom – transactions of Japanese and Koreans slaves sold to Portuguese merchants would not be endorsed anymore by the Society of Jesus.

The end of the license or permit system and the excommunication meant the Jesuits were abstaining themselves from the slave trade in Japan. The problem was not theological anymore, but rather secular. The task to solve the issue had been delegated to the king. The Board of Conscience was to analyze the matter, while the royal authority was to put a definitive end to the trade. But this process was not free of problems. Local elites rejected the regal decision, a clash of authority was set, and it gradually became clear that the Portuguese king was not going to be able to solve the issue simply by branding his sword. The following chapter will focus on the process, from regal decision to the final end of the slave trade.

Chapter VIII – Secular takeover

In November of 1596, the inquisitors of Goa summoned a series of witnesses to testify regarding an alleged case of abuse of power on the part of the Vice-Roy Matias de Albuquerque. Apparently, every year the boys and young men of the Jesuit College would take the streets of Goa. In the customary procession, they would walk carrying crosses, torches and other ornaments praying for the arrival of the ships coming from Portugal. The Vice-Roy, annoyed with the night procession, sent his men to disperse the procession. Albuquerque's henchmen, armed with halberds and sticks, clashed with the many adults accompanying the cortege. Crosses were broken, torches thrown away, and people arrested. Among those detained there were two Japanese slaves, owned by a certain Manoel da Serra, who were working as bodyguards to the procession.¹⁴⁷⁴

By the end of the sixteenth century, the city of Goa had plenty of slaves from all over Asia and Africa. Famously, Linschoten and Pyrard de Laval have described the slave market of Goa in the turn of the century. Based on their accounts, we know that ships would regularly arrive from Africa and other parts of Asia bringing slaves, who from Goa would be dispersed throughout Portuguese Asia. Linschoten affirms there was a preference for Africans, because of their physical strength. Adults and children, sold into slavery by their parents, would be available daily, with the exception of Sundays and holy days, “*sold as beasts.*” The number of slaves per owner could vary from 12, 20, or even 30.¹⁴⁷⁵ Pyrard de Laval, commenting on the slave market, wrote:

*“In this place are to be seen all kinds of merchandise, among others, numbers of slaves, whom they drive there as we do horses here; and you see the sellers come with great troops following. Then in order to sell them they praise them and put them up, telling all they can do, their craft, strength, and health, while the buyers examine them, question them, and scan them all over with curiosity, both males and females. The slaves themselves, hoping better treatment with a change of masters, show their disposition and praise themselves to take the fancy of the buyers. (...) All these slaves are very cheap, the dearest not being worth more than 20 or 30 pardaos, of 32 1/2 sols each. Girls that are virgins are sold as such, and are examined by women, so that none dare use any trickery.”*¹⁴⁷⁶

¹⁴⁷⁴ Arquivos Nacionais Torre do Tombo, Tribunal do Santo Officio, Inquisição de Lisboa, proc. 4941, ff. 15, 15v, and 21. Available at <http://digitarq.arquivos.pt/viewer?id=2304943>, accessed in May 10th 2016.

¹⁴⁷⁵ MALIECKAL, Bindu. “India’s Luso-Africans: The Politics of Race, Colonialism, and Gender in Early Modern Portugal and Post-Colonial Goa.” In: MANUEL, Paul Christopher, LYON, Alynna, and WILCOX, Clyde (eds.). *Religion and Politics in a Global Society – Comparative Perspectives from the Portuguese-Speaking World*. Plymouth, UK: Lexington Books, 2013, pp. 54-6.

¹⁴⁷⁶ LAVAL, Pyrard de, II, pp. 65-6

During this period, slaves were not only symbols of status or authority, but also a vital necessity – they were the responsible from carrying water from the spring of Banguenim, which served the entire city, at five *bazarucos* a pot, which was sold in the main junction of the city.¹⁴⁷⁷ Basically, the large slave population helped the local population to avoid manual labor. Michael Pearson writes:

*“(...) slaves were frequently hired out by the day or served in their masters’ shops. Females slaves were sometimes used as prostitutes by their owners, but whatever the employment, a slave’s earnings reverted to the owner.”*¹⁴⁷⁸

But the main effect of the increased slave population was a constant tendency to violence, what Pearson calls “*a general touchiness*”: night streets were unsafe, those who could afford had personal guards, and the result was both the brutal treatment of slaves and the lawless bacchanalian aspects of popular celebrations.¹⁴⁷⁹ While macroeconomic movements depended on the trade of spices and fabrics, local residents depended greatly on their slaves.

*“These fidagos derived a great part of their income from the manual labor of these slaves. Majority of slaves were put to domestic work, particularly for distributing water, selling small wares and carrying palanquins and parasols for their masters. They were also used as personal guards and for settling scores. Female slaves were often engaged in prostitution.”*¹⁴⁸⁰

Menial tasks, water carriers, personal guards, prostitutes – these were the roles played by slaves in Goa by the end of the sixteenth century. When the Augustinian Agostinho de Santa Maria wrote his short account on the life of Domingas da Paixão, the Japanese woman described at the beginning of this thesis – a refugee or a slave – he was referring to this Goa, a city filled with slaves performing the work the Portuguese tried to avoid, and supporting their masters with all the small money they could with from their labor. This chapter will showcase some examples of Japanese slaves in Goa, the dispute between local residents and the regal power regarding the maintenance of their slaves from Japan, and the effective end of the slave trade from Japan.

Portuguese elites strike back

¹⁴⁷⁷ GRACIAS, Fátima da Silva. *Health and Hygiene in Colonial Goa: 1510-1961*. New Delhi: Concept Publishing Company, 1994, p. 70.

¹⁴⁷⁸ PEARSON, Michael Naylor. *Coastal Western India: Studies from the Portuguese Records*. New Delhi: Concept Publishing Company, 2004, p. 50.

¹⁴⁷⁹ *Idem*, p. 62.

¹⁴⁸⁰ GRACIAS, Fátima da Silva. *Op. cit.*, pp. 25-6.

Agostinho de Santa Maria, the chronicler of the Santa Mónica Monastery, wrote in 1699 that the Japanese were among the many female and male slaves brought to Goa. According to the text, Asian women, in general, were weak, but so cheap to support that even “(...) *hum homem de inferior condição* (...)” [a man of inferior condition] could keep “(...) *hum numero tão grande de escravos, & escravas, pois se achão em casa de qualquer official quinze, & vinte escravas* (...)” [such a large number of male and female slaves, as they one may find fifteen or twenty in the house of any official.]¹⁴⁸¹ By the end of the sixteenth century, a Polish soldier living in Goa, Chryztoph Pawlowski, described parents selling their children, poor merchants having 10 to 16 purchased slaves, slaves stealing precious stones in their mouths and private parts, mestizo residents being transported on litters by black slaves, and so on.¹⁴⁸² Slaves were inherent to the Goa society, and enslaved Japanese were an underlying part of it.

The impact of the 1598 Jesuit decision on the Portuguese in India was palpable on the years following the gathering in Nagasaki. After the decision was sent to Portugal to Portugal, the issue quickly became target of an intense legal and political debate between the crown and its subjects in Asia. Nevertheless, given the long distance between the parties, the dispute dragged for years. João Paulo Oliveira e Costa described how after three and a half years, in February 26th 1602, the Portuguese king, Filipe III, asked the Vice-Roy for his opinion on the subject. However, the king would not expect a reply: March of the following year, the king dispatched in Lisbon a royal letter to Goa ordering the enforcement of D. Sebastião’s law.¹⁴⁸³

The main party involved in the dispute with the king consisted of members of the Goa High Court, or *Relação de Goa*.¹⁴⁸⁴ The central source for what followed the publication of the law in Goa is the letter written by the justices in December 30th 1603. The law must probably have arrived earlier, between September and October, in India with the *armada* captained by Pêro Furtado de Mendonça, which had left Lisbon in April.¹⁴⁸⁵ The Vice-Roy, Aires de Saldanha, most certainly estimated the enactment of

¹⁴⁸¹ SANTA MARIA, Frei Agostinho de. *Historia da Fundação do Real Convento de Santa Monica da Cidade de Goa, Corete do Estado da India, & do Imperio Lusitano do Oriente...* Lisbon: Oficina de Antonio Pedrozo Galram, 1699, p. 358.

¹⁴⁸² LOUREIRO, Rui. “Goa em finais do século XVI: a ‘Relação de viagem’ de Chryztoph Pawlowski.” In: *Ler História*, n. 19, 1990, pp. 167-9.

¹⁴⁸³ COSTA, João Paulo Oliveira e. *O Cristianismo no Japão e o Episcopado de D. Luís Cerqueira*. PhD thesis. Lisbon: Universidade Nova de Lisboa, 1998, p. 312. Sousa indicates the same letters, but he mistakenly attributed them to Filipe II, Filipe III’s father. See SOUSA, Lúcio de. *Escravidão e Diáspora Japonesa nos séculos XVI e XVII*. Braga: NICPRI, 2014, p. 298.

¹⁴⁸⁴ Since Okamoto Yoshitomo, historians have been misunderstanding the identity of those involved in the dispute. It is often explained that these letters were written by the local Portuguese citizens, when in fact the senders were the justices of the Goa High Court. See, for example, SOUSA, Lúcio de. *Op. cit.*, pp. 145-56.

¹⁴⁸⁵ MONTEIRO, Joaquim Rebelo Vaz. *Uma viagem redonda da Carreira da Índia (1597-1598)*. Coimbra: Biblioteca Geral da Universidade de Coimbra, 1985, p. 21.

such rule would open Pandora's Box. He then waited for the very last moment possible before promulgating the royal decree. According to the justices, Saldanha waited the ships returning to Europe to be loaded, and official letters to be written and sealed. The fleet left Goa in December 29th. The next day, the judges would gather for the last time before New Year's recess when the decision was transmitted and posted throughout the city. The text of the law is summarized as "*huma provisão (...) per que se defende resgatarem-se e comprarem-se os gentios dos Reinos de Japão*" [a provision which forbids to rescue and purchase the gentile from the Kingdoms of Japan.]¹⁴⁸⁶

Upon receiving the news, the citizens gathered in the Municipal Council. The judges must have had the original law near at hand, because they collated both and argued that even though D. Sebastião ruled Japanese could not be enslaved from its publication, Aires de Saldanha had added a provision stipulating the manumission of presently enslaved Japanese people in the *Estado da Índia*. This additional provision was "*cousa que todo este povo recebe tão mal, que se juntarão os moradores desta cidade nesta Camara oje com grandes exclamações e requerimentos*" [something so unwelcomed by the whole people, that all the residents of the city gathered in this Council today with interjections and requests.] They saw themselves forced to debate the issue with the Vice-Roy, who excused himself claiming to be following instructions given by the king. The law was explained to the citizens as a concession the king did for the benefit of the Japanese and at the request of the Jesuits, who had given "*informações bastantes*" [enough reasons] for its enactment. The justices returned to the *Relação* where they hastily composed the December 30th letter to the Portuguese monarch. The text explained "*calada a verdade, e as muitas [razões] que havia pera a impedirem* [the truth and the many reasons to impede [this decision] had been silenced]. They also defended that even though these reasons were not presented the first time the law was introduced, they had been so overt in Goa that its enforcement had been prevented up to 1603. The judges also explained that because of their rush to compose the letter they did not have the required time to itemize the reasons the precluded the law's enforcement. All they could do is to ask the king in the name of the *Estado da Índia* and its citizens to suspend the prohibition until they could properly expose their side of the story. In the meantime, the justices stopped the law of being enforced by impeding its registration at the chancellery on the same day of its publication, but the Vice-Roy threatened them saying he would not allow the suspension. The reaction prompted the judges to claim Aires de Saldanha was using force instead of holding justice.¹⁴⁸⁷

The letter defended there was no divine or human law that would admit citizens to have their assets lost. The reasons presented were, first, they had invested for years more than one million in gold and, secondly, the slaves had been legitimized by

¹⁴⁸⁶ APO Fasc. 1, Parte 2, pp. 125-6.

¹⁴⁸⁷ *Idem*, p. 126.

certifications signed and sealed by Bishops and the Jesuit Priests of Japan and approved by theologians. They demanded to be heard by the king before any decision was taken. The judges believed that freeing all the slaves and prohibiting new Japanese of being purchased would have dire consequences for the polity, the king and God.¹⁴⁸⁸ Let us analyze their hastily gathered arguments against the law.

First, they claimed that it was widely known that the Japanese were bought in Japan by “*mouros seus vezinhos*” [neighboring Moors] – “*todos os annos levão náos carregadas pera os fazerem mouros*” [every year they sail ships loaded [with Japanese] to make them Moors], that is to say, to convert them to Islam.¹⁴⁸⁹ On the other hand, the court explained that all those who were bought by Christians were acquired as temporary servants, with their period of servitude determined by the priests. After their servitude was over, they would become free, Christian vassals of the Portuguese crown. If the Portuguese failed in purchasing them, the Japanese would become Muslim. Secondly, they argued Portuguese territories were full of Japanese slaves ready to defend it. There were people who were always sided by five to six of these slaves armed with guns who would be priceless in times of war.¹⁴⁹⁰ Last, the justices alleged the Japanese were too pugnacious, and once set free they would certainly ally themselves with the locals and revolt, coupled with the enemies of the Portuguese. According to the letter, with the rumor of the law there was already commotion among the Japanese, and their masters were taking precautions. The letter warns the king that he ought to pay more attention to the intentions of those who suspended the law than to the reasons given for the prohibition, because the impact felt by the former would be greater than what the latter would feel.¹⁴⁹¹

The last part of the letter drew heavy criticism against the Jesuits, going as far as to affirm that they would be the ruin of the *Estado da Índia*. They accused the missionaries of having revenues of almost half of the royal revenue and being landlords of more than half of the island of Goa. In ten years, the letter warned, there would be no house or palm plantations not owned by the Jesuits. The letter ended with the court entrusting the final decision to the justice and mercy of the king.¹⁴⁹²

¹⁴⁸⁸ APO Fasc. 1, Parte 2, pp. 126-7.

¹⁴⁸⁹ Sousa considers this a reference to Muslim merchants from the Moluccas. SOUSA, Lúcio de. *Op. cit.*, p. 299.

¹⁴⁹⁰ Sousa misread this passage. “*Era dado como exemplo, portugueses que tinham entre cinco a seis destes moços. Este texto revela que a comunidade japonesa em Goa era superior em número à portuguesa. No entanto, não sabemos se esta informação teria sido exagerada propositadamente para convencer o rei a não republicar a lei sebastiana contra o cativoiro dos japoneses.*” [An example provided was that the Portuguese had five or six of these servicemen. This text reveals the Japanese community in Goa was superior in number to the Portuguese one. However, we do not know whether this information was exaggerated deliberately to convince the king to not reenact D. Sebastião’s law against Japanese slavery.] See SOUSA, Lúcio de. *Op. cit.*, pp. 98-9, text repeated on p. 146.

¹⁴⁹¹ APO Fasc. 1, Parte 2, pp. 127-8.

¹⁴⁹² *Idem*.

It is not clear when the king received the 1603 judges' letter, but Filipe III's determination showed signs of change by the end of the following year. A letter written to the Vice-Roy of Portugal in December 7th 1604 explained that the Council of Indies had reviewed the issue. As claimed João Paulo Oliveira e Costa, the councilors had forced the king to alter his decision.¹⁴⁹³ Upon receiving the Council's assessment, Filipe III ordered a new provision explaining his understanding of D. Sebastião's law, stating that it should not be retroactive, given previously owned slaves were purchased and held in "good faith." Furthermore, the king clarifies that his intention was not to determine that the Japanese could not be enslaved even when common law had them as legitimate slaves. According to the orders, the monarch's intentions were to suppress possible injustices derived of illegitimate methods of enslavement, and guarantee that those who were not legitimate enslaved could pursue legal actions and regain their freedom before the *corregedor do cível* [civil magistrate] of the *Relação de Goa* and other justices in Portuguese fortresses spread throughout Asia. Costa considers this guarantee an indication of hypocrisy, as the slaves would not be able to fight for their rights unless by pure chance. Sousa also echoes the same opinion, stating that there is also no clear difference in the letter between licit and illicit enslavements, and that the slaves would not have means to know the legislations because of illiteracy, lack of knowledge regarding legal procedures and pressure from their owners.¹⁴⁹⁴ Nevertheless, this does not mean that the slaves did not have access to legal procedures through representatives such as public defenders in Manila, as shown by Seijas.¹⁴⁹⁵ Lastly, to avoid any misunderstandings, the king commissioned the redaction of the law to the Council of Indies. Filipe III asked only for the document to be ready for him to sign before the *armada* set sail to Goa in 1605.¹⁴⁹⁶

Portuguese ships left Lisbon between late March and early April.¹⁴⁹⁷ In the letters written by the king to the new Vice-Roy of India, D. Martim Afonso de Castro, there are two passages that point to the issue of Japanese slavery. In February 28th 1605, the king wrote the following:

“E por eu ter entendido que nas ditas partes do Japão se commettem muitas desordens por meus vassallos que lá passam, e não obedevem aos mandados do dito bispo [do Japão] nas materia de sua obrigação e officio pastoral, mandei o anno passado passar sobre isso huã provisão, de que foi huã

¹⁴⁹³ COSTA, João Paulo Oliveira e. *Op. cit.*, p. 312. Sousa also quotes the same letter. SOUSA, Lúcio de. *Op. cit.*, pp. 149-50.

¹⁴⁹⁴ COSTA, João Paulo Oliveira e. *Op. cit.*, p. 313; SOUSA, Lúcio de. *Op. cit.*, p. 147.

¹⁴⁹⁵ SEIJAS, Tatiana. 'The Portuguese Slave Trade to Spanish Manila: 1580-1640.' *Itinerario* 32 (1). pp. 28-9.

¹⁴⁹⁶ COSTA, João Paulo Oliveira e. *Op. cit.*, pp. 312-3.

¹⁴⁹⁷ MALDONADO, Maria Hermínia. *Relação das Náos e Armadas da India*. Coimbra: Biblioteca Geral da Universidade, 1985, pp. 110-13.

via em vossa companhia, e pela incerteza da viagem vão agora outras, que mandareis guardar inteiramente.”¹⁴⁹⁸

[And as I understood, on those parts of Japan many disorders are committed by vassals of mine who go there and do not obey the orders of the Bishop [of Japan] in the issues related to his pastoral obligation and occupation, so last year I ordered a provision, of which one copy was sent with you, and because of the uncertainty of the journey I here sent other two copies, of which you shall order to be entirely observed.]

These orders referred to troubles caused by Portuguese merchants in Japan, especially those relating to the powers of the Bishop. As the prelate had complained laymen were not abiding by his decisions, the king had then reinforced Cerqueira's authority with these orders. Sousa's foregone conclusion is that these disorders were a code word for the issue of Japanese slavery.¹⁴⁹⁹ If that is the case, the king had then sent copies of the same order to India at least three times: in 1603, when Aires de Saldanha published it, in 1604, with Martim Afonso de Castro, and in 1605. The following passage, written in March of 1605, seems to confirm that:

“Sendo eu informado de alguns abusos e sem-justiças, que se commettiam no resgate e captivoiro dos gentios do Japão, que o senhor rey Dom Sebastião, meu primo, que Deos tem, mandou prohibir por hum seu alvará feito no anno de [mil] quinhentos e sessenta [sic], mandei que o dito alvará se publicasse e guardasse n'essas partes; e porque fui ora informado que se pretendia estender aos escravos que eram bem possuidos e havidos por titulos legitimos, de que se seguiam muitos inconvenientes, alem do damno que recebiam os moradores d'esse Estado, e o que se pode seguir deixando-os assi todos em sua liberdade, e não foi minha tenção, nem a do dito senhor rey Dom Sebastião devia ser, prohibir que não podessem ser escravos os japões, quando por justos e legitimos titulos e nos casos em que o direito o permite o fossem, como são os gentios das outras nações, e por atalhar a outros inconvenientes que por parte das cidades de Goa e Cochim me foram representados, mandei passar a provisão, que será com esta, que mandareis publicar, para que venha á noticia de todos, e a fareis guardar, procurando se evitem todos os abusos que n'esta materia ha e houve até agora, e os ditos escravos tenham liberdade para requerer sua justiça, se pretenderem que

¹⁴⁹⁸ LM I, p. 18. See also Takase's notes. TAKASE, Kōichirō. *Monsūn Monjo to Nihon – Jūnana Seiki Porutogaru Kōmonjo Shū*. Tokyo: Yagi Shoten, 2006, p. 129. Also cited in SOUSA, Lúcio de. *Op. cit.*, p. 150.

¹⁴⁹⁹ SOUSA, Lúcio de. *Op. cit.*, p. 150.

seu captiveiro não he licito, nem de bom titulo; e vos hei esta materia por mui encommendada, por ser de tanto serviço de Deos e meu.”¹⁵⁰⁰

[Being informed of some abuses and injustices that were done in the rescuing and captivity of the gentiles of Japan, of which the king D. Sebastião, my cousin, may God bless his soul, enacted a charter in the year of [1]560 [sic] prohibiting these, I ordered the same charter to be published and observed in those parts. And as I have been informed that there had been an attempt to extend this order’s reach to those slaves who were legitimately possessed and owned with legitimate titles, which resulted in great inconveniences, as well as damage to the residents of the *Estado [da Índia]*, and other damages resulting of setting them all free, and it was not my intention, as probably neither it was king D. Sebastião’s, to forbid that the Japanese to be owned as slaves when there were just and legitimate titles and in the cases where the law allowed it, as it is the case with gentiles from other nations. And to respond to other inconveniences that were presented to me by the cities of Goa and Kochi, I ordered a provision, which will go with this one, which you shall publish to be known by all, and you shall enforce it, trying to impede all abuses there are and have been until now in regard to this issue, and the said slaves may have the freedom to seek justice when they understand their slavery is not licit or they are not owned legitimately. And I know you will take care of this issue thoroughly, for it is a great service to God and me.]

Although the king mistook the first *alvará* as enacted in 1560, when it was really enacted in 1570 and 1571, this passage is very revealing. First it clarifies that the king understood the enslavement of Japanese as one of the abuses committed by the merchants in Japan, thus orders referring to these infractions of episcopal authority in the archipelago are indeed related to the issue of slavery. Second, the king had already received the December 30th 1603 letter from Goa, as well as complaints from the court of Kochi, in the southern Malabar Coast. Nelson calls this 1605 royal letter a “*masterpiece of obfuscation intended both to pacify his critics in Goa (...) and the Jesuits,*” drawing attention to the royal two-pronged strategy of appealing both sides of the dispute.¹⁵⁰¹

As it seems, the issue was not controversial among the Goa citizens alone. The king also explains that Aires de Saldanha had decided by himself to make the law retroactive, thus freeing slaves owned before. Also, it was Saldanha’s understanding that the legislation should include legitimately owned slaves. This letter adds to the previous provision, ruling that the law was intended to curtail illegitimate slavery and guarantee the right of slaves to sue their masters and try to regain their freedom. Also, the epistle

¹⁵⁰⁰ LMI, p. 42-3. See also Takase’s notes. TAKASE, Kōichirō. *Op. cit.*, pp. 131-2; also cited in SOUSA, Lúcio de. *Op. cit.*. Braga: NICPRI, 2014, p. 151.

¹⁵⁰¹ NELSON, Thomas. “Slavery in Medieval Japan”. In: *Monumenta Nipponica*, vol. 59, No. 4 (Winter, 2004), p. 464.

determines that Japanese slaves were to be treated the same way as slaves coming from other regions – thus, there was no legal difference between Japanese and other peoples in regard to their enslavement.

As stated by João Paulo Oliveira e Costa, the letters sent by the king in 1605 marked the definitive end of Cerqueira's project.¹⁵⁰² The provisions sent with Martim Afonso de Castro did not reach Goa in September 1604, and the city had to wait until March 1605 to receive news from the king. The new Vice-Roy finally arrived in May 1605. By the end of that month, royal letters arrived ordering the Castro to assume his post. This is probably when the 1604 new provisions amending previous orders regarding legitimately owned Japanese slaves arrived in India.¹⁵⁰³ Nevertheless, Goa judges decided to once more write to the king complaining about the order against Japanese slavery.

“O anno atraz passado deu esta cidade conta a V. Magestade como os Padres da Companhia intentarão se cumprisse hum alvará, que El Rey Dom Sebastião, que sancta gloria aja, mandou passar, pera que os Japões não fossem cativos, e que os que ora erão ficassem forros, o qual em trinta e tantos annos que ha que he passado nunca ouve cumprimento, nem ouve Viso Rey que o quizesse mandar cumprir, por entenderem ser em muito desserviço de Deos e de V. Magestade, e contra a cristandade, e por muitos respeitos que avia. E sentindo elles o tempo mais favoravel no governo d’Ayres de Saldanha, o mandarão apregoar, tendo avido de V. Magestade huma tacita confirmação sem contrariedade [sic] deste Estado, a quem perjudica, por não ter noticia que se impetrava; emfim o apregoarão, o que esta cidade lhe embargou pelas rezões que apontarão a V. Magestade, e já no que trata que os cativos fiquem forros, he cousa que parece contra toda a justiça, pois os que o são forão comprados em boa fé; e está metido tanto cabedal nestes escravos, que ha pessoa que terá nisso de perda mil, e dous mil cruzados, e estas não são poucas, e que se defenda não nos comprar ninguem, se ha rezões pera isso; mandandoo V. Magestade, não nos comprará ninguem, porem esta gente costuma vender seus proprios filhos, e estes a outros infieis como elles, e pois os vendem a gentios, parece que a venda fica licita aos christãos, pois todos os que comprão fazem christãos, e o são; e as vendas que tegora se fizerão forão com consentimento per escrito do Bispo de Japão, e com annos limitados de serviço, os quaes depois de acabados ficão forros, e vassallos de V. Magestade, de que ha muitos neste Estado, que he gente mui bellicosa, e que serve pera a guerra, e em hum cerco ou necessidade, como se viu ha pouco nesta dos Olandezes, sahia hum cazado desta cidade com sete, oito destes moços com suas espingardas e lanças, porque só estes ha na India escravos que prestem pera armas, e huma cidade tamanha como esta muitas vezes

¹⁵⁰² COSTA, João Paulo Oliveira e. *Op. cit.*, pp. 312-3.

¹⁵⁰³ APO Fasc. 1, Parte 2, pp. 140-1.

lhe faltará a gente necessaria pera a defensão de seus muros. Estas e muitas outras razões ha, que se pontarão quando V. Magestade mandar que este alvará se cumpra, o que esperamos não seja sem sermos ouvidos como partes a que toca."¹⁵⁰⁴

[Last year this city reported to Your Majesty how the Priests of the Company [of Jesus] attempted to execute a charter ordered by the king D. Sebastião, may God rest his soul, which ruled the Japanese could not be enslaved, and those who were should be freed. Even after thirty some years the charter has been enacted it has never been observed, nor any Vice-Roy willing to execute it, as they understood this as a great disservice to God and Your Majesty, and against Christianity, and many other consequences it would bring. And as they [the Jesuits] felt during the government of Aires de Saldanha it was a more favorable moment, they lobbied him to publish it, having obtained from Your Majesty a tacit approval with no rebuttal from this *Estado [da Índia]*, which would be harmed [the most], as [the judges] had not heard of the decision. At last it was published, but this city managed to stop its execution for the reasons already indicated to Your Majesty. As for the manumission of slaves, this is something that seems to be against all justice, because those enslaved were purchased in good faith, and there is much capital invested in these slaves, that there are many people who would have losses of one or two thousand *cruzados*. If there are enough reasons, then let us be prohibited of buying anyone. If Your Majesty orders so, then we shall purchase no one; however, this people uses to sell their own children, and also to other infidels such as themselves. And because they are sold to gentiles, it seems the sale would be licit to Christians, because all those who are purchased are converted and become Christians. The sales that have been made until now were done with written agreement of the Bishop of Japan, and with limited years of servitude, which after are finished the slaves are freed and become vassals of Your Majesty. There are many like this in this *Estado [da Índia]*, and they are very bellicose people, and useful in times of war, as in a siege or whenever there is need, as we have recently seen in the siege imposed by the Dutch. There were *casados* leaving the city with seven or eight of these servants with their guns and spears, because these are in India the only slaves who can wield weapons. In a city as big as this one, there will be many occasions when there will be less than necessary people for the defense of its walls. There are these and many other reasons which shall be listed whenever Your Majesty orders this charter to be executed, which we hope it does not happen without our opinions being heard, as we are an interested party in this matter."

¹⁵⁰⁴ APO Fasc. 1, Parte 2, pp. 157-8.

The letter was sent on two ships of Captain Braz Telles's *armada*. After many misfortunes, vessels of the fleet arrived in Portugal between 1606 and 1607.¹⁵⁰⁵ According to the text, the justices had sent a list detailing the reasons for their opposition to the prohibition in 1604, after the first letter of December 30th 1603 was written. This text, however, offers a summary of the reasons stated in the 1604 letter. First, in regard to the manumission of already purchased and owned Japanese slaves, it defends that to set them free would go against all justice – that is to say, against both civil and canon law – as they had been acquired in good faith. Here we see that the Portuguese in Goa were using the argument of good faith in the same manner as the missionaries in Japan, that is to say, alleging that ignorance of a moral or theological rule meant an offender could not be held responsible for its violation. Also, the judges remind the king of the amount of money invested in the slaves, and that many people would be penalized by such decision.

As for the prohibition against purchasing new slaves, the justices begin affirming they would abide by any royal decision, thus reiterating their obedience to the crown, provided there were reasons for such provision. They also presented the argument of moral and Christian duty towards slaves, making their ownership part of the imperialist and evangelical enterprise. The judges defined the Japanese custom of selling their own children as the basic argument for their discussion. Next, they said that other infidels would buy these enslaved children. Because of this fact, they considered that the purchase by Christians was automatically licit, as the slaves acquired by the Portuguese would be baptized. After establishing the legitimacy of the trade, they appealed to the alleged hypocrisy on the part of the Jesuits, as they and the prelates responsible for Japan had up to that date allowed slaves to be bought for limited periods of servitude, enacting licenses themselves allowing the transactions. Finally, they drew attention to the consequences of purchasing Japanese slaves and bringing them to India: the Japanese were considered war-mongering people, able with weapons, loyal vassals to the crown once freed, and necessary for the defense of Goa. The justices close the letter stating that any decision regarding the Japanese slaves should be taken after first listening to the affected parts, that is to say, the citizens of Portuguese India.

Even though the king had already decided in 1605 to favor the arguments presented by the justices of Goa, it seems his decision did not arrive in time in India. To amend that, the monarch wrote in January 18th 1607 to the Vice-Roy, Martim Afonso de Castro, reiterating his decision.

“A mesma camara [de Goa] me escreveu tambem que os padres da Companhia intentaram se cumprisse hum alvará que se passou, para os japões não serem captivos, e que os que ora o eram ficassem forros, do qual nunca houve cumprimento em trinta e tantos annos que ha que he passado, e o mandaram

¹⁵⁰⁵ MALDONADO, Maria Hermínia. *Op. cit.*, pp. 109-13.

apregoar no governo de Ayres de Saldanha, tendo havido de mim huã tacita confirmação, e me pedem mande se não cumpra, e porque sobre esta materia com muita consideração e pareceres de theologos tenho provido por huã ley, que vos mandei enviar, de que a dita camara ainda não devia ter noticia quando me escreveu, vos encommendo a façaes cumprir.”¹⁵⁰⁶

[The same council [of Goa] wrote me that the priests of the Company [of Jesus] tried to enforce a charter according to which the Japanese were not to be enslaved, and that those who were should be freed, which has never been enforced in the thirty some years since it has been first enacted. And the charter was published during the administration of Aires de Saldanha, who had obtained from me a tacit confirmation. [Now the council] asks me for the charter to not be enforced, and because in regard to this issue I have enacted a law, having it considered and analyzed by many theologians, that I ordered to be sent you, of which the said council should not know about when they wrote me, I thus ask you to enforce it.]

A few days later, in January 27th, the king wrote another letter to the Vice-Roy in which he once more mentioned the issue.

“Também escreve a cidade que em tempo do governo de Ayres de Saldanha se apregoou hum alvará do senhor rey Dom Sebastião, meu primo, que santa gloria haja, com confirmação minha, sobre a liberdade dos japões, dizendo como o tinham embargado, e pedindo-me que mande considerar os inconvenientes que esta matéria tem, e conforme a isso proveja n'ella. E porque eu tenho passado sobre isto dos japões huã ley, de que a cidade ainda não devia ter noticia, hei por bem que ella se cumpra e execute pontualmente.”¹⁵⁰⁷

[The city [of Goa] also wrote me that during the administration of Aires de Saldanha it was published a charter enacted by the king D. Sebastião, my cousin, may God rest his soul, with my confirmation, regarding the freedom of the Japanese. And they say they suspended the law, asking me to consider the inconveniences of the issue, and according to which I should amend the situation. And because I have enacted a law regarding the Japanese, of which the city must not have heard yet, I wish it to be faithfully observed and executed.]

Here the king explains that not only the judges at the *Relação*, but also the citizens in the Goa municipal council had written him regarding the dispute. Thus, the citizens of Goa were using the local court to express their discontent with the law as well as other legal means to convince the king to listen to their opinion. Furthermore, he adds that he

¹⁵⁰⁶ LMI, p. 109. See also TAKASE, Kōichirō. *Op. cit.*, p. 140; SOUSA, Lúcio de. *Op. cit.*, pp. 151-2.

¹⁵⁰⁷ LMI, p. 119. See also TAKASE, Kōichirō. *Op. cit.*, p. 142; SOUSA, Lúcio de. *Op. cit.*, p. 152.

had enacted a new law on the issue, thus substituting D. Sebastião's 1570-71 charter. Although we do not have the text of this new law, based on the king's letters it is safe to assume that the crown had ruled to forbid abuses against Japanese slaves, but nevertheless did not forbid the enslavement of the Japanese.

In the opinion of João Paulo Oliveira e Costa, the Bishop Dom Luís de Cerqueira continued his efforts to obtain a decisive prohibition from the crown.¹⁵⁰⁸ Effectively, the Bishop wrote the Jesuit procurator in Madrid in March 15th 1609 explaining his efforts on the issue.

*“Com aqui estar tão rigurosamente prohibido por el Rey de Iappão que não se compre, nem leue gente pera fora de Iappão do que ia tenho auisado o anno passado ainda algumas pessoas de respeito me pedem agora day licença pera alguns moços. Mas não lha conçedo, com desejar de lhes fazer amizade por a prohibição estar ainda em todo seu uigor, e rigor e auer na terra muitos olheiros que uejão, e pesquisem se se guarda o que el Rey manda, o qual quer ser obedecido com grande pontualidade, e não estaa em rezão que o Bispo dando a licença que se pede se arrisque asy, e a suas ouelhas, especialmente que o mesmo Rey encarregou a igreja, que vem a dizer o mesmo que ao Bispo a guarde de sua ley, que he hua das cousas porque não leuo mão desta escomunhão com desejar de leuar mão della pera me uer liure de importunações, e outros enfadamentos. Mas ei medo de cair noutros maiores, porque aleuantada a escomunhão os Portuguezes, e Espanhões pollo o appetite que tem de leuar estes moços, e moças, não an de dar polla prohibição del Rey, e sempre an de leuar alguns, e depois delles partidos pera Manilha, e Macao an de pedir conta ao Bispo de sua desobediência delles, como ia algumas uezes se me tem pedido, sem Eu ter que lhes responder senão que faço tudo o que posso pera que se obedeça a ley de sua Alteza te lho prohibir com todo o rigor que a igreja costuma. Quiz apontar isto a V.R. pera ahi poder dar satisfação a queixosos, quando os ouuesse, posto que cuidoo não auera.”*¹⁵⁰⁹

[As it is so rigorously prohibited by the King of Japan to purchase or take people out of Japan, of which I had said already, last year some honorable people asked me for licenses to buy some servicemen. But I do not grant it in exchange of their friendship, because the prohibition is still in full force, and so strictly and because there are many watchmen who observe and research whether what the King ordered is being abided, as he wants to be obeyed thoroughly, and it is not right for the Bishop to grant a license putting himself at risk, and his own sheep, especially because the same King ordered the church, which means the same as the Bishop himself, to abide to his law, which is why I do not lift the

¹⁵⁰⁸ COSTA, João Paulo Oliveira e. *Op. cit.*, p. 313.

¹⁵⁰⁹ BRAH Cortes, 565 (9/2665), f. 94. Also cited in SOUSA, Lúcio de. *Op. cit.*, p. 156.

excommunication, even though it would save me of many inconveniences and other annoyances. But I fear I may have other greater problems, because if the excommunication against the Portuguese and the Spaniards is lifted, as they are eager to take away young men and women, and would not abide to the King's prohibition, and will always take away some [servants], and after they leave to Manilla or Macau they [the Japanese] will charge the Bishop with their disobediences, as it has happened with me a few times before, and I can only reply them that I do all I can for the King's law to be obeyed, even forbid them with all the Church's authority. I wanted to tell Your Reverence this, so you may there respond to complaints whenever they happen, even though I believe there will be none.]

The Bishop is explaining how the Japanese central authorities had forbidden the export of slaves out of Japan; yet, Portuguese merchants were still bothering him, asking for permits. The king referenced by Cerqueira was the Japanese *shōgun*, not the Portuguese crown. Thus, in 1609, the Bishop had already given up on lobbying the king. His letter was aimed at providing his representative in Madrid with enough reasons so he could reply to any complaints regarding ecclesiastical punishments enacted in Japan.

But what is most important about Cerqueira's 1609 letter is that it reveals that he stuck to the decision taken in 1598. While the Portuguese coming from Macao and India were still insisting on obtaining his blessing on the purchase of Japanese slaves, the prelate was determined. The decision to not enact any licenses was, according to the letter, an act of self-preservation: the Bishop had to negate those permits, or else he would be pestered by Japanese authorities. As he represented the Catholic community in Japan, Cerqueira could be prosecuted as a direct responsible for the actions of Portuguese and Spaniards from overseas. As it seems to be, the Bishop was resolute to hinder the slave trade until his later years, probably until his death in 1612.

While Cerqueira's lobbying had worked at first, the king changed his decision to appeal local elites in Goa and Kochi. D. Sebastião's charter was reenacted by Vice-Roy Aires de Saldanha but with new provisions threatening the ownership of slaves purchased before 1603. Portuguese residents of the two cities responded to the royal decree using at least three local institutions: the High Court of Goa, or *Relação de Goa*, the Municipal Council of the same city, and an unnamed third institution that expressed the will of the citizens of Kochi to the king. Filipe III, understanding the implications a severe execution of the decree and the provisions added by the Vice-Roy, changed his decision. The result was that the renewed charter would serve to the same purpose as when it was first enacted: reiterate the need for legitimacy certificates for the ownership of slaves. Even though the Bishop of Japan would not help in the process, the purchases seem to have continued as Japanese slaves were still living in Goa until at least late 1610s.

In Japan, the Jesuits would be officially expelled from the archipelago in 1614. From 150 missionaries in Japan, 23 were expelled to Manila, 73 to Macao, and 54 remained hidden in the archipelago.¹⁵¹⁰ The governor of Nagasaki ordered the destruction of nine of sixteen churches in the port-city, and the remaining buildings were sealed and no longer accessible to the Christian community.¹⁵¹¹ Thus, their official participation on the Japanese side of the trade was greatly damaged. Nonetheless, the missionaries still kept addressing as they could the problem of Japanese slavery. The following sections deals with their responses to the issue post-1598.

A matter of the secular sphere

Meanwhile, since the gathering in 1598, Japan Jesuits refrained from interfering with the slave trade and slaves purchased by Portuguese merchants. But that does not mean the issue was ignored by the missionaries. One example can be seen in a letter written in 1603 by Mateus de Couros, the ecclesiastical notary of the mission. Couros mentions that Christians still had their children and wives taken as slaves, thus indicating the continuity of the practice.¹⁵¹² Another letter written in that same year demonstrates that the Jesuits were still actively struggling with the issue.

“[Do Colégio de Arima] Fizerão se este anno muitas amizades, m[ui]tos q estauão apartados de suas molheres se reconciliarão, E tornaraõ a fazer vida marital cõ ellas, Liuraraõse per via do tono vinte pessoas q hiaõ compradas e catiuas p[ar]a terras de gentios cõ risco Evidente de suas almas. E porq[ue] auia muitos corias, q[ue] por não saber ainda bem a lingua de Japão, se não tinham confessado, depois de receber o bautismo, se procurou este anno se confessassê, E sendo pr[imeir]o bem instruidos, a fizeraõ naõ cõ menos consolaçaõ, E alegria sua q[ue] o trabalho dos p[adr]es em os entenderê.¹⁵¹³”

[In the College of Arima many relationships were mended, many who were living away from their wives reconciled, and returned to the marital life with them. Through the Tono twenty people who were purchased and enslaved to lands of gentiles, with evident risk to their souls, were freed. And because there were many Koreans, as they did not know well the language of Japan, they had yet to confess, and after receiving the baptism there was an attempt to make them

¹⁵¹⁰ Ajuda 49-IV-55, f. 50.

¹⁵¹¹ NAWATA WARD, Haruko. *Women Religious Leaders in Japan's Christian Century, 1549-1650*. Surrey, UK: Ashgate, 2009, p. 332.

¹⁵¹² JapSin 54, f. 178.

¹⁵¹³ JapSin 54, ff. 187-187v.

confess this year. After being well instructed, they confessed with as much solace and joy on their part as the difficulty the priests had in understanding them.]

This passage shows how the priests were still lobbying local lords to liberate captives, Japanese and Koreans. However, one has to notice that the freed slaves were being taken to “lands of gentiles”. This observation must not be taken as a textual formality – it indicates the missionaries were active in avoiding slaves to be put in situations where there would be no possibility of conversion. That means the general principle of considering slavery as an intermediate stage towards conversion was still being enforced in Japan.

Nevertheless, the Jesuits themselves continued to use Japanese servants hired for limited periods of time, taking part in the Japanese *nenkihōkō* 年季奉公 or temporary servitude. As early as 1585, the Jesuits had rules determining how to use these temporary servants in their houses. The so-called “Livro de diversas Lembranças e couzas que pertencem ao Superior universal de Japan” [Book of various memories and things regarding the universal superior of Japan], which was started in November 13th 1585, following the determinations of then-general of the order Everardo Mercuriano, registers:

*“Nas nossas cazas se poderam servir de Captivos, e de outros moços, com tal que se tenham somente os necessarios, e se uzem muy particular deligencia, e saber bemm dos titulos de seu captiveyro pera se guardar com todos a justiça necessaria, aos quaes tão bem se instruirão na doutrina, e bons costumes da maneira q[ue] convem que se faça em nossas cazas.”*¹⁵¹⁴

[In our houses it will be allowed to use captives and other servants, as far as there are only the necessary [number], and very particular diligence is used, and the titles of their captivity are well known in order to observe all the needed justice. They shall be properly taught the doctrine, and good manners the way is more convenient in our houses.]

The rule determines that the Jesuits were to investigate adequately the reasons and the legitimacy of the enslavement of their servants, as well it reiterates the need to instruct them. Based on this and other advices left by Valignano and other superiors, Francesco Pasio would reform and codify the rules in the year he left Japan. In the summer of 1600, the Italian Jesuit became the new Vice-Provincial of the Japanese mission, thus substituting Pedro Gomes.¹⁵¹⁵ Pasio is well remembered for his opposition to the

¹⁵¹⁴ BRAH, Jesuitas, legajo 21, cota actual 9/7236(I), f. 28. The same order is repeated in the 1585 *Livro de Lembranças*. See Ajuda 49-IV-56, f. 20.

¹⁵¹⁵ COSTA, João Paulo Oliveira e. *Op. cit.*, p. 386.

formation of native Japanese clergymen, as well as for his active participation in the Nagasaki trade.¹⁵¹⁶

Sometime in 1612, Pasio compiled two lists of rules: one addressed to the Rectors of Jesuit colleges in Japan, and a second one more general for other priests in the archipelago. While the second code was a simplified version of the first one, the list for Rectors was a compilation of rules enacted during the following gatherings: the first consultation of Japan, in 1580; the second consultation of Katsusa, in 1590; the third consultation and first congregation of Nagasaki, in 1592; and other consultations happened during the time of Pasio's administration. For instance, it also integrates rules expressed by Valignano in his *Advertimentos e Avisos acerca dos Costumes e Catangues de Jappão*, written in the early 1580s.¹⁵¹⁷ Jesús Lopez-Gay observes these codes "were juridical and pastoral norms which served as guidelines for the activities of the mission."¹⁵¹⁸

The code compiled for the Rectors reiterate a few of previous decisions regarding servitude. In the Rector's code, these were gathered under chapter 3, "*dos moços e gente de serviço*" [of slaves and servicemen], and while in the general code they were registered in the untitled second chapter. For example, it restricts the use and the number of servants to be used by the missionaries in their trips.¹⁵¹⁹ But it also addresses other issues, as the minimal age needed for a servant to be used: they had to be at least 18 years old to work in Jesuit residences, although younger ones could be employed in larger houses. Also, the 10th rule apparently comprises of a new determination taken in Pasio's time. The text deals with those serving the Jesuits who wished to be transferred to other houses. The priests were to first investigate if there would be any inconvenience resulting from such move, although it determines they could not impede such change because these servants were, after all, free men, not slaves: "*não he rezão tirar sem causa graue o remedio de vida a hu homem liure que nada deve*" [it is unreasonable to rake away with no great cause the life remedy of a free man who owes nothing]. The problem is when a servant still owed the priests sometime of servitude, as previously agreed, and wished to leave before the service was due, or simply left without permission. The servant could be sent away if he or she had committed any severe offense against a Jesuit, or some serious offense in or outside the house, making his or her presence an inconvenience for the Company. But if the servant only wished to leave because he or she did not like a priest

¹⁵¹⁶ COSTA, João Paulo Oliveira e. *Op. cit.*, pp. 350-1.

¹⁵¹⁷ VALIGNANO, Alexandro (auth.), SCHÜTTE, Josef Franz and CATTO, Michela (ed.). *Il Cerimoniali per I Missionari del Giappone*. Roma: Edizioni di Storia e Letteratura, 2011.

¹⁵¹⁸ LOPEZ-GAY, Jesús. "Father Francesco Pasio (1554-1612) and his ideias about the sacerdotal training of the Japanese." In: *Bulletin of Portuguese - Japanese Studies*, núm. 3, December, 2001, p. 34.

¹⁵¹⁹ BRAH, Jesuitas, legajo 21, cota actual 9/7236(I), ff. 40v, and 171-171v; Ajuda, 49-IV-56, ff. 27v, and 148v.

or a brother, or the place, or because of a personality problem, then the servant should be only punished, not dismissed.¹⁵²⁰

Next, Pasio determined that married servants should not serve in the Jesuit houses. Here he offers two scenarios: first, legitimate slaves wishing to marry should negotiate with the rector what could be done, although they could not be impeded to marry. Second, free servants were to be dismissed, unless there was any particular reason for them to stay, for example, they performed a specialized task: baker, tailor, were good cooks of Portuguese food, and so on.¹⁵²¹ Thus, it is clear that the missionaries were using not only Japanese practices of hiring temporary servants, but also still using true slaves, enslaved according to Portuguese notions of slavery, although it is unclear whether these were Japanese or not.

The 12th rule of the code elaborates on the acquisition of slaves. Pasio made clear how this process should work: Rectors were to evaluate the legitimacy of a purchased slave. If the priest ruled the enslavement illegitimate, then the servant was to be hired as a temporary servant, with a determined period of servitude following the *nenkihōkō* 年季奉公 model. Their names were registered in a determined book, were the purchase day and the time of servitude was also recorder, so newly coming Rectors could keep track of when these servants were to be freed. The same practice was to be used in other Jesuit residences, although the Rector was the one responsible for determining the period of servitude.¹⁵²²

The following rule formalizes the teaching and indoctrination of servants. According to the text, they had to know prayers and be able to confess and live as good Christians, as well as learn how to treat well visitors. In the larger Jesuit residences, a Brother or *dōjuku* was devoted to instruct servants, and every month they should listen to a lesson designed for them.¹⁵²³

Servants appear once more on the chapter regarding general prohibitions, numbered 15 on the Rector's list and 13 on the general code. The fifth rule on both chapter states that if any servants tried to take refuge in a Jesuit quarter pretending to not be a servant, because of any offense committed against their master – Christian or not – the servants may be protected. However, the priests had to negotiate secretly their return with their master, while at the same time advising the master to avoid any cruelty to the runaway servant. The text, however, makes a distinction between Christian and non-convert masters. If the master was a Christian, then he should be admonished to enact a prohibition in their fiefs to avoid runaway servants being killed in houses of the order or

¹⁵²⁰ BRAH... *Idem*, 172; Ajuda... *Idem*, f. 27v, f. 149-149v.

¹⁵²¹ BRAH... *Idem*, f. 40v, 172; Ajuda... *Idem*, f. 27v, f. 149v.

¹⁵²² BRAH... *Idem*, ff. 40v, and 172-172v; Ajuda... *Idem*, ff. 27v, and 149v.

¹⁵²³ BRAH... *Idem*, ff. 40v, and 172v; Ajuda... *Idem*, ff. 27v, and 149v-150.

in any church. If the master was a gentile, then the Jesuits were to immediately negotiate the servant's return.¹⁵²⁴

Here, Pasio makes an important observation: the Jesuits should not intervene and discuss the legitimacy of a slave owned by a Japanese, even if the servants complained they were unjustly enslaved. The reason is that, as the servants would be normally favored in these disputes, following the decision of 1598, masters could lose their trust in the missionaries, distance themselves from the priests and be put in “*má consciência*” [bad conscience].¹⁵²⁵ That is to say, Pasio believed that the best option was to keep the Japanese in their controlled state of ignorance regarding the justice of slavery, thus conserving their souls by eliminating the possibility of sin and securing them the alibi of ignorance. The Vice-Provincial goes as far to state that these issues were of “*foro exterior e secular*” [exterior and secular sphere] – that is to say, it was not of “*foro interior*” or “*foro da consciência*” [interior or conscience sphere] – thus being an issue delegated to the secular justice, where the ecclesiastical authorities had no business meddling with. Pasio's advice is to better ignore these issues, as if they had nothing to do with it. If they had to intervene, then the Jesuits should commission some Christian to intervene on their behalf to achieve the most peaceful solution possible.¹⁵²⁶

The rules would be amended once more in 1619, when then Visitor Francisco Vieira reiterated that the Jesuit houses could use slaves and other servants, as long as there were only the minimal necessary number of them and there was particular care in examining the legitimacy of their enslavement. Also, it reiterates the need to instruct them in the Christian faith and good manners.¹⁵²⁷ Nevertheless, the Jesuits defended the use of servants in their houses as necessary and in accordance to local customs. Valentim Carvalho, author of an *Apologia* written in 1617 against accusations made by the Franciscan Friar Sebastião de São Pedro, reiterates the necessity of these servants. For example, when counting the number of seminary students in 1612, he writes “*Não se contam aqui os muitos moços de serviço que se não escusam conforme ao costume da terra*” [We do not include the many servicemen which are inexcusable according to the customs of the land.]¹⁵²⁸

Instructions and rules left by Jesuit superiors in the first decades of the seventeenth century make it clear that the missionaries had decided to recuse themselves from intervening in issues regarding slavery legitimacy outside of their jurisdiction. These issues were classified as external to the ecclesiastical jurisdiction. On the other hand, the

¹⁵²⁴ BRAH... *Idem*, ff. 48, and 185v-186; Ajuda... *Idem*, ff. 33v, and 163-163v.

¹⁵²⁵ BRAH... *Idem*, ff. 48, and 186; Ajuda... *Idem*, ff. 33v, and 163v.

¹⁵²⁶ BRAH... *Idem*, ff. 48, and 186; Ajuda... *Idem*, ff. 33v, and 163v. The definition of “*foro interno*” and “*foro externo*” can be found in Raphael Bluteau's dictionary.

¹⁵²⁷ BRAH... *Idem*, f. 212; Ajuda... *Idem*, f. 184v.

¹⁵²⁸ CARVALHO, Valentim (auth.) and FRANCO, José Eduardo (org.). *Apologia do Japão*. Lisbon: Centro Científico e Cultural de Macau, Ministério da Ciência, Tecnologia e Ensino Superior, 2007, p. 70.

only religious authority who could still keep meddling with these issues, the Bishop D. Luís de Cerqueira, was decided to not emit any licenses. Thus, slaves purchased in Japan had to be examined and evaluated by secular justices in overseas markets, such as Goa and Manila, without any statement of their legitimacy provided by missionaries in the archipelago.

Manuals and regulations

Slavery continued to be an issue inside and outside Jesuit houses in Japan. As the Japanese continued to enslave and sell others, Japanese or Koreans, the missionaries still needed theological arguments and tools to deal with these issues. As shown in contemporary sources, the Jesuits recognized that labor equivalent to slavery in Japan were still continuing, as their control on local societies diminished. Forced by reality, the priests elaborated forms to react to these instances.

According to Jesuit bibliographies, Cerqueira elaborated and published a casuistry manual. The title of the book is ignored, but the Belgian Jesuit Alegambe's catalogue refers to it as *Manuale Casuum Conscientiae*. He explains it was translated to Japanese and printed to be used by parish priests in the islands.¹⁵²⁹ Naturally, one could expect that this manual would deal with difficulties rising from the introduction of Christian dogma in Japan, and especially with delicate issues such as slavery. As noted by Laures and Kataoka, the publishing date is uncertain, but there are two contemporary documents mentioning this manual: first, the annual letter of 1614, which states the Bishop had written a manual of moral theology that had been translated to Japanese and published. A second mention can be found in Nicolas Trigault's *De Christianis Apvd Iaponios Trivmphis*, where the Jesuit author explains that Cerqueira would give lectures using his recently published *Casus Conscientiae*.¹⁵³⁰ Both documents indicate the manual had been published recently, which may indicate it came out of the Jesuit press a few years before Cerqueira's demise. These two mentions seem to be the source used by Alegambe in his 1643 catalogue. However, it is still to be found a surviving copy of this manual.

¹⁵²⁹ ALEGAMBE, Philippo. *Bibliotheca Scriptorum Societatis Iesu*. Antwerp: Ioannem Meursium, 1643, p. 309. Alegambe's review of Ribadeneira's catalogue is the first to mention Cerqueira's manual and seems to be the source for later references such as Sommervogel's.

¹⁵³⁰ See LAURES, Johannes. *Kirishitan bunko: a manual of books and documents on the early Christian missions in Japan: with special reference to the principal libraries in Japan and more particularly to the collection at Sophia University, Tōkyō*. Tokyo: Sophia University, 1940, p. 93; KATAOKA, Inácia Rumiko. *A Vida e a Acção Pastoral de D. Luís Cerqueira S.J., Bispo do Japão (1598-1614)*. Macao: Instituto Cultural de Macau, 1997, pp. 99 and 122; TRIGAULT, Nicolas. *De Christianis Apvd Iaponios Trivmphis*. München: Sadeler, 1623, p. 269.

A work of moral theology printed in Japan that has been found is Manuel Sá's "*Aphorismi confessoriorum ex doctorum sententiis collecti*." Printed in 1603, it was an edition of Sá's manual, first published in 1595. The Laures Database explains that this "*is an exact reprint of the Madrid edition of 1600*." However, comparing both editions, Kōsō Toshiaki points out that the Japanese edition failed to include certain passages of the original.¹⁵³¹ The Japanese *Aphorismi* was not used for long though: it was forbidden in 1603 in Europe and in 1605 Cerqueira suspended its publication in Japan.¹⁵³² However, the prohibition in Europe did not last very long. The *Aphorismi* became "*the third most published among the Jesuit manuals, reaching at least 80 editions*."¹⁵³³ It was one of the first manuals to introduce Probabilism in Europe, and its adoption in the Japanese mission goes on to show that the Japan Jesuits were themselves moving away from medieval casuistry and theology. As explained by Maryks:

*"Probabilism changed the nature of the relationship between the penitent and the confessor, who had now to absolve, not because he could back his decision with the opinion of a safe authority, but because the penitent could claim a probable opinion. The confessor was still a judge—as Trent stressed with determination—but not an unquestionable one, and the penitent was no longer simply a 'poor, sinning folk.'"*¹⁵³⁴

In Europe, the Jesuits were confessors for many political and ecclesiastical authorities, as Maryks explains, who were themselves also trained in casuistry.¹⁵³⁵ However, for the Jesuits in Japan, such freedom was needed not because their parishioners had any theological training – rather, it was a practical way to avoid the constraints of dogma in the face of the challenges posed by the Japanese mission.

The *Aphorismi* presents basic explanations on topics ordered in alphabetical order. Regarding slavery, the *Aphorismi* presents decisions largely based on theologians such as Covarrubias, Panormitano, Navarro, Silvestre Mazzolini, Torquemada, Soto, Molina, and

¹⁵³¹ KŌSŌ Toshiaki. *Kirishitan Ban Seisen – Kingonshū: Kaisetsu*. Tokyo: The National Library of China, Beijing, and Yushodo Press, 2010, pp. 13-4.

¹⁵³² See Laures Kirishitan Bunko Database, http://digital-archives.sophia.ac.jp/laures-kirishitan-bunko/view/kirishitan_bunko/JL-1603-KB27-26-21, accessed in March 25th 2017; and LAURES, Johannes. *Kirishitan bunko: a manual of books and documents on the early Christian missions in Japan: with special reference to the principal libraries in Japan and more particularly to the collection at Sophia University, Tōkyō*. Tokyo: Sophia University, 1940, p. 67. For more on the copy found in Beijing, see LAURES, Johannes. "Neuentdeckte japanische Jesuitendrucke im Pei-t'ang zu Peking." In: *Monumenta Nipponica*, Vol. 1, n. 1. Tokyo: Sophia University, 1938, pp. 140-2.

¹⁵³³ MARYKS, Robert Aleksander. *Saint Cicero and the Jesuits – The Influence of the Liberal Arts on the Adoption of Moral Probabilism*. Hampshire, UK and Rome: Ashgate and Institutum Historicum Societatis Iesu, 2008, pp. 9-10.

¹⁵³⁴ *Idem*, p. 8.

¹⁵³⁵ *Idem*, pp. 8-9.

others.¹⁵³⁶ The theme is discussed mainly in two chapters, *Dominus* and *Seruus*. The first one echoes Navarro and determines that a master should not expel a slave from his house because of sin, unless it would be necessary to avoid committing a sin. On the other hand, the chapter *Seruus* establishes general ideas regarding the treatment of slaves and some definitions. For example, whether slaves could recover their freedom by simply running away from their masters, the *Aphorismi* decisively determined it a legitimate way of freeing oneself from slavery, even for those who sold themselves into slavery and had previously promised to not run away. The *Aphorismi* also determined that Christians could indeed be enslaved. It reminds the case of Moors in Granada, who were enslaved after conversion. Those slaves were rescued from enemies and could be used for five years or be sold for a low price; children born from a slave mother would be slaves themselves; slaves were to be freed if they were abandoned by their masters; and so on.¹⁵³⁷ These aphorisms are especially useful to consider the case of Japanese slavery. Such as it happened to Moors in Granada, Japanese and Korean Christians could be enslaved, and the manual offers conditions and rules to deal with these slaves. It is uncertain to what extent these decisions influenced the treatment of slaves in Japan, but it nevertheless guaranteed that there were indeed legitimate ways to procure Japanese and Korean convert slaves, even though the Bishop was against enacting any license or permit to Portuguese merchants in favor of enslaving locals.

Slavery was also an issue for the local laymen brotherhoods, the so-called *confrarias*.¹⁵³⁸ Katō Eiichi notes that, when Jesuit missionaries were expelled from Japan, the control of convert communities was passed on to these societies.¹⁵³⁹ Among the many existent in Japan in this period, the *Confraria de Nossa Senhora da Assumpção* or *Santa Maria no Onkumi* さんたまりあの御組 was one of the brotherhoods established by the Jesuits and supervised by them. As pointed by Nawata Ward, these papers were found among other documents sent by the Dominican Diego Collado during the heat of the

¹⁵³⁶ Martino Bonacina, in his *De Morali Theologia* (first published in 1624) reproduces almost all of the *Aphorismi*'s decisions regarding slavery, but adding their original sources. See BONACINAE, Martini. *Compendium Omnium Operarum de Theologia Morali...* Antwerp: Ioannem Meursium, 1645, pp. 631-2, Verbo *Seruus*. See also CASTRONOVO, Valerio. "BONACINA, Martino." In: *Dizionario Biografico degli Italiani – Volume 11*. In: [http://www.treccani.it/enciclopedia/martino-bonacina_\(Dizionario-Biografico\)/](http://www.treccani.it/enciclopedia/martino-bonacina_(Dizionario-Biografico)/), accessed in March 25th 2017.

¹⁵³⁷ See *Aphorismi*, verbi *Dominus* and *Servvs*.

¹⁵³⁸ See SCHÜTTE, Josef Franz. "Futatsu no Komonjo ni Arawaretaru Nihon Shoki Kirishitan Jidai ni Okeru 'Santa Maria no Onkumi' no Soshiki ni tsuite." In: *Kirishitan Kenkyū*, 2. Tokyo: 1944, pp. 135-47; MAKI Hidemasa. *Nihon Hōshi ni Okeru Jinshin Baibai no Kenkyū*. Tokyo: Yūkaikaku, 1961, pp. 227-30; NAWATA WARD, Haruko. *Women Religious Leaders in Japan's Christian Century, 1549-1650*. Surrey, UK: Ashgate, 2009, pp. 338-44. For more on Japanese brotherhoods, see KAWAMURA Shinzō. *Kirishitan Shinto Soshiki no Tanjō to Henyō: Confraria kara Konfuraria he*. Tokyo: Kyōbunkan, 2003; COSTA, João Paulo Oliveira e. "The Brotherhoods (*Confrarias*) and Lay Support for the Early Christian Church in Japan." In: *Japanese Journal of Religious Studies*, 34/1. Nagoya: Nanzan Institute for Religion and Culture, 2007, pp. 67-84.

¹⁵³⁹ KATŌ Eiichi. "Sakoku to Bakuhansei Kokka." In: KATŌ Eiichi, YAMADA Tadao (ed.). *Kōza Nihon Kinseishi 2 - Sakoku*. Yūgaikaku, 1981, p. 97.

Jesuit-Friar rivalry between 1617 and 1622. A different set of rules, elaborated by Jesuit Giovanni Batista Zola in 1621 for the *Confraria del Nome de Jesus* or *Zezusu no Onkumi* ぜずすの御組, also survived among Collado's papers. Nawata Ward explains that all three brotherhoods demanded members to not gain unjust profit by “selling *Kirishitan youths to zenchiyo* [non-Christians] or *foreigners*.” Those who sold young Christians to foreigners and non-converted Japanese would be expelled from the brotherhood.¹⁵⁴⁰

However, as noted by Maki Hidemasa, the rules differed slightly.¹⁵⁴¹ The rules of the *Santa Maria no Onkumi* are an example of how they changed in this period. The first set of rules for the *Confraria*, elaborated by Jerónimo Rodrigues in January 20th 1618, included the following provisions on the second part of the code:

“8. *Uender moços, e moças xpãas á gentios, particularm[en]te p[ar]a terra de gentis da outra costa.*

9. *Dar sua filha a alguê p[ar]a peccar, ou ganhar cõ ella.*”¹⁵⁴²

[Eight. [Must not] sell young Christian boys and girls to gentiles, and specially send them overseas to countries of gentiles on the opposite coast.

Nine. [Must not] give your daughter away to someone to commit sins, or profit from her.]

In 1618, the Jesuits determined that members of the brotherhood could not trade Christian young Japanese as slaves to non-Christians. However, this created a large loophole: in fact, it made possible for *confrères* to sell converted boys and girls to other Christians, including Portuguese merchants coming from overseas. Even one's own daughters could be sold, as long as these restrictions were obeyed.

Four years later, the Jesuit missionary Jacomé António Giannone elaborated a new set of rules for the same *confraria*. Written in Japanese in January 17th 1621, the fifth prohibition in the third part of the code reads: *Hito akinahi suru koto* 人あきなひする事 [to trade people].¹⁵⁴³ Thus, while the first set curtailed sales of Christian youths to gentiles or send them overseas to gentiles, the second code is a comprehensive prohibition.

As suggested by Gonoï Takashi, these rules must be read against the background of the Christian persecution in Japan. Jerónimo Rodrigues, author of the first set of rules, fled from Japan to Macao in 1617 after Japanese authorities captured Brother Leonardo Ōmura the previous year, thus elaborating the set of rules with vivid memories of the

¹⁵⁴⁰ NAWATA WARD, Haruko. *Op. cit.*, pp. 340 and 343. However, Nawata Ward mistakenly transcribes the Japanese *zenchiyo* ぜんちよ, a loan word from the Portuguese gentio (infidel), as *zencho*.

¹⁵⁴¹ MAKI Hidemasa. *Op. cit.*, 1961, p. 230.

¹⁵⁴² JapSin, 59, f. 167.

¹⁵⁴³ SCHÜTTE, Josef Franz. *Op. cit.*, p. 143.

persecution in his mind.¹⁵⁴⁴ In our opinion, the difference between both codes in regard to the treatment given to slave traders is a direct reflection of the severe policies adopted by the Tokugawa Bakufu during the four years between each other.

According to Maki Hidemasa, the first instance of prohibition against human trafficking in Japan by the Tokugawa Bakufu was a law enacted in 1616. The provision reads as follows:

一 人売買之事一円停止たり、若売買濫之輩者、売損、買損之上、被売者は其身之心にまかすべし、併勾引売に付而者、売主は成敗、うるゝものは本主人可返事¹⁵⁴⁵

[Item. It is forbidden to purchase and sell people, and if one is caught doing so, beyond nulling the purchase and the sell, those sold would be left to their own. Also, regarding those kidnapped and sold, the seller must be executed, while the sold individual must be returned to his original master.]

The law prevented not only human trafficking in general, but it also has a specific rule for those kidnapped. Similar prohibitions would be enacted in 1618 and 1619.¹⁵⁴⁶ Thus, when missionaries rewrote the *confrarias*'s internal codes, they realized the Bakufu was pressuring for the end of the slave trade. The revision of the code was certainly a measure aiming at preserving the brotherhoods and the Christian communities, as any spec of influence the missionaries had before was quickly being crushed by central authorities persecuting Christians and hunting missionaries.

The afterlife of Japanese slavery

“Que direi dos chins e japões? Ha lei entre nós que não os captivemos; e comtudo vemos em Portugal muitos chins e japões escravos. Tambem para os Brazis ha a mesma lei, e sabemos que não se repara em os captivar. E não sei que diga a estes captiveiros tolerados sem exame! Direi o que ouvi prégar muitas vezes a varões doutos, e de grande virtude e experiencia – que a razão porque Portugal este captivo sessenta annos em poder de Castella injustamente, padecendo extorções e tyrannias, peiores que as que se usam com escravos, foi

¹⁵⁴⁴ GONOI Takashi. “1618 nen Jeronimo Rodorigesu sakusei no ‘Kumi naishi Konfuraria ni kansuru Oboegaki’ ni tsuite – Kaisetsu to Honyaku.” In: *The Sapientia University review*, 40. Tokyo: Eichi Daigaku, 2006, p. 1.

¹⁵⁴⁵ ŌKURA-SHŌ (ed.). *Nihon Zaisei Keizai Shiryō* 4. Tokyo: Zaisei Keizai Gakkai, 1922, p. 1202.

¹⁵⁴⁶ MAKI Hidemasa. *Kinsei Nihon no Jinshin Baibai no Keifu*. Tokyo: Sōbunsha, 1970, pp. 51, 57, and 104; TANNO Isao. “Edo Jidai no Hōkōnin Seido to Nihonteki Kan’yō Kankō.” In: *Kokusai Keiei Ronshū* n. 41, 2011, p. 60.

porque injustamente portugueses captivam nações inocentes. Justo juízo de Deus, que sejam saqueados com unhas mentirosas, os que com as mesmas roubam tanto!"¹⁵⁴⁷

[What can I say of the Chinese and the Japanese? There are laws among us forbidding us of enslaving them, but we can see many Chinese and Japanese slaves in Portugal. There is the same law for the Brazilians, and we know nobody cares if they are enslaved. And these are all enslavements made with no examination! I can only say what I heard many times learned men of great virtue and experience preaching: the reason Portugal unjustly fell enslaved for sixty years under the control of Castile, suffering many extortions and tyrannies, worse than what is done to slaves, was because the Portuguese unjustly enslave innocent nations. It is a fair judgment on God's part, that they [the Portuguese] are looted with lying nails, the same with which they steal so much!]

The above passage is from the Jesuit priest Manuel da Costa's *Arte de Furtar*, a highly critical appraisal of Portugal and its actions in the world written in mid-seventeenth century.¹⁵⁴⁸ Written in 1652, it was finally published in 1743 or 1744.¹⁵⁴⁹ This heavily critical text indicates the practice of illegitimately enslaving Chinese and Japanese as one of the reasons for the plight of Portugal during the Iberian Union. The passage, although written after the Portuguese had been expelled from Japan, shows not only that even in the 1650s there were still Japanese slaves in Portugal, but that it was widely known that these were illegitimate slaves. As Japan Jesuits decided to refrain from enacting licenses to purchased slaves in the archipelago, the trade fell completely under secular jurisdiction. While the Tokugawas started repressing the slave trade, the missionaries decided to use other resources to assess the issue, such as the laymen brotherhoods in Japan.

Japanese slavery became a constant theme referenced by theologians in Europe. Even in Brazil, Marçal Beliarde, former Visitor, mentioned in 1595 the royal law against Japanese slavery to defend a prohibition against the enslavement of Brazilian natives.¹⁵⁵⁰ Moral and casuistry manuals used the case of Japanese slavery to debate the general problem of slavery legitimacy. In his book on the arguments of slavery, García-Añoveros explained briefly a summary of the ideas presented by four authors: Luís de Molina,

¹⁵⁴⁷ *Arte de Furtar, Espelho de Enganos, Theatro de Verdades, Mostrador de Horas Minguadas, Gazúia Geral dos Reinos de Portugal, oferecida a El-Rei Nosso Senhor D. João IV para que a emende.* Lisbon: Editores J. M. C. Seabra & T. . Antunes, 1855, p. 196.

¹⁵⁴⁸ In Japanese historiography, the only mention we could find about this passage is in IZAWA Minoru. *Daikōkai Jidai Yawa.* Tokyo: Iwanami Shoten, 1977, p. 171.

¹⁵⁴⁹ BISMUT, Roger. "La Présence de Camões dans L'Arte de Furtar." In: *Separata da Revista da Universidade de Coimbra, vol. XXXIII.* Coimbra: Universidade de Coimbra, 1985, p. 380

¹⁵⁵⁰ ZERON, Carlos Alberto de Moura Ribeiro. *Linha de Fé: A Companhia de Jesus e a Escravidão no Processo de Formação da Sociedade Colonial (Brasil, Séculos XVI e XVII).* São Paulo: Edusp, 2011, p. 511.

Fernando Rebelo, Bautista Fragoso and Juan Solórzano y Pereira.¹⁵⁵¹ But there were others who dealt with the issue in the first half of the seventeenth century, such as Estevão Fagundes, Fernando Castro Palao, Angelo Maria Verricelli, and Henrique de Villalobos.

Probably the earliest discussant to use Japanese slavery in his theological work was Luis de Molina.¹⁵⁵² General issues regarding slavery occupy the second book of his *De iustitia et iure*, more specifically *disputationes* 32 through 40. Molina analyzes the case of slavery in Portuguese India, where merchants brought slaves from many different areas. While with some the Portuguese had wars considered just – Kalikut, Sumatra, Java, Malacca and Ace – in others Molina condemns the enslavement because there was no just war, as it was in the case of China and Japan. Nevertheless, he knew that in these areas people would sell their own children for very low prices not only to the Portuguese, but also to infidels. Specifically in regard to the Japanese case, Molina noted that although among local lords there were many wars, he doubted of their justice. The only exception he could accept were wars waged by Christian princes. The reason is that because they listened to Jesuit preachers and confessed with them, these missionaries would not allow any injustice on the part of their parishioners. As for the slave trade, he doubted whether the Portuguese were careful to examine with the necessary rigor issues regarding the legitimacy of their purchased slaves.¹⁵⁵³ In fact, Molina defended that the war among Christians, sometimes, where not only licit but also avoiding them could be a deadly sin, given that was the common doctrine of the church. The theologian believed such would be the case because, according to his school of thought, the lawfulness of war depended only on one side, as it was impossible for both sides to be right simultaneously.¹⁵⁵⁴

The Portuguese Jesuit Fernão Rebelo, who had a close relationship with Molina, also debated the issue. In his *Opus de obligationibus justitiae, religionis et caritatis*, published in 1608, Rebelo repeated some of Molina's arguments. He doubted the justice of wars in Japan, unless when declared by Christian lords. Rebelo mentioned D. Sebastião's charter on Japanese slavery as a response to the obstacle to evangelization that the issue represented. He also affirmed that judges in Portugal executed the law, but

¹⁵⁵¹ GARCÍA-AÑOVEROS, Jesús. *Los argumentos de la esclavitud*. Digital document available at <<http://www.larramendi.es/es/consulta/registro.cmd?id=1137>>, 2000, p. 131 [accessed in 21 October 2013].

¹⁵⁵² For a recent discussion on Molina's ideas concerning slavery, see KAUFMANN, Matthias. "Slavery between Law, Morality, and Economy." In: KAUFMANN, Matthias and AICHELE, Alexander (ed.). *A Companion to Luis de Molina*. Leiden: Brill, 2014, pp. 183-225.

¹⁵⁵³ HESPANHA, António Manuel. "Luís de Molina e a escravização dos negros." In: *Análise Social*, vol. XXXV (157), 2001, p. 937, 952-3; COXITO, Amândio A. "Luís de Molina e a Escravatura." In: *Revista Filosófica de Coimbra*, n. 15, 1999, p. 128. See also ZERON, Carlos Alberto de Moura Ribeiro. *Op. cit.*, pp. 273-96.

¹⁵⁵⁴ ANXO PENA GONZÁLEZ, Miguel. "Patrística y Cánones sobre el Derecho de Guerra Justa en la 'Escuela de Salamanca.'" In: GARÍ, Bernat (ed.). *Clásicos para un Nuevo Mundo – Estudios sobre la Tradición Clásica en la América de los Siglos XVI y XVII*. Barcelona: Centro para la Edición de los Clásicos Españoles, Universidad Autónoma de Barcelona, 2015, pp. 380, 383

failed to mention its enforcement in Asia. Lastly, Rebelo explained how D. Luís de Cerqueira – who referred as Ludouicus Corgueira – prohibited Japanese slavery with ecclesiastical censures, resulting, in his opinion, on a generalized veto on exports of slaves from Japan.¹⁵⁵⁵

Molina and Rebelo were followed by João Baptista Fragoso, considered by Domingos Maurício the last great legal historian of slavery from the University of Évora, where he taught theology. The issue is debated in his *Regimen Reipublicae Christianae*, published between 1641 and 1652.¹⁵⁵⁶ In his discussion regarding the purchase and sale of gentile and infidel slaves by the Portuguese and the Spanish, Japanese slavery featured as the first doubt of the *disputatio*. Fragoso considered the charter enacted by D. Sebastião a definitive prohibition, which he explained was based on the assertion that Japanese slavery was hindering the propagation of the Christian faith. Nevertheless, he admitted the possibility of legitimate enslavement when parents sold their children moved by hunger. He also mentioned the ecclesiastical punishments enacted by Cerqueira, adding that the Bishop himself defended that, because of a special law – referring to D. Sebastião’s charter – the Japanese could not be enslaved nor purchased by the Portuguese.¹⁵⁵⁷ Thus, even though Fragoso admitted that there could legally be legitimate Japanese slaves, Cerqueira’s excommunication and D. Sebastião’s prohibition precluded this alternative.

Molina, Rebelo and Fragoso were some of what Domingos Maurício called the primordial figures of the Évora school of thought concerning slavery.¹⁵⁵⁸ Another theologian that, although did not teach in the university received his education there, was Estêvão Fagundes. In 1641, Fagundes published his *De justitia et contractibus et translatione domini*. Professor at the Jesuit colleges of Braga and Portalegre, Fagundes’ moral treatise discussed slavery and the slave trade done by the Portuguese. Based on historical accounts such as Maffei’s and João de Lucena’s, the issue of Japanese slavery is mentioned shortly.¹⁵⁵⁹ The theologian explained that, as the Portuguese did not have wars with the Japanese, the Japanese could not be justly enslaved. He praised D. Sebastião’s charter on Japanese slavery and, even though he does not mention the date or the king’s name, he understood the law allowed Japanese men and women to sue their masters in order to regain their freedom in court. However, he admitted one case of

¹⁵⁵⁵ MAURICIO, Domingos. “A Universidade de Évora e a Escravatura.” In: *Didaskalia*, VII, 1977, p. 184; REBELO, Fernão. *Opus de obligationibus justitiae, religionis et caritatis*, lib. I, q. X, nn. 29-31; ZERON, Carlos Alberto de Moura Ribeiro. *Op. cit.*, pp. 297-303.

¹⁵⁵⁶ MAURICIO, Domingos. *Op. cit.*, p. 192; ZERON, Carlos Alberto de Moura Ribeiro. *Op. cit.*, pp. 303-8.

¹⁵⁵⁷ BAPTISTA FRAGOSO, João. T. III, l. 10, d. XXII, p. 1, nn. 1, 4, 5

¹⁵⁵⁸ MAURICIO, Domingos. *Op. cit.*, p. 165.

¹⁵⁵⁹ MAURICIO, Domingos. *Op. cit.*, pp. 186-91.

legitimate enslavement of the Japanese, and that is when they were enslaved first in their own wars and sold to the Portuguese.¹⁵⁶⁰

Beyond the University of Évora's walls, the issue of Japanese slavery became a constant reference for other theologians. For example, Fernando Castro Palao, a Spanish Jesuit who taught in Valladolid, Compostela and Salamanca, used the example of Japanese slavery to illustrate his discussions. The topic appears briefly on his *Operis Moralis de Virtutibus, et Vitiis Contrariis*, published between 1631 and 1651. In his discussion on justice and the general legitimacy of slavery, Castro Palao used the example of Japanese and Chinese as nations which had no servitude among them, thus needing clear and valid reasons for their enslavement.¹⁵⁶¹ The example is used only to contrast with Africans and Brazilian natives, who he presumed had legitimate slavery among them before their purchase by Europeans. In fact, authors from the mid-seventeenth century onwards cared less and less about Japanese slavery, and the issue would eventually be mentioned to illustrate other arguments, such as Angelo Maria Verricelli¹⁵⁶² and Henrique de Villalobos,¹⁵⁶³ often referring to the works of Molina, Rebelo, and Frago.

Finally, a political reflection on the issue of Japanese slavery against the larger context of slavery in this period was made in the anonymous manuscript *Proposta a Sua Magestade, sobre a escravaria das terras da Conquista de Portugal* [Proposal to Your Majesty regarding the slaves of the lands conquered by Portugal]. Unearthed by Portuguese historian Maria do Rosário Pimentel, the document was written in 1612, probably by a man of the clergy.¹⁵⁶⁴ As observed by Pimentel, the manuscript was elaborated considering issues raised by the way slavery was practiced: the legitimacy of slavery, merchants' strategies, trading injustices, and the negative repercussions from the slave trade. The proposal was, nevertheless, aimed at adapting the practices to the moral principles of Christian conscience and to the norms of modern law considering the requirements from new geographical and human circumstances of the period. The text is

¹⁵⁶⁰ FAGUNDES, Estêvão. *De justitia et contracticus...* Lib. II, Cap. III, n. 6.

¹⁵⁶¹ CASTRO PALAO, Fernando. *Operis Moralis de Virtutibus, et Vitiis Contrariis*, Lib. VII, tract. XXXI, Disput. Unica, Punct. IX, n. 11.

¹⁵⁶² VERRICELLI, Angelo Maria. *Quaestiones morales ut plurimum novae, ac peregrinae*, t. V, q. CVII, s. XIII, n. 75.

¹⁵⁶³ VILLALOBOS, Henrique de. *Summa de la Theologia Moral, y Canónica, Segunda Parte*, trat. V, dif. XIV, n. 4.

¹⁵⁶⁴ PIMENTEL, Maria do Rosário. "Leitura Comentada da *Proposta a Sua Magestade sobre a Escravaria das Terras da Conquista de Portugal*." In: *Revista Ultramares*, n. 1, vol. 1, Jan.-Jul. 2012, pp. 122-4. The document was first presented by Pimentel in PIMENTEL, Maria do Rosário. "A 'Proposta a Sua Magestade sobre a escravaria das terras da conquista de Portugal.'" In: *Estudos em Homenagem a Luís António de Oliveira Ramos*. Porto: Faculdade de Letras da Universidade do Porto, 2004, pp. 843-54. Many of the arguments presented in the latter text are repeated on Pimentel's 2012 article.

heavily based on those who it refers as “modern theologians,” thus assuming influences from theological jurists such as Vitória, Soto, Navarro, Ledesma and Molina.¹⁵⁶⁵

The anonymous author explains that in Japan, China and Brazil it was impossible to separate just from unjust cases, that is to say, legitimate from illegitimate slavery.¹⁵⁶⁶ Specifically on Japanese slavery, the text mentions the phenomenon twice. First, it understands it as the main reason behind Hideyoshi’s decision to expel the Jesuits.

*“He tãobem este trato, e catiueiro escandaloso a todo o mundo, e particularmente aos mesmos Gentios, porque os afastão de nossa sancta fe, vendo que aquelles que os vão a conuertem [sic], esses mesmos os catiuão por tão injustos modos, como cada dia se vê. E especialmente sentem isto os de mais entendimento, como são os Japões. Em tanto que este foi o primeiro capitulo da sentença com que o tyrano Cambucodono Senhor vniuersal de todo Japão, mandou hauera vinte e cinco annos desterrar a todos os que andauão naquella conuersão, dizendo que os hião comprar, e fazer catiuos por aquelles portos, com pretexto de Religião, porque pouco, e pouco hião maquinando sujeitar, e fazer tributários todos, aquelles Estados a Portugal.”*¹⁵⁶⁷

[This trade and slavery is so outrageous to the whole world, and especially to the Gentiles, because it drives them away from our holy faith, as they witness those who convert them capturing by such unjust methods, as one may see every day. And especially those who have better understanding, such as the Japanese, feel outraged. So much that this was the first chapter of the sentence with which the tyrant Kanpaku-dono, universal lord of all of Japan, ordered 25 years ago to exile all those who worked in converting that land, saying that they went there to procure and make captives in those ports, on the pretext of religion, because little by little they were planning to subject and make all those states tributaries of Portugal.]

The manuscript accuses illegitimate slavery of obstructing the propagation of the Christian faith, a common argument used by those contrary to these practices in the period. The case of Japan is presented to showcase an example of how non-Europeans of greater reason, that is to say, in higher positions on racial taxonomies of the period, could interpret these practices as attempts to subject local governments to the authority of the Portuguese king. This passage is often cited to date the manuscript as written in 1612, as

¹⁵⁶⁵ PIMENTEL, Maria do Rosário. “Leitura Comentada da *Proposta a Sua Majestade sobre a Escravaria das Terras da Conquista de Portugal*.” In: *Revista Ultramarés*, n. 1, vol. 1, Jan.-Jul. 2012, pp. 124-5, and 127.

¹⁵⁶⁶ *Idem*, pp. 128; PIMENTEL, Maria do Rosário. “A ‘Proposta...’”, p. 846.

¹⁵⁶⁷ PIMENTEL, Maria do Rosário. “Leitura...”, p. 141; PIMENTEL, Maria do Rosário. “A ‘Proposta...’”, p. 851.

it indicates the expulsion of Jesuit missionaries from Japan as an event happened 25 years before.¹⁵⁶⁸

The author explains that slavery was the first article of Hideyoshi's sentence expelling the missionaries from the archipelago. According to the text, the Japanese ruler understood the Jesuits, under the pretext of religion, wanted to purchase and enslave the Japanese, and in the end subject Japan as a tributary state of the Portuguese king. However, this statement is problematic given that none of the two known laws enacted by Hideyoshi in 1587 ruling the Christian presence in Japan – the 11-article memorandum, and especially the 5-article edict – mention the issue of Japanese slavery in its first article. Although the memorandum condemns the enslavement of Japanese people and their export overseas, the same text does not expel the Jesuits. Thus, we have at least two possibilities: the anonymous author mistook one law for the other; or he or she misread the proposal made by Hideyoshi to Gaspar Coelho regarding Japanese slavery as part of the text expelling the Jesuits. If the author was writing in Europe, considering published Jesuit sources such as the letters referring to the events of 1587 comment the 5-article edict and the proposals made by Hideyoshi to Coelho, it seems the second alternative is the strongest one. Nevertheless, the issue of Japanese slavery was discussed in other Jesuit sources written between 1587 and 1612, most importantly the minutes of the 1598 Nagasaki gathering and Valignano's *Apologia*. If the author had access to these manuscripts, it is highly probable he or she misread the order of the facts or, in order to reinforce his or her claim, decided to exaggerate the importance of the issue in Hideyoshi's decision-making process. But the most interesting assertion of the text is that unjust or illegitimate slavery was the responsible for putting away local converts and hampering the missionaries' efforts. The conclusion is that slavery in itself, as a social practice, was not the problem; rather, the real problem were slavers who acted beyond legal boundaries determined by theology, as well as canon and civil law.

A second mention to Japanese slavery is made when the author comments D. Sebastião's charter on the issue. It reads as follows:

*“Faz tambem para isso ser ja feita a mesma ley para o Japão por El Rey Dom Sebastião no anno de [1]570 e publicada naquellas partes (posto que pella cobiça dos Portuguezes, que tratão no Japão, he mal guardada) e hauer a mesma razão para se estender a todas as mais partes da Conquista, e te la tambem estendido ao Brazil o mesmo Rey Dom Sebastião posto que com mais limitação do que agora se vê que importaua (...).”*¹⁵⁶⁹

¹⁵⁶⁸ PIMENTEL, Maria do Rosário. “Leitura...”, pp. 122-4.

¹⁵⁶⁹ PIMENTEL, Maria do Rosário. “Leitura...”, pp. 143-4; PIMENTEL, Maria do Rosário. “A ‘Proposta...’”, p. 853.

The charter is mentioned as part of a wider project to curtail abuses and excesses committed by Portuguese merchants in the slave trade, that is to say, to hinder illegitimate slavery. The author proposes the king a law along the same lines as the slave legislation in Castile, that is to say, a general prohibition on the enslavement of all non-Christians except Muslims – recorded as *mouros* [Moors] and *Turcos* [Turks]. D. Sebastião’s charters on Japanese and native Brazilian slaveries is given as an example of what should be done in a wider scale, although the text admits those individuals from these areas that could be justly enslaved should be so and there should be no measures dealing with those slaves already owned by the Portuguese.¹⁵⁷⁰

In conclusion, the *Proposta...* is an example of how the phenomenon of Japanese slavery was used since the early seventeenth century as a rhetorical device to exemplify two main aspects: how Portuguese merchants’ greed was detrimental for the colonial enterprise, and how D. Sebastião’s law, although praiseworthy, failed because of this greediness. Reflexes of this understanding can be seen up to the middle of the century, when Manuel da Costa wrote his *Arte de Furtar*, mentioned at the beginning of this section.

Last, one mention that ought to be made is the short comment by Juan de Solórzano y Pereira on Japanese slavery. In the third book of his *De Indiarum iure*, the Spanish jurist discussed how there were differences between judges ruling on the liberty of slaves brought from Portuguese-controlled areas to Spanish-controlled areas, namely from Portuguese India to the Americas. According to Solórzano y Pereira, some justices preferred to favor their manumission, as the king had ordered no natives were to be enslaved, while others would rather decide on the favor of their masters, as Portuguese legislation allowed their enslavement. The jurist then decides to consult D. António de Morga, then president of the *Audiencia de Quito* and who formerly had lived in the Phillipines, going as far as to serve as governor of the Spanish settlements in the Asian archipelago. Solórzano y Pereira wrote:

“Qui mihi ultimae opinion adhaerens respondit, aliquas esse Orientalis Indiae provincias, maurorum ut plurimum colluvione et infectione permixtas, iavos nempe, malaios, bengalas, macazares, buzarates, endes et similes, cum quibus lusitani iusits et legitimis bellis quotidie decertant; et mancipia, quae in illis capiuntur, lusitanis legibus et Conciliorum Provincialium declarationibus capientisu cedere et ab eis vendi atque ab emptoribus ubique legitime possideri, dummodo iustae captivitatis titulis habeant, iuxta formam ab eisdem Conciliis praescriptam; cum aliis vero regnis seu provinciis, lusitanis foedere iunctis illorumque, ut dicunt, in armis sociis, utpote Cambaya, Pegu et quibusdam aliis, servitutis iura neutiquam exerceri, neque etiam cum sinis et iaponensibus, nisi

¹⁵⁷⁰ PIMENTEL, Maria do Rosário. “Leitura...”, pp. 143-5; PIMENTEL, Maria do Rosário. “A ‘Proposta...’”, pp. 852-4.

*forte istorum aliqui se aut filios suos propter famem aut aliam urgentem necessitate ob preium participandum voluntarie vendiderint. Quod patriis eorum legibus aut moribus licitum et usitatum est. Quo tamen in casu perpetuae servituti non mancipiantur, sed temporali famulatio eatenus duraturo, quatenus ad acceptum pretium compensandum iudicibus, qui de hoc inquirunt, sufficiens esse videbitur.”*¹⁵⁷¹

[Adhering to the second opinion, [Morga] answered that some provinces in East Indies were faced by the filth and infection of the Moors, especially the Javanese, Malays, Bengals, Makassarians, Endes, and other similar peoples, with whom the Portuguese had just and legitimate wars every day. Slaves captured in these wars are subjected to the control of their captors and can be sold by them according to Portuguese legislation and Provincial Councils’ decrees. Thus the buyers are legitimate owners everywhere they go, as long as they are backed by just titles of slavery, according to the means stipulated by these Councils. However, they cannot by no means use these rights of slavery with other kingdoms and provinces allied to the Portuguese, or war allies. Such is the case of Cambaya [Gujarat]¹⁵⁷², Pegu and some others. These rights cannot be exercised either with the Chinese and the Japanese, unless some of them, moved by hunger or other similar necessity, had sold themselves voluntarily or their children [to slavery] taking part in the transaction. Such is a procedure considered licit and usual according to the laws and customs of their countries. However, in this case, they are not subjected to perpetual slavery, but rather temporal servitude which must last as long as it seems enough according to the justices used to these cases in accordance to the price paid.]

Solórzano y Pereira is not giving any original solution or interpretation to the case, but rather summarizing the case of Japanese and Chinese slavery as read against the issue of Asian slavery in Spanish-controlled areas. Citing the authority of Morga, he admits the Portuguese had indeed just wars with some Asian nations, and that their enslavement was guaranteed by both secular and ecclesiastical authorities. Those from allied nations such as Gujarat and Pegu could not be enslaved, but the case of the Japanese and the Chinese is offered as an exception: they could be temporarily enslaved according to their laws and customs. The Spanish jurist thus registers that the enslavement of Japanese and Chinese was admitted as far as it was temporary, and that their servitude was fundamentally different from perpetual slavery. This difference is reinforced by the wording of his Latin text: while Asian slavery is called *iustae captivitas*, Japanese and Chinese servitude is

¹⁵⁷¹ SOLÓRZANO Y PEREIRA, Juan. *De Indiarum iure (Liber III: De retentione Indiarum)*. Madrid: Consejo Superior de Investigaciones Científicas, 1994, pp. 460-2.

¹⁵⁷² The Spanish translation published with the original Latin text in the edition consulted mistakes Cambaya for Cambodia. See *Idem*, p. 463.

expressly referred as *temporalis famulitium*, temporal servitude. These were not people enslaved as a result of captivity in war, nor were to be understood as common slaves.

Furthermore, following precedents established long ago by casuistry and moral theology, Solórzano y Pereira reiterates the need to fulfil legal requirements for their subjection to servitude: the participation of the enslaved part or their parents in the transaction, and the condition of necessity to justify the sale. Also, the legitimacy of these servants is provided by the understanding that local customs and laws were just according to European standards. This shows a line of interpretation close to what Valignano defended until 1598 in his idea of Japanese slavery's tolerability. Finally, the legitimacy of these servitudes was to be decided by experienced judges, in a probable support to the idea that the experience accumulated by local Portuguese justices in these cases should be considered enough to guarantee the legitimacy of Japanese and Chinese servitude.

Finally, the topic became commonplace for theologians. Since the works of Molina, Fragozo and Rebello, Japanese slavery became an example of debatable and dubious slavery. That can be understood by the privileged position Japanese – and Chinese as well – enjoyed in the religious taxonomy of races since the work of José de Acosta.¹⁵⁷³ In the end, Japanese slavery became a faint memory for theologians, while those taken to the Americas and Europe slowly faded away.

¹⁵⁷³ Acosta's taxonomy of races is an obligatory topic for the discussion of race in the early modern period. For a very short description, see CHAVES, María Eugenia. "Race and Caste: Other Words and Other Worlds." In: TORRES, Max S. Hering, MARTÍNEZ, María Helena, and NIRENBERG, David (org.). *Race and Blood in the Iberian World*. Zürich: Lit Verlag, 2012, p. 50.

Conclusion

In the early modern period, politics and religion were intrinsically mixed. Based on this assumption, the case of Japanese slavery was here analyzed as a politico-theological problem. From that perspective, a series of conclusions was drawn on how the Jesuits justified their stance on the issue trade during the sixteenth and seventeenth centuries.

We discussed the justice of war and how the just war theory came to be associated with the idea of slavery legitimacy in the early modern period. The basic proposition is that the use of just war theory to justify slavery was not a given, natural and customary equation. We here reconstructed how this justification process came to being, allowing Iberian empires to explain and legitimize the enslavement of foreign non-Christian populations. By analyzing how the Portuguese empire addressed slavery in Asia, we concluded that the slave trade was, comparatively to the spice trade, largely unregulated. This allowed Portuguese merchants to participate in the intense inter-Asian trade, and human trafficking became a favorite activity for small traders. In fact, royal regulation was aimed not at controlling the slave trade, but rather at protecting the more lucrative spice trade by controlling the participation of spice traders in the slave trade. Thus, the slave trade in Portuguese Asia emerged as a small local activity done between ports with the intent of attending the small demand for domestic servants. The activity remained unregulated for the larger part of the sixteenth century.

For members of the Jesuit order, the issue of slavery was a problem because of the conflict it created with their original vows of humility. Nevertheless, the missionaries planned to use slaves in order to disseminate Christianity, and they were particularly targeted as candidates to conversion since the early days of the order in Asia. The issue of legitimacy regarding the enslavement of Asians was first raised by Nicolao Lancilotto, who questioned the acquisition of slaves traded by their parents and relatives. Loyola dismisses the issue, as he considered those in Asia were better prepared to assess it. Most importantly, we showed how early accounts of Japan penned by merchants and others effectively created the concept of Japanese slavery. As we understood it, it developed as a labelling process, according to which forced labor relations in Japan were identified as slavery. The same tone was not used by Francisco Xavier, who considered Japanese labor relations differently and avoided the term “slave” to describe Japanese servitude. The case of Anjirō’s servants is emblematic, as different terms were used to describe the same case of bondage.

Next, we analyzed the theoretical bases of slavery in Portuguese Asia as defined in the First Council of Goa, in 1567. By clarifying the legitimate forms under which individuals could be justly enslaved, the gathered prelates established the framework on

which debates and arguments would be built during the following decades. The First Goa Council expanded the standards already in place in order to allow the clergy to have a wider control over social relations established between the Portuguese and locals. Thus, slavery became, essentially, the name given to those bonds built between non-Christians – especially non-Europeans – and Christians – especially Europeans.

The crucial element that allowed the identification of local forms of human bondage as slavery was the recognition by the First Goa Council of the legitimacy of local legislation as a source of legitimacy for forced labor relations. The result of the synod was the creation of the need for justification of slavery, on the form of certificates and examinations, a decision confirmed by royal authority. This decision gave way to missionaries in isolated areas, such as the Japan Jesuits, to set their own rules on controlling the formation of these bonds. We showed how the issue of slavery was dealt in the decrees of the synod, leaving it open to further exploration and debate. The Constitutions of the Archbishopric, on the other hand, dealt with procedural issues related to slavery, such as their access to sacraments and issues of abuses by Christian masters. In other words, the Constitutions determined the place occupied by the slaves in the parishes and the relation other Christians ought to have with their servants. Both texts, the decrees and the Constitutions, reveal the thick matrix of behavior and social codes under which slaves were subjected to. Also, we explained how the Constitutions were elaborated and presented a convincing framework to understand how the text was structured based on previous diocesan constitutions.

Next, we explored the elaboration process of the 1570-1571 Portuguese charter on Japanese slavery. We showed how historiography has in large part ignored or failed to explain the process considering the legislative procedures at the time. By discussing this relation, we clarified how laws were enacted and the role Jesuits in Portugal played in the elaboration of legislation specifically designed to address religious issues. The charter on Japanese slavery, which has been interpreted as a failed attempt to block the Japanese slave trade, is read against contemporary circumstances. We show how it was in fact part of a diplomatic strategy developed by the missionaries to assist their efforts in Japan with the help of the crown. As a result, the Japanese slave trade was restricted to those who could procure permits with missionaries, thus the Jesuits took control over the legitimization of slaves acquired in Japan. At the same time, the Portuguese in India received the itinerant court known as *Alçada*. The justices were instructed to set the necessary framework to avoid illegitimate slavery and curb abuses committed by Portuguese captains. The court which was in charge of enforcing, among others, measures designed to create the need for legitimization of slaves purchased in Asia by the Portuguese. After all, slavery was not only a trading, but also a moral issue. It was part of the problem of trade with non-Christian populations. Even worse, it was one of the trades kept with the so-called “enemies of Christ” – a generic term normally reserved for Muslims and non-Christians who dealt aggressively with Christians.

By comparing dates and the law-making process, we show how the charter on Japanese slavery was enacted twice: first in 1570 in Portugal, and the following year in Portuguese India. Also, by comparing it with the charter on Brazilian native slavery, we indicate context differences between both, especially in regard to the relation of Christians with “enemies of Christ.” Finally, we shed some light on its reception in Asia, where these policies were understood as a crackdown on illegitimate slavery by reinforcing the decisions of the First Goa Council. The most affected by the legislation were poor soldiers, local converts and people with no political influence. Portuguese residing in Kochi, for example, avoided going to church in the following year, afraid of not being able to conceal illegitimate slaves. In East Asia, the Bishop of Macao, as the Jesuit missionaries in China and Japan, worked on curbing abuses and freeing slaves.

Therefore, the charter on Japanese slavery indeed guaranteed the success of the Japan Jesuits’ strategy. The legislation made put missionaries as the main regulators of the enactment of licenses justifying the enslavement of men and women purchased in Japan. Thus, we concluded that the main objective of the charter was not to abruptly cease the slave trade by Portuguese merchants in Japan, but rather to curb abuses and put the trade under Jesuit supervision.

Next, we focused on the strategies developed by the Japan Jesuits until the arrival of Valignano in 1579. We showed how the missionaries enacted since the 1560s permits becoming effectively the overseers of slave transactions between Portuguese and Japanese, a participation justified by moral and religious interests. The superior Cosme de Torres was the first to enact permits allowing merchants to purchase slaves in Japan, especially in Bungo, a region that had been using the exportation of slaves as a tool of diplomatic negotiation since before the arrival of the Portuguese.

A key source that helped us to understand the reception of this practice by Jesuit superiors is the so-called Codex 805, with texts by Francisco Rodrigues. Then rector of the Jesuit College in Goa, he was inquired about the legality of said permits. Rodrigues answered that Torres was certainly more well-informed of the needs and circumstances in Japan than himself, thus repeating Loyola’s response to Lancilotto in the 1550s. As seen by Rodrigues, Japanese slaves had been previously enslaved according to local legislation; and enslavement was, in fact, a gateway to Christianize these populations. Thus, the practice was to be considered legitimate. The situation was different, however, when Rodrigues discussed Chinese voluntary slavery, to which he admitted legitimacy as far as Silvestre Mazzolini’s *Summa Silvestrina* conditions were fulfilled. This legitimacy, however, could be the result of practices that incidentally met theological requirements, or circumstances that, even though guaranteed the slave was illegitimate, suggested his soul would be better under slavery. Rodrigues’s solutions for dubious slavery, such as the Japanese and the Chinese case, were not solely based on experience and pragmatism. They effectively reveal that the First Goa Council’s decision to allow the legitimation of

slaveries formalized according to foreign laws opened the gates to a less rigorous stance, admitting the choice for less safe options in dubious cases. Rodrigues's text shows how the bureaucratization of slavery in Portuguese Asia, initiated by the First Goa Council, was effective, being the most impacting legacy of the synod in regard to slavery.

With the arrival of Valignano in 1573 in India, the Jesuits started regulating the use of slaves by their missionaries, namely during the so-called *Consulta de Chorão*, in 1575, which shows the effects of the bureaucratization of slavery ownership inside the order. The Visitor and the Jesuit superiors in Rome expected to substitute the use of slaves by lay brothers and physically stronger missionaries. Because of the 1570s royal charters, the Jesuits assumed a privileged position in dealing with merchants, and slave legitimacy depended on them in many cases such as Japan, where they were the only ones with some authority. In 1575, during the Chorão consultation, the Jesuits decided that they would keep using slaves in their facilities because of their limited numbers and extreme weather, sickness, and local opinions on menial tasks that would put the missionaries in a disadvantageous position. They reiterate the need to keep legitimate slaves only, and illegitimate slaves were to be kept temporarily at the service of their houses. Nevertheless, they recognize the lack of knowledge regarding Japan, and the need to the Visitor to gather more information to take more concrete measures. They conclude, however, that it was impossible for the Jesuits to live in Asia without servants and slaves, thus proposing to change the view of the order in regard to menial tasks and domestic service by alleviating the missionaries' obligations. The decisions are found in a number of instructions and letters to the superiors and missionaries spread throughout Asia. The effects of these decisions were felt immediately, and Jesuits started indoctrinating and recording their slaves.

After the consultation, Valignano elaborated his *Summario Indicum*, where he classifies Asian peoples in blacks – most Asians – and whites – Chinese and Japanese. This did not mean, however, that the Visitor considered White Asians excluded from servitude. Upon arriving in Japan in 1579, Valignano added information concerning China and Japan, but regarding slavery he identifies servants in Japan as a different category, thus avoiding the discussion concerning slave legitimacy for those serving Jesuit houses in Japan. Also, he promoted three gatherings in 1580 and 1581, defining rules for evangelization, purposes of the mission, structural reforms and others, while slavery is not brought up specifically during these meetings. Nonetheless, Valignano's *Advertimentos e Avisos acerca dos Costumes e Catangues de Jappão*, written in 1581, revealed a complex structure of domestic servants assisting the missionaries, which included *dōjuku*, *kanbō*, *komono*, and *tonobara*. Furthermore, Japan Jesuits could also count on services offered and taxes paid by residents of areas donated to the mission.

Back to India, the Visitor elaborated a list of instructions in Latin, which revealed he was already referring to some categories of servants as *famuli* rather than the most

common *servi*, thus denoting a legal differentiation between different types of servicemen. By reading his *Historia del Principio y Progreso de la Compañía de Jesús en las Indias Orientales*, written in India, we uncovered a more sophisticated description of the Japanese and his arguments in favor of the Jesuit intervention in Japan. Valignano divided peoples in categories according to their myths, putting forward the idea that Japanese and Chinese had the same potential for salvation as the ancient Romans and Greeks. The Japanese were also described as white and reasonable, and willing to convert to Christianity. Furthermore, by describing the first Japanese who helped Xavier to go to Japan, Valignano implies that the use of Japanese servants did not mean a dishonorable act, thus making it clear he did not condemn the use of such servicemen.

However, in his *Sumário de Japón*, finished in 1583, the Visitor made a clear distinction between the *dōjuku* 同宿 and other servants, who he defended as absolutely necessary to the mission. While the former were part of the structure of the church, the latter were characterized as inferior people who performed domestic services. The need for servants was justified by the exotic qualities of Japan, thus making it difficult for Jesuits outside of Japan to evaluate and assess the situation simply by resorting to common casuists such as Cajetan and Navarro, for example. Valignano insisted on the limits of moral theology to defend a higher degree of autonomy to Japan Jesuits when solving dubious issues such as slavery.

Also, we analyze description of how people were normally captured and enslaved in Japan, and how the Jesuits suffered amidst the local wars and lived in fear of captivity. At the same time, Christian lords were praised by the missionaries for capturing and killing enemies, as these represented victories for Christianity and increases in the Jesuits' safety. Japanese could be subjected to forced labor through capture by local bandits, sea pirates, and enemy armies. Some of the servants used by the missionaries were in fact obtained through the rescue of prisoners, who in exchange for their ransom had to work for the Jesuits during a determined period. Also, the missionaries would interfere with local authorities on behalf of freeing prisoners, as they taught it to be a merciful deed. The use of enslaved individuals as a symbol of redemption, a recurring image of the period, was also applied by the missionaries to enhance the image of local lords in Japan. For example, Ōmura Sumitada's mercifulness and liberality as a Christian lord are undermined by his acts in the liberation and ransoming of war prisoners. In Europe, as well, Japanese were used as an allegorical symbol of captives freed by the conversion to Christianity, as in the parade celebrating Loyola and Xavier's canonization in Porto. We then analyzed the vocabulary used by the missionaries in Japan to refer to laborers, which reveal some aspects of their understanding and classification of servicemen according to Western legal concepts such as *servi* and *famuli*, and the most generic terms used to describe forced labor in Japan, such as *yakko*. What this analysis reveal is that the Jesuits used mainly two different types of categories regarding servitude in Japan: local categories and attenuating terms. While the first were transliterations of Japanese terms,

such as *comono* and *cambo*, the second included *moço*, *moça*, *gente de serviço*, and others, which reiterated their submission to servitude while obfuscating legal differences between Western notions of slavery and servitude and local Japanese categories. Through the use of these terms they could use servants without infringing orders from their superiors in Europe, keep Japanese identity separated from other non-Europeans, and avoid moral conflicts with theological definitions.

Next, we focused on the analysis of early legislative measures taken by central authorities in Japan to address the problem of Japanese slavery and the slave trade issue between Portuguese and Japanese merchants. We showed how Japanese and Portuguese sources differ in regard to the chronology of events concerning the negotiations between Jesuits and Toyotomi Hideyoshi in 1587. These differences indicated inconsistent narratives that raise doubts on the common narrative of the short period between the first encounter of the Jesuits with the ruler and his decision to expel them from Japan. We attempted to clarify the chronology of events of that time and understood that the Kanpaku and the missionaries were engaged in a negotiation where each party had its own interests in mind: while the Jesuits aimed at securing their position in Japan and their operations, Hideyoshi was concerned with the economic and political impacts of the missionaries' activities in the archipelago.

The method of negotiation, via envoys and third parties, meant that the Jesuits could not explain their motifs, and Hideyoshi kept a negotiating edge in the process. Historiography considers the three issues presented by the ruler's envoys to Coelho – which included Japanese slavery – to be three questions inquiring the Jesuits of their motifs. However, we concluded that Hideyoshi was in fact presenting three offers, so the missionaries could change their *modus operandi* and stay in Japan. Coelho responds to the three issues, what led the ruler to consider it a refusal and, consequently, made him decide to expel the Jesuits from Japan. His concerns regarding the displacement of converted populations, and the killing of cows and horses were, in fact, related to the depletion of important resources for the economy.

As for slavery, Hideyoshi's inquiry has been traditionally understood as motivated by moral concern with his fellow countrymen. However, we understood it to be, as with other issues, a sign of concern with the removal of human resources much needed to labor in Japanese fields. The Jesuits' understanding of the offer also indicated that it was not simply an issue of returning slaves – they understood it as a request for restitution. That meant unjustly taken assets – labor force, in this case – were requested to be returned to their original places. This was how they understood the Japanese *hitogaeshirei* 人返令, a formal demand usually enacted to request the return of war prisoners. Thus, Hideyoshi's request to return purchased Japanese slaves was an extension of the process of regulation of the slave trade.

The request for restitution was also closely related to the situation in Kyushu, where Hideyoshi had ended all conflicts and was in fact attempting to restore the necessary order to develop economically the region. Thus, rather than simply a negotiation between Jesuits and the Kanpaku, the demand was part of Hideyoshi's policy to pacify the isle of Kyushu, and it had nothing to do with the ruler discovering Japanese slave trade after arriving in the area.

In an attempt to keep their freedom of action and secure the mission, the Jesuit superior replied that prohibitions curtailing the sale of Japanese servants had to be enacted against Japanese rulers, not the missionaries. The missionaries' failure on the negotiation allowed Hideyoshi to react on two levels: enacting the Jesuits' expulsion edict and issuing a series of acts against human trafficking in Japan. It was not a change of heart in regard to the mission, but rather a natural follow-up to failed negotiations.

Analyzing the two main documents enacted by Hideyoshi during the negotiation – memorandum and the edict of expulsion we explained the position of the 5-article edict as an act of diplomatic policy, with an emphasis on Hideyoshi's political ideology behind the unification of the archipelago. On the other hand, we view the highly problematic 11-article memorandum as the result of failed negotiations between the Christian daimyō Takayama Ukon and the Kanpaku, who had debated before the encounter between the Jesuits and Hideyoshi in July 1587.

By comparing available sources, we corroborated Hirai Seiji and Fujiki Hisashi's understanding of the memorandum as a general prohibition against human trafficking in Japan. And even though the aim of the law was not to halt the export of Japanese slaves, it was consequentially forbidden by this action. Also, we read a Japanese account of the trade, which describes qualitatively the horrors faced by Japanese slaves in Portuguese ships and indicates the view local authorities had of the phenomenon.

After the edict and the memorandum, Hideyoshi ordered the return of purchased slaves, but he failed to compensate the merchants of their loss, following his new policy regarding human trafficking, that is to say, nulling the acquisition and punishing both purchasing and selling sides by refusing any satisfaction, in accordance to the legal principle of *ryōseibai* 兩成敗. We presented a reconstruction of the legislative chronology by listing the prohibitions against human trafficking: it was reissued in 1588, as indicated by various contemporary sources, and similar provisions were included in other pieces of legislation and letters written between 1589 and 1591.

As for slave exports, we indicated that the ruler started acting against the trade as soon as he arrived in Sakai, in August 1587. We concluded that although the Jesuits refused the offers made by Hideyoshi in Hakata, the Kanpaku accepted the argument given by the Jesuit superior, which blamed local rulers for the continuity of the trade. The Jesuits seemed to temporarily have suspended the enactment of licenses, what let to

dissatisfaction among merchants who insisted on purchasing Japanese slaves and resistance on the part of purchased slaves. Although the superiors had decided to stop helping these sales, the Jesuit priest Gregório de Céspedes attempted to circumvent these internal orders by smuggling slaves, which demonstrates there were distinct opinions regarding the relation the Jesuits had with the slave trade.

Valignano returned to Japan to intercede with Hideyoshi in favor of the missionaries, and the Jesuits gather once more for the second general consultation. Convened in Katsusa, the missionaries deliberate on, among other issues, the use of servicemen among members of the order in Japan. They discussed the use of personal servants, which they defend as necessary to follow local usages and the dangers they faced while moving through the archipelago. Also, they attempted to define rules distinguishing the *dōjuku* from common servicemen and their functions in the mission. The missionaries also demonstrated how practical necessities could be used to justify bending the order's rules. Based on the deliberations, Valignano ruled the number of *dōjuku* and servants, including hired servicemen, for each house and superior, as well as defining their functions. These rules were focused on determining Jesuit servants as serving the order, not individual missionaries. Nevertheless, the missionaries failed to discuss the issue of Japanese slavery legitimacy.

Next, we started analyzing the dialogue of the Japanese ambassadors to Europe. Composed by Valignano and published in Macao, it presented an idealized view of slavery and servitude and the worldview the Jesuit wished to transmit to the Japanese. Its general theory of servitude was built by comparing Japanese and European practices. Although the account of the emissaries witnessing Japanese slaves in Europe included in the dialogue has been widely cited by past researchers, by reading the whole text we discovered the idea of tolerable slavery. While criticizing Black slavery as “sad slavery”, Valignano listed positive effects of enslavement for Japanese people, distinguishing it as an idea that ought to be tolerated and permitted by the missionaries, even though labor is presented as a characteristic of commoners, opposed to nobility.

As for race, Valignano, following the general trend of the time, located the Japanese race one step before the Europeans and ahead other dark-skinned peoples. The idea of servitude was closely related to race, as noted by one of the protagonists, Leo, whose questions suggests blackness as an indicator of slavery. Indeed, the origin of blackness is central in Valignano's racial cosmogony, as he considered white to be the standard color and blackness a result of three factors: environment, heredity, and the biblical curse of Ham. The combination of these factors allowed the Jesuits to explain the existence of many races found during the European maritime expansion. It also allowed them to identify the so-called White Asians – Japanese and Chinese – as peoples similar to White Europeans, but not quite the same, as an unknown cause was responsible for giving different traits for them.

We identified that servitude in Europe and Japan were compared throughout the text: servitude in Europe was seen as fixed considering their function and place, with little obligations and permeated by mutual love between masters and servants. On the other hand, Japanese servitude was described as mobile, with many obligations to obey their masters and lacking the same level of love as European servitude. Nevertheless, we considered there was an equation of servitude in Europe with the phenomenon in Japan, as both are characterized as *famuli*, drawing a distinction between these servicemen – servants in Europe and servants in Japan – and slaves purchased overseas.

Slaves, referred as *servi*, was the name reserved for Black Africans and dark-skinned Asians. Japanese slavery was then introduced as a problem, and the responsible are considered Japanese merchants who sold their own people. The sight of Japanese slaves in Europe enraged the emissaries against their own fellow countrymen, not against the Portuguese. The dialogue reiterated that as the Portuguese were not the only ones to purchase slaves in Japan, local merchants were to blame. The real problem behind Japanese slavery was when these slaves were sold to non-Christians, which put them in a condition similar to the fate of Black slaves. Those sold to Portuguese masters, on the other hand, enjoyed many advantages, which the dialogue uses to defend the idea of “tolerable slavery.” The characters defended the Portuguese had no fault regarding the situation, but the Japanese were the only to be blamed. The Jesuits, on the same way, were defended as contrary to the slave trade and diligent lobbyists who tried to obtain a royal prohibition against the practice.

The dialogue explained that the 1570-1571 D. Sebastião’s charter was not ignored, but rather came to be inefficient for a number of reasons. The enslavement of Japanese by the Portuguese was in fact defended as positive, especially the system of temporary servitude, as the slaves would be freed in a number of years and be able to preserve the ingenuity of their soul. Japanese slavery is, thus, divided in two categories: the sad slavery of those purchased by non-Christians, and the tolerable slavery of those acquired as temporary servants by the Portuguese.

In the aftermath of the 1587 edict, the Jesuits gathered in 1592, when they deliberated the problem of locally taken solutions, such as the enactment of licenses to Portuguese merchants for the purchase of Japanese slaves. The congregation then decided to ask their superiors in Europe for advice, and the responsible for taking the decisions of the gathering to Europe was Gil de la Mata, who left Japan that same year.

The representative of the Japan Jesuits also took with him additional text written by Valignano to complement his previously submitted *Sumario de Japón*. In his additions, the Visitor presented Japanese slavery as one of the difficult cases faced by missionaries in Japan, to which existing manuals were not sufficient to deal with. But as it was impossible to determine the justice of wars waged in Japan, the Jesuits could only evaluate the consequences of one’s enslavement, thus Japanese slaves owned by Portuguese

masters were not considered in a situation as bad as those purchased by non-Christians. The missionaries argued the Jesuits were unable to go against the situation, and they could not do anything to address the issue of Korean slaves as well. The Visitor was thus asking for a better solution to the challenge, rather than simply approval to their local methods.

With the beginning of the Japanese invasions in the Korean Peninsula, Jesuits started praising Christian lords for their actions in the conflict, including assisting abandoned children, but also capturing locals to be used as servants and interpreters and sold as slaves in Japan and China. In Kyushu, Jesuits baptized Korean captives, which were also a source of concern regarding the souls of those who had campaigned in Korea and captured these people. The mission changed to accommodate the newcomers and started translating materials for their conversion.

Meanwhile, the procurator Gil de la Mata went to Europe, where he met theologians and superiors. One of the most valuable sources resulting from the procurator's mission to Europe was the questionnaire sent by Valignano and the missionaries in Japan and answered by Gabriel Vázquez, who corroborated their proposal of tolerable slavery. Vázquez's answers were not as interesting as the questionnaire itself though, which was revealing of how they built the theory behind an idea of tolerable enslavement of the Japanese by presenting the many difficulties and proposed solutions for each challenge.

The questionnaire also exposed two central arguments used by the Jesuits to deal with doubtful issues in the mission: the *possidentis* principle and the *bona fides* principle. The first one described how the position defended by a slave owner could be favored, while the second one defended the right to ownership of slaves as it was allowed by local Japanese customs. The use of said theological arguments was a reflection of the influence of both Probabilism and Bartolomé de Medina's ideas on members of the Society of Jesus. The result was that the Jesuits were able to justify their acceptance of the enslavement of Japanese and Koreans, as long as the process was under their own terms – that is to say, as temporary servitude with permits enacted by the missionaries.

The survey also revealed how the Jesuits incorporated the practice of temporary servitude in order to preserve the *ingenuitas* of the Japanese converts, while at the same time avoiding them to fall in wrong hands by safeguarding their souls as servants to Christian Portuguese. Furthermore, the missionaries explained that slavery in Japan could not be explained by the doctrine of just war, but it depended upon good faith and ignorance – that is to say, servitude legitimacy was guaranteed by social recognition in Japan, as it was a local custom, and ignorance, as the Japanese were to be kept in an ignorant status by those who were the only ones who could inform them of the church's dogmas and teachings: the missionaries. For that reason, slavery depended on the presence of a single order, the Jesuits, as other orders could easily break the control they enjoyed over the access to information by local converts. Thus, the entrance of the

Franciscans in the 1590s could be counted among the factors that contributed to the change of position by the Jesuits in regard to the slave trade.

However, Gabriel Vázquez admonished the Jesuits, as he reminded them that, even though the strategical relation they developed with the slave trade had worked until then, they were to consider the consequences – physical and spiritually – enslaved individuals would endure because of their practices. For that reason, the theologian advised them to work in favor of restitution of captives and liberation of slaves rather than ways to allow the slave trade. As for perpetual slaves in Japan, known as *fudai genin* 譜代下人 and other names, the missionaries questioned whether the Jesuits could turn a blind eye to the issue. Vázquez allowed them to ignore it as any attempted change to the situation could threaten the integrity of the mission.

After all, our assessment of the questionnaire and the 1590 dialogue put the actions taken by Japan Jesuits in accordance to the relation established by other members of the Society of Jesus with slavery in other parts of the world. The *possidentis* and *bona fide* principles are key to understand the place occupied by the phenomenon of Japanese slavery in the wider frame of the historical relation developed by the Jesuit order with the historical problem of slavery.

The relation would change in 1596, when the new Bishop of Japan, Pedro Martins, arrived in Nagasaki. Warned by the *otona* of the port-city of the risks the slave trade represented to the Portuguese population and the Nanban trade itself, he elaborated a letter of excommunication against those who bought Japanese slaves, including temporary servants. Comparing the available documentation, we understood the letter was in fact published in Japan in 1598, months before Luís de Cerqueira's gathering to debate Japanese slavery in Nagasaki. Martins' decision had, in fact, forbade the practice of enacting licenses to Portuguese merchants wishing to buy Japanese slaves. It changed the way the missionaries acted towards the trade, by forbidding even the temporary servitude once defended as beneficial. The decision was motivated not only by the abuses practice by Portuguese merchants against their slaves, but also by local legislation enacted by Hideyoshi which punished by death those trading men and women. This represented a risk of subversion of royal power over its subjects, namely Portuguese individuals, while at the same time the letter was an attempt to gather judicial power in the hands of the prelate. It also threatened the power of the *capitão-mor* himself, after the city decided to take the menace represented by the Japanese authorities against the trade seriously and warned the captain he could lose his powers if he kept turning a blind eye to the situation.

As for the Jesuits, the letter marked the missionaries' decision to put an end to their permit system. The practice was responsible for allowing abuses, and although the Japanese legislation allowed the enslavement of Koreans to go on, the Jesuit decision curtailed the purchase of Japanese and Korean slaves. With the excommunication in place,

slave traders could be subjected to a series of restrictions that equated it to social death. It was an ultimatum against the trade, but it lasted for little time – Martins' died in 1598, and the letter was voided days after its enactment.

That meant the Jesuits needed to debate the issue with the new Bishop, Luís de Cerqueira. During the same period, instructions arrived from Rome suggesting the suppression of the licensing practice. Gathered in September, the missionaries were decided to drastically change their relation with slavery. During the meeting, the issue was not whether to prohibit the participation of missionaries in the trade, but how to suppress it, if the course of action chosen by the order should include a renewal of the excommunication letter enacted by Martins or some other action was to be taken.

In the end, Bishop Cerqueira decided to: 1) renew the excommunication letter, and 2) lobby the crown in order to obtain effective secular measures against the trade. By using both sides of justice, ecclesiastical and secular, Cerqueira wished to make it impossible to trade Japanese and Korean slaves, which is a very different strategy if compared to the abolitionist movements of the nineteenth century, as it was not aimed at solely creating a definitive legal prohibition against slavery.

While the meeting renewed the excommunication, it also marked the definitive departure from the licensing system, thus closing legitimate channels of procuring slaves in Japan for the Portuguese. The decision was motivated by theological problems – the problem of legitimacy of Japanese and Korean slaves; deterioration of Japanese opinion regarding the missionaries; the issues risen by troubles cause by Portuguese merchants; and Japanese legislation and justice.

As for legitimacy, Cerqueira considered impossible to rule legitimate wars in Japan, rendering slavery indefensible. Higher taxes were mentioned as the leading cause for parents to sell their children into slavery, while even temporary servitude was considered illegitimate because of misinformed candidates to slavery. Valignano and the missionaries's arguments in favor of a tolerable form of slavery were disregarded in favor of the freedom of the servant, even if it meant to sacrifice the master's authority and ownership. This change of principle is a reflection of the clash between Tutorism and Probabilism.

With the decline of rigorous views inside the Jesuit order by the end of the sixteenth century, the missionaries had proposed an alternative marked by principles from Probabilism. Cerqueira, on the other hand, did not allow the prevalence of Probabilism. The Bishop refused all arguments in favor of the tolerable slavery and defended that the trade was simply unacceptable by the mission. That means Cerqueira resorted to the more traditional argument of favoring the freedom of the servant rather than the right to ownership as reclaimed by slave masters.

The gathering also called attention upon the inconveniences born out of the slave trade and the rigor of Japanese law as the main reasons behind their decision to change their relation with the slave trade. With the renewal of the excommunication, the end of the licensing system and the decision to lobby the Portuguese king to obtain a full-blown secular prohibition against the enslavement of Japanese, the Bishop was poised to put an end to the slave trade in Japan. The solution was now in the hands of the secular arm of justice.

A little more than five months after the meeting, Gil de la Mata, once more elected Procurator of the mission, left with the decision heading Europe. The documents were sent to the Portuguese king, the Board of Conscience in Portugal, the Archbishop of Goa and other authorities to procure the prohibition. Nevertheless, Portuguese merchants insisted on buying Japanese slaves – for the Jesuits, that served only to reiterate the need for a secular measure. The end of the license or permit system, as well as the excommunication letter, meant the Jesuits were abstaining themselves from the slave trade in Japan. The problem was delegated to secular authorities, as ecclesiastical justice had already given its decision. The next expected steps would be the analysis by the Board of Conscience and obtaining a prohibition with the king. However, Japan Jesuits overestimated the reach of royal powers, or, for that matter, underestimated the influence of local elites in India.

Then we analyzed the consequences of the Jesuit recusal from the licensing system and their lobby in favor of a comprehensive royal prohibition against Japanese slavery. After the Jesuit decision, it quickly turned into a political dispute between the crown and the Portuguese elites in India, especially in Goa and Kochi. By reading the available documentation, we understood that citizens in the capital of the *Estado da Índia* did not receive the royal attempt to suppress Japanese slavery well and replied with baffled letters from both the local High Court and the Municipal Council. They replied defending their investments and the benefits the slaves enjoyed by serving Christian masters, as well as arguing Japanese slaves were freed after serving their time and becoming citizens loyal to the king. Nevertheless, the citizens in India guaranteed they would keep their loyalty to the crown, although they demanded to have their reasons heard before the king condemned Japanese slavery.

The king stepped back, making the new prohibition a regulatory statute ruling Japanese slaves owned until its enactment legitimate. The monarch indeed reenacted D. Sebastião's 1570-1571 charter, but he went even further; he enacted an entirely different new law, forbidding abuses against Japanese slaves. Nonetheless, this measure safeguarded the rights of their masters and failed to completely forbid the trade. Noting their defeat, the Jesuits gave up on lobbying the crown.

Their last resource was to arm themselves with enough theological arguments to defend their position if attacked because of the continuity of the Japanese slave trade. The

Bishop of Japan, Luís de Cerqueira, stuck to the 1598 decision as an act of self-preservation, as the missionaries could not afford being responsible for the trade if accused by Japanese rulers or local converts. The Jesuits were officially expelled from the archipelago in 1614, and those who remained hid themselves from Japanese authorities. Nevertheless, Portuguese merchants kept buying Japanese slaves in this period. Jesuits, while trying to obtain support from the king, fought the trade by lobbying local converts to liberate their captives, Japanese and Koreans. As the missionaries could not prevent the trade completely, they focused on hampering enslaved individuals from being taken by non-Christians and to areas where there would be no possibility of conversion.

The missionaries themselves continued to use temporary servants, a practice that was stipulated and regulated by their internal rulebooks. The most striking difference is, however, that in the seventeenth century the Jesuits were adamant at avoiding to discuss slave legitimacy with Japanese converts, in order to safeguard the consciences of local masters. Missionaries had decided to keep away from intervening with slavery legitimacy issues, leaving it to secular authorities. As a result, slaves purchased in Japan had to be examined and evaluated by secular justices in overseas markets, such as Goa and Manila, without any statement of their legitimacy provided by missionaries in the archipelago.

The Jesuits also resorted to approaching the issue with casuistry manuals, presenting basic concepts concerning the issue of servitude. This served to reiterate ideas stated first by theologians such as Covarrubias, Panormitano, Navarro, Silvestre Mazzolini, and others. It also allowed us to consider the case of Japanese servitude in comparison to the situation of converts enslaved in Granada after the end of the *Reconquista* in Spain, including necessary conditions and restrictions to the use of such slaves.

After the Jesuits were expelled officially from Japan, Japanese Christian brotherhoods also became an important stage to address the issue of slavery. The *confrarias* their own rules, and these codes were revealing of the changes taking place by the end of the 1610s in regard to the ownership of servants and the participation of converts on the Japanese slave trade. The rules of the *Confraria de Nossa Senhora da Assumpção* or *Santa Maria no Onkumi* さんたまりあの御組 were probably the most revealing, as they show a change of tone between the first and the second code elaborated for their members. In 1618, the first set of rules determined that Christian youths could not be sold to non-Christians – its silence concerning Christians masters indicate that this trade was still allowed. In 1621, however, a new code completely ruled out human trafficking. The change of tone, from a restrictive code to a full-fledged prohibition, can be blamed on new restrictions enacted by the Bakufu in the period.

The topic of Japanese slavery also became common place in theological works dealing with the theme of slavery in the first half of the seventeenth century. Luis de Molina, Fernao Rebelo, João Baptista Fragozo and others. The uncertainty of legitimacy concerning the practice of Japanese slavery was debated by such authors, who argued in favor of rigorous examination, including consideration of the justice of wars waged by Asian Christian lords, praised Cerqueira's decision to recuse the Jesuits from the slave trade, considered the enslavement of Japanese an obstacle to the propagation of the faith, and determined special cases in which Japanese slavery could be considered legitimate. By the middle of the century, however, the issue would eventually be mentioned only to illustrate other arguments and discuss Brazilian and African slavery. Nevertheless, in 1612, an anonymous manuscript read Japanese slavery against the wider framework of colonial slavery. In a proposal to the Portuguese king, it aimed at adapting existing practices to moral principles of Christianity. It considered impossible to determine legitimate cases in Japan and accuses slavery of obstructing the propagation of the Christian faith in the archipelago. It also put Japan missionaries at risk and drove local converts away from the religion. Slavery in itself, as a social practice, was not the problem; rather, the real problem were slavers who acted beyond legal boundaries determined by theology, as well as canon and civil law. It also mentions D. Sebastião's charter on Japanese slavery as part of a wider project to curtail abuses and excesses committed by Portuguese merchants in the slave trade. The manuscript proposes the Portuguese king to enact slave legislation following the Castilian example, impeding the enslavement of all non-Christians with the exception of Muslims. Nevertheless, the author considers that there was the possibility of legitimate slavery, including in Japan, and it does not call for a total and full-blown abolition. The manuscript is an example of how the case of Japanese slavery was used to illustrate Portuguese greediness as detrimental to the colonial enterprise and the failure of D. Sebastião's charter because of such greediness. Finally, Juan de Solórzano y Pereira's take on Japanese slavery is discussed, comparing the issue to the case of Asian slavery in Spanish-controlled areas. Solórzano y Pereira admits that there were justly enslaved Japanese according to their own customs and laws, and that their slavery was fundamentally different than perpetual slavery. By using different Latin terms to refer to Japanese slaves – *famulus* rather than *servi* – he reiterates that Japanese servants were not to be understood as common slaves, although he fails to explain in detail what these differences meant to him. Nevertheless, Solórzano y Pereira's interpretation is close to the idea of "tolerable slavery" defended by Valignano, as local customs and laws were enough to legitimize the practice.

In conclusion, Japanese slavery was a theological and political challenge the Jesuits faced during their period of activities in the archipelago. The enslavement of Japanese happened, effectively, once Japanese men and women were purchased by foreign merchants and taken overseas, as the Jesuits had quite ingeniously separated domestic labor relations from the notion of slavery. The missionaries then used the slave

trade in many different ways: as a diplomatic tool in order to guarantee their safety in Japan; as a missionary tool for converting Japanese and put them under the guidance of Christian Portuguese masters; and, given their privileged position as intermediators, as a political advantage to deal with local rulers and the Portuguese crown. Modern uses of theological arguments, characteristic of Probabilistic views of doubtful issues, were effectively used in Japan to support Jesuit intermediation of the trade. Nonetheless, they completely changed their views on the issue by the end of the sixteenth century, as their influence grew smaller. Finally, the whole theoretical scheme of theological arguments built by Valignano and the missionaries was dismantled because of more pressing issues involving the survival of the mission. As a historical phenomenon, Japanese slave trade would come to an end because of internal policies, while the memory of the missionaries' participation in the trade was left to casuistry manuals and theological discussions.

As a historical process, the justification of the involvement of Jesuits in the Japanese slave trade was possible because of a series of factors. In a first phase, since Loyola and Rodrigues, theologians and superiors outside of Japan were not interested in the issue, delegating the responsibility to those acting in the archipelago. This allowed Japan Jesuits to intermediate slave transactions through their system of licensing, which mimicked the local practice of temporary servitude, or *nenkihōkō* 年季奉公. In a second instance, however, pressured by restrictions imposed by Hideyoshi, the missionaries decided to confirm the validity of their stance, inquiring theologians in Europe and obtaining their consent to keep the system based on the same theological principles used to justify the enslavement of Africans. Finally, by the end of the century, with the arrival of Bishops Martins and Cerqueira the system had become a threat to the survival of the mission itself. Upon receiving instructions from Rome, the Jesuits decided to recuse themselves completely from the trade. After the decision, missionaries acted pressuring converts to free their captives and avoid slavery. Expelled in 1614, Jesuits used local brotherhoods to address the issue, completely condemning the participation of converts in the slave trade by compiling rules for these societies according to the political situation at the time.

The complex and contradictory relation established by Japan Jesuits towards the enslavement of Japanese and Koreans in Japan shows they were attuned to theoretical trends in other regions of the Christian world. Far from original, the arguments applied to their situation were a reflex of changes in moral theology during the sixteenth century. In the end, moved by an instinctive reaction to protect converts, Portuguese merchants, and themselves, the missionaries denounced Japanese slavery. Unable to force a change in the political and social environment in Japan, they tried to influence it by using confession, admonitions, ecclesiastical punishments and other tools until their final expulsion put an end to their struggle.

At the beginning of this work, we presented one question that has been surreptitiously present in most studies focused on Japanese slavery: what was the role played by the Jesuits in the Japanese slave trade. As we see it, the missionaries did have an active role in the slave trade in the second half of the sixteenth century, and their participation was solidly based on theological arguments who helped them to condone the activity. Since 1598, though, their position radically changed, and their participation was less evident. Officially, at least, they had assumed a stance contrary to the enslavement of the Japanese, and their participation had more to do with ecclesiastical admonitions and individual warnings rather than a public system of licensing. But even to this day, we hear remarks in conferences and symposiums suggesting the missionaries were slavers or slave traders, and that most of their letters were hypocritical attempts to cover a more sinister reality. It is hard for us to abide to these opinions, as the slave trade was not a commercial activity as profitable as the silk and silver trade, and it had more to do with social control of parishioners than trading. But most importantly, leaving aside the fact that what seems sinister to us was probably not that horrific to early modern peoples, what this anti-Jesuitical reading disregards is the opportunity to explore how missionaries justified and substantiated their actions regarding the slave trade in Japan. To judge their responsibility is an anachronistic maneuver that does not contribute to the understanding of the historical process.

We sincerely hope this thesis contributes to widen the debate on Japanese slavery, to a better understanding of its place in the history of early modern slavery, and to attract new researchers to this topic. As we have seen, theological and political debates regarding slavery in general did comment and used the Japanese case as a rhetorical example at times. That goes to show that the links between Japanese slavery and other slaveries went beyond the coexistence of Japanese with other enslaved individuals in the Americas, Europe, and other areas of Asia. In a field where there are plenty of thesis and research being done on the commercial links between Japan and the world, this thesis was an attempt at taking a different path towards intellectual and political history. In the early modern period, religious was a fundamental part of politics, as well as politics was intrinsically tied to religion. Historical research has much to gain from considering political and theological aspects when analyzing the issue of slavery, as well as many other facets of the Jesuit presence in Japan in this era. This thesis intended to use these analytical tools to read the history of Japanese slavery. In a world where hen Japanese people were either refugees or slaves, to shed some light on the understandings that allowed their enslavement is to understand the individual place of Japanese men and women in the early modern world and the minds of those such as the Jesuits, who had direct influence over the process and the elaboration of its historical records.

Appendix – Sources

Next, we present a few of the sources used in this thesis. We decided to include some that, although have been published elsewhere, needed clarification. Others were included because they have not been published anywhere until now.

I – “Assento sobre a liberdade dos Japoes”

The following document is the extant records of the September 4th 1598 gathering in Nagasaki, where the Japan Jesuits and the Bishop D. Luís de Cerqueira debated the issue of slavery in Japan. The title is fictitious, as the original document bears no title.

Location: BRAH, Cortes 566 (actual 9/2666), maço 21, f. 273-276v

Note: Although this document has been published before in various translations, the first one to publish it in the original Portuguese was RUIZ DE MEDINA, Juan G. *Orígenes de la Iglesia Católica Coreana desde 1566 hasta 1784 según documentos inéditos de la época*. Rome: Institutum Historicum S.I., 1986, p. 114-22.

[f. 273] [Cross on the top of the folio]

Aos quatro de Setembro de mil e quinhento[s] e nouenta e oito En Nãgasaqui porto de Japão na casa da Comp[anhi]a de Jesu[s] estando ahi presente o muy illustre E R[everendo] Senhor Dom Luis Cerqueira Bispo de Jappão, e bem asi os m[ui]to R[everen]dos P[adr]es Alexandre Ualignano Uisitador da Comp[anhi]a de Jesu[s] En Jappão, P[er]o Gomes Uice prouincial, fr[ances]co Pasio, Diogo de Me[s]quita, Melchior de Mora, Afonço de Lucena, Alonço G[onza]l[e]z todos superiores da Comp[anhi]a de Jesu[s] En uarias p[ar]tes de Jappão: E os R[everend]os P[adr]es Organtino [Gnecchi-]soldo fr[ancis]co Calderõ, Gil de la Mata, Celso Confaloniero, Ualentim Carualho, E Ruy Barreto da dita Comp[anhi]a: sendo todos juntos En consulta o dito R[everen]d[issi]mo S[e]n[h]õr Bispo dis[s]e perante mi[m] Matheus de Couros notario Ecclesiastico deste byspado de Jappão que ia suas RR[everenci]as terião entendito [sic] como o S[e]n[h]õr Bispo Dom Pedro seu antecessor posto que ao principio daua alguãs licenças pera se leuarem de Jappão Moços E moças comprados como antes se dauão assinalando ou fazendo assinalar a algu[n]s delles ãnos de seruiço: toda uia depois que

ueo a Jappão, E tomãdo esperientia [sic] da terra entendeo os graues inconuenientes que destes catiueiros E annos de seruiço resultauão agora antes da sua partida p[ar]a a India passara huã carta de escomunhã que os dias passados aqui se publicou na qual esta p[ê]na de Escomunhã maior ipso facto incurrenda a ssi reseruada prohibiã que ninguem comprase nem leuasse de Jappão moços ou moças comprados, aiuntando mais de p[ê]na des curzados [sic] por cada moço ou moça que se comprasse et de perdere[m] os assi[m] comprados: E isto cõ tanto rigor que declarada na dita Escomunhã que nem seu uigairo nem outra alguã pessoa que Em Jappão suas uezes tiuesse podesse dar licença p[ar]a se comprar algu[m]: que o dito Snor Bispo era falicido [sic] E polo consequente a Escomunhã que em seu nome estaua publicada espirara por ser ab homine[m], qua pois RR[everenci]as tinhão tanta esperientia de Jappão e as causas porque o dito S[e]n[h]õr Bispo tinha posto a dita Escomunhã era de tanto momento, e este negoçio de catiueiro e ãnos de seruiço dos Jappões e Coreas tão duuidoso E scrupuloso como suas RR[everenci]as uirão, E por isso mal recebido das pessoas doctas e tementes a D[eu]s e não som[en]te na China e India mas ainda En Europa, 2o a informação certa que deste particular tinha, que pedia a a suas RR[everenci]as lhe quisesse[m] dar nisto seu parecer E dizer o que lhes parecia podia e deuia fazer p[ar]a cumprir cõ[m] a obrigação de seu officio: se seria bom renouar a dita Escomunhã cõ[m] as p[ê]nas della. E que elle tambem ouuidos a suas RR[everenci]as diria o que nisto caso lhe parecesse. E tratado de proposito o negoceo assi[m] o dito Snõr Bispo como todos os Pes de comum cosentimto assentarão em duas cousas. A pr[imeir]a [f. 273v] que a Sua S[en]h[or]ia como pr[el]ado pertencia aqui En Jappão a talhar no melhor modo que podesse aos m[ui]tos peccados e embaraços de consci[ê]nciã que ha nestas compras e uendas e polo consequente deuia de renouar e publicar de nouo a dita Escomunhã sob as ditas p[ê]nas e ter mão e[m] não dar licença a ninguem p[ar]a comprar ou levar de Jappão moços comprados nem por catiuos nem cõ[m] annos de seruiço. A 2a que p[ar]a estes males mais efficasm[en]te se euitem deuia sua S[en]h[or]ia de procurar que se represente este negoceo a sua magestade p[ar]a que auendo por seruiço de D[eu]s e seu aia por bem sua Magestade de interpor nisto sua real autoridade mandando que se publica de nouo e daqui por diante ex[e]qute a ley que el Rey Dom Sebastião que D[eu]s aja fez sobre a libertade dos Jappões p[ar]a que se guarde nestas p[art]es da India China E Jappão como se guarda Em Portugal.

Aas razões que a isto os mouerão são as seguintes A pr[imeir]a se tome da parte dos mesmos catiueiros porque examinando bem este negoceo se acha por esperientia que os mais dos moços e moças que se vendem são furtados E enganados e enfin comprados sem titulo algu[m] de legitimo catiuero em tanto que se affirma por cousa certa que de cento não ira hu legitimam[en]te comprado, o que bem se de[i]xa uer quã grande periuizo he das consci[ê]nciã de quem os uende e de quem os comprão, e de que nisto consente E que seia en Jappão tam raro este legitimo titulo de catiu[eir]o probasse porque quãto ao titulo de catiu[eir]o Ex parte iusti belli he aqui muy raro e esse mui duuidoso. E comensando polos Coreas, dos quais uai na nao da China grande num[er]o de

seis años a esta parte que e o tempo que há que os Jappões começarão aquella cõquista não tão legitimam[en]te catiuos pois a guerra que o S[e]n[h]õr de Jappão lhe faz he iniusta porque cendo el Rei da Corea Uassalo del Rei da China pedindo lhe Taicõsama Rei de Jappão passo por seu reino p[ar]a ir conquistar a China elle lho negou não somente por não quebrar a fidelidade que deuia a seu rei mas se temer cõ[m] razão de Taycõsama lhe tomar a Coria ou ao menos da sua gente lhe destruir nesta passagem. Pollo que Taico lhe fes guerra catiuando os Jappões infinidade de Coreas os quais trazem a Jappão e uendem por mui baixo presso. Donde m[ui]tos destes Jappões dos lugares uizinhos a Nãgasaqi que he o porto onde uem a Nao uendo a sede cõ[m] que os portugueses os buscauão e compravão nã[o] somente hião a uarias p[ar]tes de Jappão a comprar Coreas p[ar]a os uirem uender aos portugueses mas ainda passauão a Coria somente a furtar gente, a qual tomauão ainda dos lugares que ia estauão sogeitos aos Jappões matãdo cruelm[en]te nestes roubos a m[ui]tos delles tudo prouidos do m[ui]to que por esta uia interesauão uendendo os aos portuguezes na nao da China.

Uindo aos Jappões pr.am.te na corte de Jappão e reinos de cima nos quais reside a frol e nobreza desta nação não ha este costume de Catiuar à guerra, pello que sabendo Taycosama que nestes reinos de Ximo se uemdião cada ãno m[ui]tos Jappões aos Portuguezes o estranhou m[ui]to e prohibio sob pãna de morte como abaixo se dirá. E quãto a estes reinos do Ximo a lende auer onze ãnos que nelles não ha guerras .s. depois que Taycosama senhoreou estas partes ainda que nas auira como os Jappões comum[en]te aquirão seus estados por aleuãtamentos peleiando hus Senhores contra outros e seia ia costume [f. 274] introduzindo de mais de trezentos annos a esta parte tomar cada hu o que pode por força ou por industria he quasi impossibel [sic] auerigoar se de que parte a guerra seia iusta E quais serão legitimamente catiuos: E cõ[m] tudo aos tomados nestas guerras comprauão E ainda comprão os portuguezes sem mais exame ou polo menos m[ui]to pouco e insufficiente e posto que alguãs uezes tem acontecido auer guerra iusta offenciua ou defe[n]ciua da parte de algu S[e]ñor contra outro como os P[adr]es dauão por catiuos os que erão tomados nestas guerras iustas e assi[m] os portuguezes os comprauão de melhor uõdade, tem se achado por experientia que m[ui]tos trazião moços de uarias partes iniustas a outros s[e]ñores pera os uenderem por melhor presso dizião e insinuauão aos mesmos moços que dicessem que erão tomados naquella guerra iusta e desta mesma man[ei]ra usão os demais titulos emsayando pr[imeir]o aos que an de uender que respõdão aos purtuguezes de tal e tal man[ei]ra ameaçado os que os aõ de matar se o cõtrario fizerem os quais posto que então respondão o que os uendedores lhes ensinarão todauia depois que se uem libres do medo e ameaças dizem a uerdade.

Costumão tambem os Jappões a matar por mui leues causas como por furtar cousas de nenhuã ualia depois ficão catiuos a molher e filhos do iusticado, a mais outro costume he que desgostando a molher do marido, o filho do pai, e o criado do S[e]ñor se acolhem a casa do Tono e pelo mesmo caso ficão seus catiuos. Outros que emprestão tomão os filhos dos deuedores em penhor e quem lhe tardão cõ[m] a paga ou lhos uendem ou forção aos

pais que os uendão p[ar]a lhe pagar: e De todas estas tres sortes de catiuos iniustos ou mais notauelmente duuidozos se uendem aos portuguezes posto que como dito ha os Corretores lhe buscão outro bom titulo em cubrindo o iniusto. Custumão mais os Pais uendose em alguã graue necessidade a uender os filhos: e posto que algumas uezes fazem isto [sobrescrito: liçitamente] pera remedear sua extrema ou grauissima necessidade cõmo nestes annos atras se uio em alguns lugares fazendo os S[e]ñores Gentios pagar aos pobres labradores m[ui]to mais do que as uargeas rendião matando a m[ui]tos dos que não pagauão e ameaçando a outros cõ[m] a morte, cõtudo se acha que outras uezes os uendem sem m[ui]ta necessidade e as uezes sem nenhuã porque m[ui]tas uezes o que em outros reinos se iulgaria por extrema necessidade en Jappão se não tera nem por graue contentandose a gente pobre desta nação cõ[m] pouquis[sim]o. sustentandosse em alguns lugares boa parte do anno de raizes e heruas do mato: E destes uão m[ui]tos na nao dos portuguezes os quais quem os comprão se contentão cõ[m] lhe responderem que são uendidos de seus pais sem mais examinar nem se o são nem a necessidade porque os uenderão nem se o podião remedear por outra uia. A outros que elles se uendem assi mesmos e posto que cõ[n]correndo as condições do direito não auia que duuidar do seu catiueiro com tudo se acha que muitos ou os mais delles sem terem bastante noticia do catiueiro em que se metem se uendem por cobiça do presso con [in]tenção de fugirem de Machao indo se pera dentro da China a onde se tornão Gentios. Outros tambem se uendem sem participar do presso cõpelidos a isto por ameaças de que o toma [f. 274v] p[ar]a si Alguns tambem que deseiendo de passar a machao e uendo que os Portuguezes os não querem tomar a soldada se lhe uendem, induzindo os m[ui]tas uezes os mesmos portuguezes a isso posto que iá agora não comprã[m] tanto como dantes a estes que se uendem assi mesmos por uerem que dos mais delles fogem do qual discurso todo bem se de[i]xa uer quã[o] raro e quã[o] duuidoso é en Jappão o titulo de legitimo catiueiro sendo assi[m] que he a comum opinião dos dd[ou]res que neste negoceo de catiueiro nos auemos sempre de inclinar en fauor da liberdade.

A 2ª razão p[ar]a se deuerem prohibir estas cõ[m]pras se toma da parte do B[is]po e dos ministros do Euã[n]gelho que cultiuão esta christandade E hé o fazerem se grandemente odiosos não som[en]te aos ja feitos christãos mas ainda aos Gentios uendo que consentem leuaremse cada ãno fora de Jappão tantos seus naturais feitos escrauos de gente estrã[n]jeira e ia disto Taico se tê[m] queixado al[g]uãs uezes. A 3ª rezão se toma da parte dos mesmos portuguezes compradores. Pr[imeir]am[en]te como ganhão tanto nisto comprão todos q[uan]tos podem sê[m] o deuido exame não fazendo escrupulo nenhum disso, mas fazendo delles uiniaga e trato e ate os Lascars e moços dos portuguezes os leuão catiuos cõprados p[ar]a machao donde nace [sic] morrerão m[ui]tos na uiagem à pura mí[n]goa assi[m] por irem hus sobre os outros por la multidão que leuão como porque adoecendo seus S[e]ñores que as uezes são cafres e negros dos portuguezes lhe não acodem nem podem acudir cõ[m] o necess[ari]o. O 2º o ruim exemplo e escandalo que dão uiuendo amãcebados com as moças que cõprã e ainda leuã[n]doas

al[g]uns nos camerotes p[ar]a Machao deixo o que fazem nas terras dos Gentios por onde se espalhão a buscar moços e moças uiuendo de tal man[ei]ra que os mesmos Gentios se espantão da sua deuacindão [sic] e soltura. O 3º a m[ui]tos que não tinham se não certos ãnos de seruiço os vendem por catiuos perpetuos e algu[n]s lhes rompem os escritos que lhes dauão em que destes moços ou moças ou por se lhe ter acabado o t[em]po de seruiço como ficão desemparados os moços em Machao se fazem ladrões roubando os Chinas que uem das aldeas a cidade cõ[m] matim[en]tos, e as moças se lanção a perder forçadas da pobrea a uiuerem mal e escandalozam[en]te. 4º se de todo se não serra esta porta não dando licença a ninguem p[ar]a comprar e leuar moços por mais escomunhõs [sic] que se ponhão e[m] se dando licença a algu[m] não fazem logo conta dellas quebrando as todos os annos donde nace embarcaremse os mais delles sem conficção cõ[m] a nao partir de ordin[ari]o meada quaresma cõ[m] que não som[en]te causa escandalo a estes tenros xpãos mas ainda lhe da ocasião de estimar em pouco as censuras Eclesiásticas uendo quã[o] pouco dellas se dão os portuguezes. Algu[m]as euazões dão os portuguezes dizendo que licitam[en]te comprão os Jappões E Coreas pois os libião de hu misarauel catiu[eir]o p[ar]a outro brando mas na uerdade não he assi porq m[ui]to melhor tratamento dão os Jappões aos que tem por seus escrauos e casã[m] cõ[m] suas filhas ou parentas e tudo o que o escrauo o quere he seu e forrase quen quer se pode e os portuguezes não somente os aferreão mas ainda lhes fazem o que fica dito na terceira razão que são males asas grandes as[s]i[m] espirituais como temporais. Dizem tambem os portuguezes que se [f. 275] não comprão os moços as uezes os matão os vendedores mas na uerdade si isto algu[m]a uez aconteceu seria porq[ue] os tais moços erão furtados e como o furto em Jappão se castiga cõ[m] a morte receando os uendedores de serem descubertos dos tais moços os matarião mas isto rariss[im]am[en]te aconteceria. Dizem mais que se elles os não comprão que os comprarão os gentios Chinas Siame[se]s e Patanes e os leuão p[ar]a suas terras, ao q[ue] se responde pr[imeir]am[en]te que no[n] sunt facienda mala, ut eueniant bona: alem disto nem por os portuguezes os comprarem deixão de leuar os Gentios como se uêe por experiencia porq[ue] pera todos ha em Jappão: antes cessando os portuguezes de os comprar que são mais liberais no dar do dinheiro cessarão também en grão parte os uendedores polo pouco interesse que terão de os uender aos Gentios os quais uendo que os não cõ[m]prão os portuguezes apertarão mais a mão no presso e aos Gentios se poderão estas compras prohibir mais facilm[en]te prohibindose pr[imeir]o aos portuguezes especialm[en]te. dando nos D[eu]s liberdade em Jappão tambem dizem que pois os tirão da infidelidade iunto este benef[ici]o cõ[m] o presso que por elles derão e bem se lhe dem alguns ãnos de seruiço: cõ[m] q[ue] se responde que m[ui]to mores e geraes são os bens que se seguem e males que se euitão de se empidirem estas compras que o fazerem se alguns poucos xpãos. Q[uan]to mais que é em Japão onde ia ha tanta xpãdade especialmente nas terras donde ordin[ari]am[en]te se trazia Nãgasaqi os moços não carecem deste benef[ici]o se della se prazarem aproueitar. E q[uan]to que ao que algu[n]s podem dizer que [a]te agora se costumauão dar ãnos de seruiço e que os dd[ou]res não reprobão este catiueiro respondese que antes este catiu[eir]o he m[ui]to

pouco usado no mundo e estranhado de m[ui]to a som[en]te que sabemos introduzido de alguns ãnos a esta parte em Jappão. E se alguns dd[ou]res falão deste g[e]nero de catiu[eir]o não o admite p[ar]a se deuer de usar dele geralm[en]te porq desta man[ei]ra se poderão catiuar ad tempos [sic, tempus] cõ[m] ãnos de seruiço todas e quaisquer nações de infieis mas som[en]te o admite em casos mui raros e particulares: E se estes ãnos pasados se derão em Jappão escritos de ãnos de seruiço foi parte por se não ter tanta esperiencia dos inconuenientes e males que acima se tem apontado, parte porq[ue] como os portuguezes se enchião de moços e moças e asi como asi os leuauão catiuos p[ar]a sempre sem lhe poderem impedir estas compras escolhendo os padres de dous males o menor e o que era em mor fauor dos catiuos lhe asinalauão estes ãnos de seruiço não podendo a fazer e também por assi o terem encomendado que fizesem aos ditos P[adr]es os B[is]pos da China em q[uan]to tinhão iurisdicção em Jappão. Aiustase ao que fica dito a prohibição de Taicosama S[e]ñor Uniuersal sñor de Jappão o qual tem posta lei iusta que não se leue fora de Jappão p[ar]a outros reinos gente comprada uedendo isto rigurosam[en]te cõ[m] pena de morte a qual por uezes se executou neste porto de Nangasaqi em algu[n]s Japões vendedores e ainda em algu[n]s corretores destas compras dos quais p[ar]a mor terror crucificarão hu[m] junto do cais por onde os portuguezes se seruem p[ar]a ir e uir da nao E he m[ui]to de temer que como ha costume de Japão que morrendo o uendedor morra iu[n]tamente o comprador se execute também esta pena nos portuguezes compradores en ta[n]to que agora mandou Terazauadono Gou[erna]dor de Taicosama nestas partes do Ximo fixar e publicar huã chapa em que notifica a todos que por q[uan]to el rei de Jappão tem uedado as cõ[m]pras e uendas dos moços esta pêna de morte que esta se ha de esecutar en quem quer [f. 275v] que quebrar a lei mas que seia estrangeiro o que acontecendo aos portuguezes redundaria em grande abatimento de nossa nação. Hé mais de temer quem do Taicõ que os portuguezes quebrão tam desaforadamente sua lei toma daqui ocasião como elle he cubisozo de lançar mão da nao da China como fez da nao São Philipe que deu en Tosa: o que sera hua perda geral não som[en]te para a cidade de Machao mas p[ar]a toda a India: E ia destes dous inconuenientes [que] podem soceder das co[m]pras de moços os otonas de Nagasaqi que são como gouernadores deste pouo tem auizado por carta sua a Camara de Machao e ao S[e]ñor B[is]po Dom Pedro estando na China que foi também huã das causas de por a escomunhão da que dizemos acima e de os u[e]readores de Machao obrigarem agora no co[n]trato a Nuno de Mendoça capitão mor da China que sob pena de perder as alça[da]s não consinta irem do Japão no[s] seus iuncos em que fez a viagem moços ou moças comprados. Pelo que sendo esta lei iusta e tâ[o] rigurosa bem se dexa uer quã[o] mal se podem iustificar estas uendas e compras de moços as[s]i[m] que por la[s] razões acima escritas pareceo asi[m] a sua S[en]horija como a todos os P[adr]es o que acima fica s[cilicet] que ao S[e]ñor B[is]po como prelado pertencia aqui en Japão a talhar co[m] sensuras [sic] Ec[cl]e[sias]t[ic]as aos m[ui]tos peccados e embaraços de Con[s]ci[en]cia que ha nestas compras e uendas como seu antecessor o B[is]po Do[m] Pedro o tinha feito e antes d'elle o B[is]po da China no t[em]po que a xpãdade de Japão pertencia a seu

bispado e polo co[m] seguinte deuia sua S[enhor]ia p[ar]a que estes males mais effica[m]te se auistem de procurar que se represente este negoceo a Sua mag[esta]de p[ar]a que auendo o por ceruiço [sic] de D[eu]s e seu aia sua mag[esta]de e daqui pordiante esecute a lei que Dom Sebastião que D[eu]s aja fez sobre a liberdade dos Jappões p[ar]a que se guarde nestas partes da India China e Jappão como se guarda em portugal Eu o Se[cretario] Matheus de Couros notario Ecclesiastico que o fiz escreuer.

[Signatures:]

B[is]po de Japão

Alex[andr]o Valign[an]o

Pero Gómez

Aff[ons]o de Lucena

Celso Confalonero

Gil de la Mata

Alonso G[onza]l[e]z

Melchior de Mora

Franco Calder[ón]

Organtino Soldo[-Gnecchi]

Diogo de Mesq[ui]ta

Franc[esc]o Pasio

Ualentim Carualho

Rui Barreto

Antemi o Se[cretario] Matheus de Couros notario Ecclesiastico

II – Luís de Cerqueira, Bishop of Japan, to Baltassar Barreira, Procurator of the Province of Portugal

The following is one of the letters written by Cerqueira in the wake of the 1598 decision on Japanese slavery. He offers details on how he sent letters to the king and other authorities and wishes the Jesuit procurator to lobby the crown in favor of his decision to abolish Japanese slavery.

Location: BRAH, Cortes 567 (actual 9/2679), Legajo 13, doc. no. 61

[f. 1]

Copia de una carta que el Obispo de Jappon

Don Luis de Serquera escribio de Nangasaqui al Padre Baltassar Barrera Procurador dela Provinccia de Portugal a 22 de febrero del año de 1599

Pocos dias ha que escribi largo a .V.r. por via dela India con el Padre Gil de la Matta, que fue otraves electo procurador destas partes, y lleba diuersos papeles, por Los quales tendra .V.r. bastante noticia de las cosas de esta Cristiandad. Esta que va por via de las Philipinas seruirá solo de acompañar otras cartas que por la misma via embio a su santidad y asu Magestad, y al Padre General, y a otras personas, para que .V.r. me haga Caridad de dar orden como se les den, por ser de mucha importancia. En ellas doy las raçones que ay para q[ue] no vengán a estas partes otros religiosos enquanto Las cosas de Jappon no tomaren algun assiento, que en tomando le, qual esperamos, podran venir todos Los que quisieren, que para todos avra lugar y mies en que exerçiten su santo feruor. Mass antes desto entiendo que no aura cosa que mas pueda perjudiciar a esta cristiandad que su venida, y como ella esta aora, a mi cuenta, y le tengo ya mas obligaçion que los Padres de la Compañia, con raçon se deue creer que si fuera ya tiempo, llamara para el aumento dela muchos obrero[s] de todas Las religiones, por ser esta tierra tan espaciosa que por mas que uengan, a todos los ha menester, y pues no los llamo, antes procuro que no uengan, no se puede dudar que son grandes, y muy eficaçes las raçones que a ello me mueben, y assi conbiene que .V.r. trabaje quanto pudiere oir impedir esto que agora es lo que mas nos importa, y assi lo escribo a su santidad y a su Magd.

En otro negocio, que tambien es de mucha importancia, y escribo sobre el a su Magestad, conbiene que .V.r. insista mucho, y es que de todo [f. 1v] se cierre la puerta y paso de las Philipinas a Jappon, no solo los religiosos, sino tambien a los seglares por la gran

sospecha en que an entrado los señores Jappones de que los españoles de las Philipinas son conquistadores, y los que vienen por aquella via a predicar el euangelio son espías que embian aca, y las predicacion [sic] del euango. es ardio y maña de que usan para conquistar Reynos agenos: y assi por descargo de mi consçienca escribo a su Magestad que sino se cierra totalmente esta puerta, sin duda se acabara de destuir del todo la Cristandad destas partes. Un solo Religioso de S. Francisco que aca boluio de las Philipinas, despues de todos los successos passados por no poderle coger para tornar le a embiar a Manilla, como se hiço a otro su compañero, paso a Meaco, y quedandose alli escondido en habito deseglar empieça ya arreboluer lo todo, metiendose con el governador principal de Jappon a quien Taycosama deyo encargado su hijo, y persuadiendole que hara con los españoles de las Philipinas que tengan comerçio con el en algun puerto de sus Reynos, y traygan a el sus mercaderias de que sacara grande prouecho, con otras cosas harto agenas de su profession, metiendole en condiçion que le dexee quedar y uiuir en Jappon con otros de su orden, de los quales tratos, y de otros que aqui no digo, puede con raçon temerse que succeda otra nueua persecuçion y perturbaçion desta Cristandad, y que padezia gran detrimento el comerçio que la corona de Portugal tiene con la China y Jappon y por ventura la destruiçion de las mismas Philipinas.

Por esta misma via escribo tambien a su Magestad que importa para el bien desta Cristiandad y quietud de sus consçienças confirmar y haçer publicar de nueuo la ley Sebastiana sobre la libertad delos Jappones, y mandar quese guarde en estas partes como se guarda en Portugal. Las raçones desto embio a.V.r. para que por su parte procure que asi se ponga en execuçion, por ser negoçio en que ua la saluaçion de muchos, y de que estos nuevos christianos se escandalizan con raçon.

Despues de la muerte de Taycosama van las cosas de la Cristiandad proçediendo cada vez mejor, aunque todavia conbiene yrnos poco a a poco [sic], y proçeder con mucho tiento y cuydado por no alterar estas [f. 2] gouernadores.¹⁵⁷⁴ La guerra de Coray que duro siete años acabo con Taycosama, y por su orden y de los gouernadores que dexo desistieron della los señores Jappones, que alla estaban, y dexadas las fortaleças se boluieron con toda sugente, y agora son ydos a Meaco a reconoçer por señor, y por la obediencia a Tyroy hijo de Taycosama niño de çinco años, mas bueltos a sus tierras dios sabe lo que haran, y es muy verisimil que procuraran sacudir de si el yugo de lo qual no digo mas porque lo hago largo estas que escribo a.V.r. por via de la India oriental.

Si por alla se publicaren como por aca alguno milagros que dizen auer hecho los cuerpos de los cruçificados, entienda .V.r. que hasta agora no sabemos ninguno que dios aya obrado por ellos, como consta de una diligençia muy exacta que hiçe sobre esto, por ser obligaçion de mi offiçio pastoral, de laqual embio a.V.r. una copia autentica y por via

¹⁵⁷⁴ It seems a whole folio of the document is missing.

dela India he embiado ya otras. Resta enco[m]endarme mucho en los sanctos sacrificios y raçiones de.V.r. de Nangasaqui a .22 de febrero de 1599 años.

De.V.r. sieruo en xpo.

El Obispo de Jappon Lu[ís de Cerqueira].

III – Codex 805

This is a partial reproduction of texts from the Codex 805, which compiles theological texts written in Portuguese India between late 1560s and 1600, now kept at the ANTT.

Location: Arquivos Nacionais da Torre do Tombo, Portugal, Manuscritos da Livraria, Codex 805.

Note: Manuel Lobato as reproduced parts of the codex in his Master's dissertation. Appendix IV of his research includes texts from folios 34-39, 67, 75v-95, 96-96v, 100, 101v, 102-103, 156v, 157v-171v, 188-189v, and 221v-231. See LOBATO, Manuel. *Política e Comércio dos Portugueses no Mundo Malaio-Indonésio (1575-1605)*. Master dissertation presented to the Faculty of Social and Human Sciences at the New University of Lisbon. Lisbon: 1993, pp. 391-483. Lobato has also considered publishing this source before in its entirety, although the project has been apparently suspended. See LOBATO, Manuel. "Notas e correcções para uma edição crítica do Ms. da Livraria N. 805 (IAN/TT), a propósito da publicação de um tratado do Pe. Manuel de Carvalho SJ." In: *Anais de História de Além Mar*, III. Lisbon: Centro de História de Além-Mar, Faculdade de Ciências Sociais e Humanas, Universidade Nova de Lisboa, 2002, pp. 389-408. See also Wicki's studies on the same source: WICKI, Josef. "Problemas morais no Oriente Português do Século XVI". In: *O Centro de Estudos Históricos Ultramarinos e as Comemorações Henriquinas*. Lisbon: Centro de Estudos Históricos Ultramarinos, 1961, pp. 257-263; and WICKI, José. "Os percalços das aldeias e terras de Baçaim vistos e julgados pelo P. Francisco Rodrigues S.J. (por 1570)." *Separata do Instituto Vasco da Gama*, 76. Goa: Tipografia Rangel, 1959.

[f. 61] 6º Se mais de notar q[ue] quando o d[i]r[ei]to asi canonico como ciuil e os doutores dizem q o d[i]r[ei]to natural he inmutael se entende quanto ao seus prim[ei]ros principios contra os quais nhuã lei nê costume se pode introduzir que ualha nem ho mude como se p[ro]ua en direito [f. 61v] equãto as cõcluzões q[ue] destes principios inmediateamête se tirão q[ue] são o d[i]r[ei]to das gentes q[ue] tãobê se diz natural ha hi diuersos modos de

dizer: a algûs parese q[ue] se pode dispêsar con este d[i]r[ei]to quando cõcorre alguã cousa q[ue] cõforme a rezão natural pareça melhor p[ar]a p[ro]ueito da uida humana não se goardar em tal cazo o d[i]r[ei]to das gentes, e dizem q[ue] daqui ueio interduzirsse por dispensação os catiueiros, as prescripçõis etc.

A outros parece q[ue] o d[i]r[ei]to n[atur]al nê q[uan]to a seus p[rime]iros principios nê q[ua]n]to as cõclusões q[ue] delles immediatam[en]te se deduzê q[uan]to he o d[i]r[ei]to das gentes he indispensauel o q[ue] parece melhor – e q[uan]to as prescripções e seruidões q[ue] uemos uzar outras couzas q[ue] parece cõtra o d[i]r[ei]to natural não he p[or] q[ue] aia ahi alguã dispêsação antes p[or]q[ue] cõcorreê duas leis naturaes e em tal cazo sempre se a de guardar a mais forte o q[ue] se he comû en todas as leis todas as uezes q[ue] duas repunhantes cõcorrê que sempre se a de goardar a de mais importancia de modo q[ue] quando se ha de fazer contra huã lei natural ainda q[ue] seia do d[i]r[ei]to das gentes he necesario concorrer outra lei natural de maior importancia e doutra man[ei]ra não se pode contra ella fazer, isto he o q[ue] diz S[an]to thomas q[ue] nê q[ue] alguãs uezes couenha auer mudanca em alguã lei natural nem p[or] iso se muda a lei natural se não p[or] acrescentam[en]to p[ar]a algum maior p[ro]ueito da uida humana o qual tambem se faz conforme a lei natural. #

[f. 64] “acontece alguas vezes em as leis humanas acharemse defeitos pellos quais se duvida se obrigam em consciencia ou não, se ha de saber q todas as leis justas obrigam conforme a materia de q tratam, e pelo contrario as injustas não obrigam , e quais sejam as justas dizem os doutores serem aquellas em as quais concorrem todos os quatro generos de cauzas, scilicet, formal, final, efficiente e material, por q em defeito de qualquer destas cauzas ficão as leis injustas.

Causa eficiente he q o q faz a lei tenha poder para o fazer e não a estenda aos q não são seus subditos, por que estendido a seria injusta, como he o principe secular quizesse por sua lei obrigar aos clerigos, ou alguns seculares q não fosse de seu reino nem rezidissem [f. 64v] nele onde se ve que seria injusta a provizão q algum vizorei pasase por q defendesse a navegação aos infieis em seu mar, pois não são subditos a este estao nem o mar por q navegação em seus reinos e senhorios

Cauza formal he q a lei igoalmente se ponha a todos segundo a devida proporsão asi em as honras como em os trabalhos, seruicos, tributos, ou petições nos cazos em q se podem lancar pelos subditos quero dizer q asi como os officios e honras de devem partir por elles conforme a aqualidade de cada hum, asi em os trabalhos devem entrar todos mais ou menos conforme a possibilidade de cada hum, he não se goardando esta proporçam a lei seria injusta.

Cauza final he q a lei seia feita pera comum utilidade do reino ou dos lugares primeira q for feita e de nenhuma maneira pera particular proveito do principe q a fes e muito menos pera proveito de qualquer outra pessoa particular.

Causa material he q a lei se fasa de couzas justas segundo os tempos e lugares em q se faz e de nhuã maneira de couzas injustas nem de couzas a que o poder do principe se não estende quaes são as de direito divino e natural quanto a seus primeiros principios, por q nellas de nenhuma maneira podem dispensar nem quanto as conclusões q inmediateamente delles se seguem, qual he o direito das gentes de que asima dissemos no caso 30, saluo quando concorremse duas leis naturaes e hua fosse de mais importancia que a outra por q em tal caso podem declarar dever se goardar esta como ahi o dissemos em o sexto presuposto [f. 65] (cõforme a esta doutrina poderá cada hu emtender quanto obrigem ou não obrigem as provizões que os ditos capitães alcansão dos vizoreis – tratam desta materia suficientemente frei alonso de crasto, soto, s thomas, sylvestre, navarro, panormitano e esta claro em direito canonico”

[F. 97] 3º Q[uan]to aos escrauos Chins q se uendem a si mesmos ou seus paes podia se uzar cõ elles o q se uza com os outros .S. que se goardarão todas as cõdicões [sic] neçesarias para hu se poder uender as quaes V.R. acharã em sylvestre donde as pode uer. Fica uerdad[ei]ramente catiuo, e q[uan]to aos filhos q os paes vendem he de saber q o pai não pode uender o f[ilh]o se não em extrema necesidade e ainda então, cõ cõdicão [sic] q se o pai ou o mesmo f[ilh]o, ou qquer outra p[esso]a o quizer por em liberdade dando p elle o q elle ual o tempo do resgate he obrigado o s[enh]or a libertalo.

[F. 97v] Moccos chinas

5º q[uan]to aos moccos chins q se pergunta se os podem cõprar os p[or]tuguezes pelo perigo q ha de os matarem, p[ar]a os uender pudera ser alguã duuida se constara do tal perigo e naõ ouuera outro remedio, e os p[or]tuguezes não forão cauza de os furtarem os ladrões p[or]q[ue] lhos cõprão Mas segúdo as emformacões q qua temos de pesoas desas partes não ha o tal periguo, p[or]q[ue] ainda q os não cõprem os p[or]tuguezes os ladrõis os uendem aos outros gentios q nesas partes ha, q isto não fora, quem duuida q fora mais uirtude dos portuguezes quando o ladrão lhe uê uender o moco tomarêlhe e ameacarê ao ladrão e q o farão a saber ao Mandarin e lançar ainda mão de ladrão metendolhe medo e se tal se fizesse não duuido q o ladrão tomase p partido deixar o moco e irse embora, e não trouxera mais algu furtado a uender, e certo em milhos cõta nos tiueram os chins, se

uisem os portuguees mãdar ao Mandarim o ladrão cõ o moco o qual se poderia fazer s
enão ouuesse outro remedio, ainda q algum moco ficasse se ser xpão e cesaria o perigo q
alegão os q os cõprão de q elles são cauza, daqui fica respondida a outra parte desta
pregunta .S. se os q cõprão os mocos p tal ocazião os podem uender a outros # não #

Mocos chins

6º quanto aos chins vendidos p outros chins mercatores ou mandarins q dizem ser seus
catiuos se no reino dos chins ha alguãs leis por q se posão catiuar homens .r.r. diuida e
furtos & eu não nas examinaria m[ui]to como não onstasse ou prouauelmente apparecesse
a enjust[iç]a dellas, e cõcluindo desta man[ei]ra q ha catiuos na china, simplesmente
podem os p[or]tuguezes cõprar os q p catiuos se vendem em publico [f. 98] p. q. he de
crer q pois se fas a tal uenda publicamente q he cõforme a suas leis e costumes: e os
escrauos que desta man[ei]ra forem aqueridos podem nos posuir seus s[enho]res sem
escrupulo algum q[uan]to ao q parece

do p[ro]uedor dos defuntos

7º quanto ao p[ro]uedor dos defuntos q poem em leilaõ os escrauos chins tem mais duuida
p.q. o p[ro]uedor deue arecadar a faz[en]da dos defuntos e como acha os taes escrauos p
faz[en]da dos defuntos pela uentura q não sera em sua mão polos em liberdade sem q lhe
tomem diso cõta quando uier a jndia – não parece fazer m[ui]ta injuria aos taes escrauos
hos tentandoos na man[ei]ra q estauaõ em maõ dos s[enh]o[r]es defuntos, e mais duuida
parece deuem ter os q os cõprão pois sabem q cõprão escrauos q tem p.a si q são forros,
ou prezumem prouauelmente e se todauia cabe na jurdição do p[ro]uedor detreminar lá
esta questão .r. forralos ou catiualos em nhuã man[ei]ra podem por em leilaõ algum de q
lhe não consta ser bem catiuo e aos outros deue por em suas liberdade p.q. doutra
man[ei]ra faz cõtra just[iç]a expressa //--

Das moças

Q[uan]to a questão das moças iapoas q diz que o p[adr]e cosmo de torres da l[icen]ca
p[a]ra as cõprarem e asi aos moços chins q os iapães uendem la se pode melhr detreminar
en japão p.q. se la são catiuos naõ ha questão – examinarmos nos qua ser justa ou não a
guerra entre os chins e iapões seria cousa deficultosa a m[ui]to incerta, la se pode melhor
saber. & indubijt. sendo tanto ho bem q se fas a estes escrauos cõ os fazerem xpãos q he

bem presumirse serem bem catiuos [f. 98v] uos p.q. ado q não será decente catiuolos p[a]ra fim de os fazer xpaõs indubijs licito he e melhor escolher esta parte

9º q[uan]to a não bautizarem os escrauos p[e]lo temor q tem de lhe tornarem a fogir depois de bautizados se o temos he p[ro]uauel e principalm[en]te a experiencia tem mostrado q foge, não he mau cõselho não nos [sic] bautizar, ajnda que seria melhor mandarenos loguo pera qua, ou pera parte onde estiuesses seguros, e q[ua]ndo isto não for posiuel ao menos quanto for se lhe deue encomendar q en todo o tempo q andarem se serem bautizados que os cathequizebem bem p.q. cõ isto he de crer q não fogirão tantos xpaõs ao menos satisfaraõ cõ a obrigação q tem de os ensinarem.

10º Ao q se pergunta quanto tempo seruirá o moço chin a seu s[enh]or ate o por en sua liberdade não soube niso nũqua tomar outra rezolução se não a q creio la achareis na materia de bello q creio ser q pende isto dados escrauos moços ou homens e casados S[enh]ores. R. como tratam os escrauos q doutrina lhe dão e cõsiderando quanto p[ro]ueito recebem os s[enh]o[r]es dos escrauo e os escrauos dos s[enh]o[r]es ad arbitrium boniuiri se deuem taxar os annos ou quatro ou seis ou os q parecer #

11º q[uan]to ao moco q furta o d[inhei]ro a seu s[enh]or supomos q o moso ... e não furtou mais do q ualia o seruico q tinha feito a seu s[enh]or alem do comer não pecou o moco nem o s[enh]or tem aucão alguã contra elle por q se entregou justamente do q lhe era diuido, Mas se o moco não tinha merecid o q furtou, não pode o s[enh]or catiualo pelo furto p.q. não ha tal lei entre xpãos, mas poderia bem o s[enh]or descon [f. 99] contar a cõtia do furto em seu ceruico #

12º q[uan]to as escrauas se podem premitir a homens q has tenham em caza, ou as tragaõ em suas embarcações e seus gazalhados sabendose en cõfissão q não pecam cõ ellas parece q não s etira o escandalo ainda q não pequem e fica o perigo mui p[ro]uauel de peccarem, q portanto não se deue de premitir a pessoas suspeitozas e desta man[ei]ra se pode detreminar o outro zaso se se pode permitir terem moça do bazar & nunca se pode permitir se não cõcorendo duas condicoens a p[rime]ira conste en cõfissão q não pecca, a segunda q não aia escandallo

Couzas defesas

13 quanto ao q se pergunta se se pode levar a iapão salitere, chumbo, tuuróis? he q aRiba dixemos. R. q os gentios não são imigos do nome xpaõ consta poderse levar tudo sem peccado nhú principalmente aos japões q não somente não são imigos do nome xpaõ antes facelmte amitê a xpaõdaded en suas terras #

14º q[uan]to aos catiuos q elrei da china uende p. auerem cometidos alguns crimes p[e]los quais cõforme a sua lei ficam catiuos nos não sabemos qua quã justas as ditas leis são mas indubijs prezumimos serem justas p.q. p. crimes justam[en]te se pode catiuar p. onde os portuguezes q os taes catiuos cõprasem os podem ter p. bem catiuos ao menos enquanto não constase da justiça das leis que entre elles ouuesse #

15 qto a estes furtos q se fazê na jaoa regra he en drto que ... qal se anime furtaraõ alguã couza não pode pa alguã aquirir recto domenio della, antes onde qr fs a achar como minha a poderei tomar, ou ma julgarem em iuizo quando eu auer sido minha e a uerem me furtada e conforme a esse principio o que cõprou a couza que [f. 99v] Q a mi me furtaraõ sabendo q era couza furtada, obrigado he a ma tornar sem eu p iso lhe dar couza alguã [margem esq: resgate]. He uerdade q en cazo tão nouo como esta parece se podia dizer q uista a certeza de nunca o dono poder recuperar sua couza se algem a resgatasse da maõ do ladraõ não p uia de comprar, mas por uia de resgate pra a tornar a seu dono poderlheia pedir tanto p ella quanto o resgate lhe custou

[f. 105] 9º quanto ao 9º en que se pergunta se algu homem tiuese hu moso deses q não saõ bem catiuos, prem de taõ pouca abelidade, ou de tão maos costumes que se perdera seu largasem da maõ, se se podera ceruir do tal moço tratandoo como forro e declarandoo em seu testamento como ho he não hais duuida se o tal cazo se desse, Mas parece q se dara cõ dificuldade, por que as condicoes do homens mudanse, Muitos hai que saõ maos sendo catiuos, e depois se os poem em sua liberdade, mostrão o cõtrairo, e poucos s[enh]or[e]s hai que tratem aos taes como a forros por tâto ha hi perigo reter reter [sic] os taes dado q se possa reter dandose o cazo, principalmente nesas partes parece que se poderia fazer pelo perigo q ha do tal moco se tornar a gentilidade depois de uir a estar partes donde cesse o perigo, e se iulgaria o que fosse mais cõueniente.

10º q[uan]to ao 10 – en q se pergunta se algum moço ou moça da china p[or] qualq uia uiesse ter a pouoasaõ dos portuguezes, e de cantaõ os mãdasem buscar os mandains, e o

tal moco ou moca disessem q não queriaõ tornar antes q queria ser xpaõ, ou ... o q be mais o fosse ia, q se faria neste cazo, se serão obrigados os portuguezes a entregalo neste caso ou a defendello pera min no cazo q fosse xpaõ ou o quizesse cer, he couza mui dificultoza esta determinacaõ, mas direi ho q parece saluo meliori iudicio, p[rimeir]amente digo por se não a chegar as perigos que se apõtaõ q se segiraõ se si não entregase o tal moco, se deue trabalhar todo o pociuel q os iurubacas os não tragaõ de suas terras e quando os trouxessem e se desse cazo que se pedisem de cantam de [f. 105v] de man[ei]ra que se não saiba delles e a couza fique quieta, q quando de tudo en todo se soubesse e se pedisem cõ instancia a q se não pudesse boamente satisfazer se deue entregar, ou por melhor dizer não se defender ainda q se ião xpaõs, e ainda q a iso se ponhão a perigo das couzas da fee parece isto euitar os perigos q se podiam seguir se se não entregassem asi de mortes como de p[er]das e doutras m[ui]tas almas, q pelo tempo se poderaõ comuerter, a tambem p q o chim q se faz xpaõ estãdo no reino da china não fica liure da iurдикаõ de seu rei pelo q pedido seu subdito iustamente lho não poderiamos nos negar sem cometeremos jniustica q parece que o pede iustamente encoanto não constase q o pede pera o forcar a fazer couza cõtra Ds. e tambem p que os portuguezes não tem obrigacaõ alguã a fazer just[iç]a no reino da china da gente sua, pelo que parece me q auendose negatiue quero dizer não entregando o tal moco, mas deixando a seu querer e dos Mandarins seus superiores, elles la se auenhaõ, e os p[or]tuguezes parece nenhuã couza peccar neste cazo, e pode ajudar a esta parte que dado q seia justo e santo trzer homens a lei de Ds. noso S[enh]or não saõ todos obrigados a depois os conseruar, de man[ei]ra que uiuão en tais costumes ou en tal lugar, Antes a principal obrigacaõ e do mesmo xpaõ ho qual he obrigado onde q q estiuer a goardar a llei q tem tomada, p[or] onde cõ tanto perigo como se aponta não parece contra Razaõ deixar levar tal moco ou moca aos Mandarins, contrairo toda uia sera esse cazo nas terrs onde somos obrigados a goardar justica por termos nelas Dominio # ou s eo leuasem pera o forcarem cõtra a fee #

ii quanto a undecimo en q se pergunta se a cõpra q os portuguezes fazem do sapão o qual lhes uendem os negros por [f. 106] p menos preco do corente en a terra donde os portuguezes o cõpraõ, e duuidase por q os negros ganhaõ m[ui]to, poderaõ os portuguezes levar lhe aquilo por q menos lho conpram digo p[rimeir]amente q o ganharem os negros m[ui]to não he cauza p[ar]a os portuguezes cõpraem p menos do iusto preco corrente, digo mais que não se declara na duuida q ca ueio a cuiio risco uai este d[inhei]ro quando o negro uai cõprar ho sapaõ, se a risco do negro, se do porugues, e se uai a risco do p[or]tuguez.

[f. 112] Reposta [sic] de algus Cazos q os padres de Iaapaõ Mandaram perguntar

[f. 114] Quanto ao 6 – como e aueraõ os p[adr]es cõ os xpaõs que uaõ cõ seus pais gentios aos pagodes e diante delles se poem de giolhos como os pais o fazem, e no q parece idolatrar: e o mesmo se pode perguntar dos seruos q as mesmas couzas fazem em cõp[anhi]a de seus s[enho]res gentios dado q os taes tem en seu animo naõ adorarem ao pagode Antes a ds. uerdad[ei]ro, Rx, q naõ som[en]te a idolatria he peccado grauisimo [f. 114v] grauisimo, Mas tãobem a dissimulacaõ della, e cõforme ao ... naõ som[en]te auemos de fugir as couzas más se não ainda as que tem specie de mal pelo q se a de aduertir en o acõpanham[en]to que os tais f[ilh]os, e escrauos xpaõs fazem a seus pais, e s[enho]res infieis en se porem de giolhos iuntam[en]te cõ elles, se pode achar a naõ achar acto de idolatria en o seruiço q a seus pais, e s[enho]res infieis fazem, ou simulacaõ ou specie della como qndo o animo naõ fosse idolatria e toda uia p algu respeito simulasse selo, e quando o xpaõ a cõpanhase ou ao pae, ou ao s[enh]or pela obrigacaõ q a iso tem (sem animo idolatra) podeo bem fazer ainda que fosse porse de giolhos se se tiuesse por descortezi, estar o pai ou o s[enh]or de giolhos, e elles ficarem em pe por q este ceruico de sua natureza he bom, e deuido naõ tendo resp[ei]to a idolatria, por q asi como huã moca xpãa pode levar o rabo a sua s[enh]ora gentia pelas ruas, a si a pode levar dentro ao pagode. Mas por q co aiust[iç]a desse ceruico dado q naõ tenha animo de idolatrar se pode achar escandallo de idolatria fingida por naõ constar aos circustantes que o tal xpaõ naõ tem animo de idolatrar, cõuem q entedaõ os que uem entrar aos ditos = xpaõs e nos pagodes, e fazer as couzas ditas que o fazem p[e]lo ceruico q a seus s[enh]ores e pais deuem e naõ p idolatram, como fez na a maõ Siro[?] 4º Regu cap. 5 – o ql dado q entraua cõ el rei seu s[enh]or em o templo do pgode de Redemon e se punha diante delle de giolhos cõ el rei todauia tinha altar p[ro]pio em q adoraua a Ds. uerdad[ei]ro p[e]lo q constaua aos outros naõ ser idolatra, cõforme aa peticaõ q ao p[ro]pheta elliseo fez e bastaria a eses xpaõs pera seguramente fazerem as couzas ditas dare se a conhecer por xpaõs e declararem q o q fazem he p ceruico deuido a seus pais e s[enh]or[e]s, e naõ por honra dos pagodes ou p idolatram, e com isso naõ somente naõ saõ idolatras, mas satisfazem a sospeita que podeia auer de o serem. [f. 115] que se deue goardar cõ o f[ilh]o ou criado fiel q perguntãodo lhe seu pai ou s[enh]or infiel se he xpão, respondelhe zombando que naõ, e por respeito algu mundado deixa de cõfesar claramente q o he, Rx, que asi como deuemos de disimular cõ os nouamente cõuertidos qnto for posiuel en as couzas de direito positiuo se propondolhes fossem o ccaziaõ de retroaderem ou inpedim[en]to pera os infieis se naõ cõuerterem, asi en as couzas inmediaa a fee o necessarias p[a]ra a saluacaõ qual he a cõficaõ da fee, deuemos declararlhos quanto boamente puderemos fazer pera q as goardem e como S. Paullo diga ad Romanos io – corde creditur ad iusticiam, ore autem fit confessio ad saluem: deue todo o xpaõ confesar a fee e prezarsse m[ui]to disso, he uerdade q como este preceito seia afirmatiuo naõ obriga se naõ pro loco & tempore, e asinaõ os doutores dous cazos em q hu he obrigado de necessidade salutis a cõfesar a fee – hu quando p falta da tal cõfisaõ periclitalhe a fee nos proximos, e particularmente compele esse cazo aos prelados, os quais seriaõ obrigados a pregalla quando uissem a leuantarse alguãs heregias e erros contra a fee p falta dequem a

declarase, o outro cazo he mais comu a todos .s. quando algu xpaõ fosse requisito se ho era p[e]los perseguidores da fe, por q en tal cazo ho obrigado a cõfesar e ainda q seia cõ perigo da uida e certeza da morte, como m[ui]tos martires o fizeraõ, e quanto ao que toca en particular ao q se pergunta naõ parece q o q pergunta ao tal xpaõ he per [f. 115v] he perseguidor da fee por q segundo se aponta naõ parece q ainda que cõfesase lhe fariaõ mal notauel ne parece q ha i negarem a fee pois a reposta q daõ zonbando ou rindo ficaõ os outros entendendo q elles saõ xpaõs, Mas o seguro e bom nesse cazo he responderem claramente que o saõ dado q estanndo en rigor parece cõfesala do modo perque respondem #

quanto ao 7º - se hu xpaõ que ia alguãs uezes se ha cõfesado e comungado deixa de o fazer ao menos huã ues no anno e emcorre na excomunhão de se não cõfesar e comungar se responde q não parece auer razão de escrupulo pois esta excomunhão naõ he de direito comum, Antes som[en]te de particulares constituicões dos prelados, as quais nunca nesas partes de iapaõ foraõ publicadas e que fora de d[i]r[ei]to comum no caso ultimo, se respondera como se deue nesa p[ro]uincia publicar ou naõ por outra doutrina geral que os doutores daõ se podem elles nouos xpaõs escuzar a qual he naõ cair em excomunhão todo aquelle q prouauelmente ignora ser posta contra os que como terem algu delicto, como claramente he terminado em o cap. 2º de constitut. Liber .6. – em as excomunhões do bispo qal he esta, o mesmo afirmaõ os doutores de todas as outras como declara felino cap. 2º de constitut. Esperus. Indicto cap. siluestre uerbo ignorancia – par. 8. – uerbo excomunicatio finali – par. 3. E Angelus uerbo excõio de catibus caso ultimo, tabiense uerbo excõia 7º - q finali – caiet. – 1ª 2ª 976 art[ig]o 3 – con l...

[f. 116] Quanto ao 8 – como se aueraõ os xpaõs q se achaõ en banquetes iuntam[en]te cõ os gentios en dias q a santa madre igreja prohibe comer carne, o qual nos taes banquetes se come, e se os xpaõs a naõ comesem seria descortezia por niso naõ goardarem as honras e cõprim[en]tos q a gente desa terra antre si goardaõ. Rx, que como a p[roi]bicaõ de comer carne en alguns dias seia puram[en]te de d[i]r[ei]to positiuo, deuese de aduertir a obligasaõ q eles xpaõs tem ao goardar a ql estando esa terra en adisposisaõ en q ategora esteue .s. cõ taõ poucos xpaõs e tanto infieis e taõ mesturados hus cõ outros, naõ se tanta como entendo q alguns lhes querem por p.q. naõ lhes he publicado, e como no cazo ultimo diremos m[ui]tas uezes cõuirá não lhe declarar como qndo p. iso ouuesse perigo de retrocederem os xpaõs e se inpedir a cõuersaõ dos infieis, plo q en este cazo dado que sria bom escusarense os xpaõs de se acharem en tais banquetes podendo por euitar o incõuente de comer carne en os tais dias p q naõ ha duuida ser milhos naõ a comer todauia achandose nelles e comendo a (estando as couzas no estado em q agora estaõ) pelos respeitos que se apontaõ naõ me parece peccarem –M. principalmente se de a naõ

comerem se seguise algum escãdalo grande e se de comerem nos tais banquetes e de tal cõuersasaõ nasece esperãca da cõuercaõ dos infieis cõ que trataõ ou cõ q comem #

Quanto ao – 9 – en q se pergu[n]ta q se acõselhar aos paes q po[r] falta de quem lhe ensine seus filhos a ler e escreuer, os daõ aos bonzos pera lhos ensinarem as quais uzaõ dos mocos em o peccado nefando – ...

[f. 116v] quanto ao 10 – como se aueraõ os p[adr]es cõ a xpaõ [sic] que tendo algum f[ilh]o gentio o daa a algum bonzo p[a]ra q o fasa seu herd[ei]ro e lhe deixe o most[ei]ro cõ sua renda e asi fica o f[ilh]o infiel, se respõde que se a de aduertir se o tal f[ilh]o he de tanta idade q tenha perfeito uzo da rezaõ e sendo asi senãõ quizer ser xpaõ ainda q o pai ffor o que naõ ha de que fazer scrupulo ao pae e bem se lhe podem administrar os sacram[en]tos, mas sendo o f[ilh]o de idade que naõ enha perfeito uzo da rezaõ e iuizo p[a]ra despor de si // . Ou dado q tenha idade se faria xpaõ se o pae o a[d]moestalle de nhuã man[ei]ra se deue cõsentir ao pae xpaõ dar o tal f[ilh]o pois he certo peccar .M. todo o que cõ seu cõselho fauor, e aiuda he cuza a seu p[ro]ximo de peccar .M; e da mesma man[ei]ra todo o q pode estrouar a seu proximo que naõ fca algum peccado .M. se o naõ estroua cõforme ao q m[ui]tos santos en sinaõ, e nauarro declara, no man. Cap. 24, n; 27, par. N. 26, e nocomento do cap. nõ inferenda – a naõ se duuida terem os paes m[ui]to mais particular obrigaçaõ a seus f[ilh]os asi nas cousas tocantes ao temporal, como principalmente ao spiritual q esta he comum, cõ que hus p[ro]ximos a outros somos obrigados como se ue en o cap. duo ista uide T3 p. 4^a e ao cap. nõ pues e adem causa, 95, cap. siquis relique rit d. 30 – e o declara .S. paulo 1^a ad thimo, &, dizendo si quis su orx maxime domesticor curã nõ 53, infidelus est # infideli deterior, a he certo os pais q daõ os taes filhos naõ serem o diuido cuidado delles cõforme a sua obrigacã – mas depois de os serem dados se correndo o tempo os filhos se afirasem tãto na infidelidade q naõ se quizessem apartar della ainda [que] a[d]moestados pelos pae, julgar se aõ os taes paes como os outros peccadores q se arendem de seus peccados a naõ...

[f. 131v] Cazo 45 acerca das couzas defezas em d[i]r[ei]to canonico e pela bula de cena domini q se naõ leue a imigos do nome xpaõ, e se leuaõ a japão, Rx que dado q cõforme a informasaõ q os anos atras tiuemos nos parece naõ serem estes infieis do numero daqueles a q se p[ro]hibe leuarensse as ditas couzas a japão – agora cõforme as informacõis diuersas das precedentes que desas partes este ano uieraõ (...).

q[uan]to ao q se aponta de dō bertolameu q parece ser a mesma rezão dalle dado q xpaõ q dos infieis pela incerteza dos stados desa terra e que facilmente poderaõ esas couzas uir a maõs de seus imigos infieis naõ me parece bastante rezão p[ar]a elle perder o d[i]r[ei]to q como xpaõ tem p[a]ra poder auer as ditas couzas defezas nem as outras dellas poderem leuar q[ua]ndo naõ fossem em mais cantidade q as q elle p[ro]uauelmente pode gastar en as suas gueras q cõtra os infieis tem mas se fossem en tanta quantidade q p[ro]uauelmente s uisse que ceruiaõ de pasar de seu reino aos infieis, ou se [f. 132] se soubese fazer se assi mesmo se deue dizer deste exceso hoc em das couzas q lhe naõ são necesarias [sic] p[a]ra seu uzo, mas elle ou os seus quizesem chatinar nellas q das que se leuão aos infieis, e isto me parece que se deua publicar en malaqua, china, japão, p[a]ra q os homens saibaõ as fazendas q podem leuar ou não p q como da m[ui]tos delles leuar bona fide se lhes naõ declararem ho contraio #

Cazo 46 – q[uan]to a duuida q outra ues se torna a preguntas sobre as couzas defezas en d[i]r[ei]to canonico e na bulla de cena domini, e no cazo 45 q he ho precedente se uera o q respondi cõforme a enformação q entaõ ueio contra a q dantes tinha respondido cõforme a outra informacaõ a uerdade he, como ensina siluestre, e Angello referidos por nauarro en o cap. ita quordam de iudeis notado n. 27 q leuar as ditas couzas defezas de huã terra de infieis pera outra terra de infieis naõ he cauza de se encorer en escomunhão, saluo se os infieis a q se leuão se fazem mais fortes cõtra os xpaõs, e p della se apontar fazerese os iapõis gentios mais fortes cõtra os xpaõs leuandolhe as ditas couzas, e defeito lhe fazerem m[ui]to mal cõ elas respondi a segunda uez q naõ se deuiaõ se leuar Agora parece se apõta dela o cõtraio .P. não auer os ditos incõuenientes, portãto la se deue bem cõsiderar se (...).”

IV – “Lembrança das cousas do Norte pelo ouvidor-geral Francisco Monteiro Leite”

This is a partial transcription of the report written by Francisco Monteiro Leite after he visited the Northern Provinces of the *Estado da Índia* in 1602.

Location: Biblioteca Nacional de Portugal, Ms. 11410.

[f. 80] Tambe[m]os Vig[a]r[i]os das Uaras tomão e trazem tomada a Jurdição secular e he tanto o descuido nos ouuidores e mais iulgadores que lha deixão tomar sê nisso fazerê nada: eu despois que quaa ando accudij ao q pude q foi nos moços e moças que trazê da terra firme para Venderê por captiuos, dos quaes a quarta parte delles não vê bê captiuos,

E as tres partes delles vê furtados, E achei em posse os Uigarios de fazerê exame nelles se saõ forros, se captiuos quando uem da terra firme E eu mandey lansar pregões nas fortal[e]zas que ninguê leuasse os semelhantes moços e moças a fazer este exame se naõ ante mim ou o ouu[id]or da fort[ale]za, E iuntamente o trate cô o Arceb[is]po, E elle mandou q q[uan]do eu naõ estiuessse presente na fort[ale]za o Vig[a]r[i]o cô o ouu[id]or fizessê o exame e agora já os Vigairos vaõ Largando mão disso cô me uerê quaa no Norte q o defendo, Saluo hú Gileanes pereira em Tanaa q per nenhû caso quer se não fazer elle este exame cô o Juiz iuntamente Deuo V.S. cô a rellação fazer nisto algũa cousa, e també tomão Cto de amancebados mouros cô mouras, E gentios cô gentias sendo isto da Jurdição secular, por q a Igreja não cura de almas de infieis, E em Diu achei por informação verdadeira q os vigairos corrião cô todos estes e dauão nisso grandissima oppressão, E q o seu meirinho continuadam[en]te por casas de mouros e gentios buscando amancebados q parece Realm[en]te cousa de graça meterêse nisto sê hauer quem acuda a isso, E cômigo q ando por quaa tem elles algû pejo por saberê que os encontro, nisso, deue V. S. mandar tratar laa isto cô os desembargadores E defender a jurdição del Rey, e tirarse de oppressão os mouros e gentios, por q saõ acusados sobejamente, E muitas uezes cô testemunhas falsas, q húus côtra outros acarretaõ aos Uigairos E aos meirinhos també se metem em dar s[e]nt[en]ças sobre liberdades sendo c[er]to deste caso da Just[iç]a secular a tudo se deue dar remedio para q larguê a Jurdição delRey.

V – Pedro Martins arrival in Japan

A text probably compiled from information collected both from verbal and textual accounts of the happenings in Japan in 1596. It continues with some details about the destruction caused by the earthquake of that year.

Location: Casa de Cadaval, n. 26, “*Papeles Varios Curiosos*”.

[f. 357v] [Left margin: Japon] El pe obpo Po Martinez llego a Japon donde fue Receuido con gran fiesta de los Nros y de los Portugueses y principales de la tierra.

Agustino Secundono gnal de la Conquista del Coray, ha llegado a aquel tiempo y sauiedo la venida del padre obpo [f. 358] le fue a uisitar y despues le embio 200 fardos de Arroz y otros tanto de Trigo y lo mismo hicieron otros Caualleros principales tubose por bien pro nostrio entrar el pe obpo en Japon vispera de la asumpo de nra. s.a que es el mismo dia en que entro el pe Xauier ha mandado el pe obpo a los pes de Nangasaquin [sic] que no bajen al meaco y les hara voluer a sus tierras donde para mas serujo a Dios que en Japon.

El pe obispo escribe que se hicieron mas de ocho mill Xnos y q en dos veçes que estuuo en Nangasaqui confirno mas de quatro mill y que nunca se han hecho tanto Xnos como estos años de la persecuçon.

Fue el pe obispo a Visitar el siminario y era tanta la gente que le salia a receuir q no cauián por los caminos y los niños y niñas cantauan hymnos y salmos a coros y no se contentauan con Reçuir su bendiction sino le uestauan la mano o tocauan le al uestido. Del simio fue receuido con oraciones y declamaciones y el dia sigte con una buena Tragedia en este tiempo supo Caiabancadono la venida del obispo y que le trajia presente del Rey de la jndia y embiole a llamar (...) saue lo sucedido aun que se tienen buenas esperanzas.

Dia de la Magd[alen]a de 96, aparecio una commeta en Japon llouiendo al mismo tiempo cenica [sic] y en algunas partes arena en el Meaco primeiro de diciembre de 96 temblo la tierra por tres oras y lo mismo en ozaca y en el Sacay y des de Meaco hasta ozaca que son 13 leguas se hicieron tan grandes aberturas en la tierra que no se podia andar a cauallo cayeron muchos edificios de lo que auia en los montes, en Meaco con los templos de idolos y murio mucha g[en]te, en otro templo cayeron todos los idolos especialm[en]te uno tan grande que sola una oreja era como una estera de Zeylan que seria como una (...) destrado de la de aca.

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Manuscritos da Livraria, n. 805, Francisco Rodrigues et alii. *Inuentarios do P[adr]e Fr[ancis]co Ro[drigues]s da Companhia de Jesus sobre os casos uersados na India e suas partes com muitas outras resoluções mui importantes e necessarias aos confessores com seu indez de todas as cousas neste liuro se contem.*

Tribunal do Santo Officio, Inquisição de Lisboa, proc. 4941.

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