

Ecclesiastical normativity and particularism in the New World

The regulation of baptism in the Synod of Salvador da Bahia (1707) and its practice in the Freguesia of Fortaleza (18th century)

*Normatividade eclesiástica e particularismo no Novo Mundo
A regulamentação do batismo no Sínodo de Salvador da Bahia (1707)
e a sua prática na Freguesia de Fortaleza (século XVIII)*

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ABSTRACT

This paper aims to contribute with the study of ecclesiastical normativities in Portuguese America, mainly after the enactment of the First Constitutions of the Archbishopric of Bahia (1707). By analyzing baptism, which is regarded as the first Catholic sacrament, this text focuses on the creation of norms for particular spaces and how this process incorporates juridical and theological traditions. At the same time, the text confronts this analysis with the baptismal records of the freguesia of Fortaleza during the 18th century, in order to verify if this formal regulation was actually put into practice.

Palavras-chave: Legal History; Colonial Brazil; Canon Law; Moral Theology

RESUMO

Este artigo pretende contribuir com o estudo das normatividades eclesíásticas na América Portuguesa, principalmente a partir da edição das Constituições Primeiras do Arcebispado da Bahia (1707). Analisando o batismo, que é encarado como o primeiro sacramento da Igreja Católica, este texto se foca na criação de normas para espaços particulares e em como esse processo incorpora as tradições jurídica e teológica. Ao mesmo tempo, o texto confronta essa análise com os registros de batismo da freguesia de Fortaleza no século XVIII, a fim de verificar se essa regulação formal realmente foi colocada em prática.

Keywords: História do Direito; Brasil Colonial; Direito Canônico; Teologia Moral

1. Introducing the problem

The First Constitutions of the Archbishopric of Bahia is one of the most important documents on the History of Church in Colonial Brazil, and the growing interest on the Constitutions, particularly in the last two decades, explains the publication of papers and books such as “A Igreja no Brasil: normas e práticas durante a vigência das Constituições Primeiras do Arcebispado da Bahia”, edited by Bruno Feitler and Evergton Sales Souza (Feitler & Souza, 2011). These authors were also in charge of editing the text of the Constitutions with a very substantial introduction². In 2007, the Brazilian Federal Senate published a fac-simile edition of the one published in 1853 (Vide, 2007), which contributed to disseminate the use of this source by historians.

Despite the existence of numerous studies focusing on historical aspects of the First Constitutions, most of them on social and religious history, there is still a lot of work to be done in a legal historical perspective. Adopting a concept of law that is not purely state-dependent, recognizing non-state actors as legislators, and acknowledging the existence of other jurisdictions and normativities in parallel (but also in communication) with the statal one, characteristics which, together, constitute a perspective that has been widespread amongst legal historians³, this text aims to contribute with this debate by discussing ecclesiastical normativity and by examining a very specific part of the First Constitutions, namely the sacrament of baptism. In doing so, this text puts into perspective the close connections among canon law, moral theology and secular law during the Early Modern period. These three fields were entangled in many situations, creating a kind of mutual dependency and influence that can be observed in artifacts such as the First Constitutions.

At the same time, by examining a document enacted to regulate a juridical space in the New World, it is possible to understand how these areas were integrated to the centers of power. Portuguese America was part of the Portuguese Empire, which, at least until the middle of the 18th century, has been viewed by historians as a pluricontinental and polycentric monarchy⁴, but also, above all features, a catholic monarchy⁵. For that reason, it is impossible to separate the Iberian expansion, conquest and settlement in America from the religious background, which was also a result of some juridical institutes such as the patronage, which guaranteed the power of the Portuguese king to appoint the bishops stationed overseas⁶. The Catholic Church, including both secular and regular clergy, mainly the Jesuits, the Franciscans and the Carmelites, had a fundamental role in the creation of a society grounded on the European traditions and the European mentality and imaginary⁷, which was expanded and imposed to other groups.

However, it does not mean that these societies were copies of the European ones. Their pillars (faith in God, belief in Church and obedience to the king) could never be fully transplanted to a place where cultures (as diverse as the original American inhabitants) and the

2 Feitler e Souza, 2010, pp. 8-72.

3 Among many others, see Hespanha, 1994.

4 There is a solid historiography that analyzes Early Modern Portugal and its overseas possessions through an imperial perspective. For some of the most relevant studies that influenced this research, see Boxer, 1969; Cardim et al, 2012; Hespanha, 2019a; Subrahmanyam, 1993.

5 For this perspective, see Garriga, 2007; Hespanha, 2019b.

6 For a new perspective on Portuguese patronage, see Pizzorusso, 2012.

7 About this clash of mentalities, see Gruzinski, 1988.

enslaved Africans coexisted. Many documents demonstrate that the Church was aware of these differences and knew that the effective construction of a *novi orbis* would only succeed if they adopt appropriate regulation to this diversity. Despite an essence based on ideas of a global normativity⁸ and equality between men (at least as long as they were Christians), the Church enacted particular norms to solve particular problems, but these norms, and still these norms, as I will demonstrate in the following pages, had to be coherent with the juridical and theological frameworks of the Catholic world. In that sense, it is valuable to use the metaphor of the cultural translation to understand the necessity of adapting structures to incorporate situations that had not even been conceived by Christian mentality⁹.

In order to understand how ecclesiastical normativity was implemented in Portuguese America, this article compares the texts of the First Constitutions with parochial records, particularly the registration of baptisms, of the *freguesia* of Nossa Senhora da Assunção and Saint Joseph of Ribamar of Fortaleza, in the Captaincy of Ceará, during the 18th century. The reason for taking this methodological option is related to the fact that the *freguesia* was located far away from the Metropolitan See in Salvador, but also far from the diocese of Olinda, to which it was subordinated. It was furthermore a huge parish, with chapels located more than one hundred kilometers from the main church.

2. The Synod and the law-making process

In June 1707, the city of Salvador da Bahia, which was the head of the ecclesiastical province of Brazil, inaugurated in 1676 after the elevation of the 1551-created diocese, held one of the most important ecclesiastical events during the Colonial Age. The members of the ecclesiastical cabildo and the incumbent Bishop of Angola, D. Luiz Simões Brandão (1702-1717), accompanied by other priests, religious of the Society of Jesus, as well as some secular and military authorities, attended the ceremony of the Diocesan Synod of Salvador, which included processions, masses, prayers and liturgical rituals¹⁰. For three days, the participants of the synod debated the text previously prepared by the fifth Archbishop of Bahia, D. Sebastião Monteiro da Vide (1701-1722); once ready, the final version was read in its entirety to those who were in charge of its examination. On June 14th, the text was approved, and, on July 21th, the Archbishop promulgated the final version.

According to the decrees of the Council of Trent published in 1563¹¹, diocesan and provincial synods had to be held periodically – yearly for diocesans and once every three years for provincial. In Spanish America, the first meetings of that kind happened even before this decree, and the most relevant meetings, such as the III Provincial Council of Lima (1582-1583)¹² and the III Provincial Council of Mexico (1585)¹³, were concerned with legislating, along with the two diocesan synods and the provincial council held in Santafé de Bogotá in the late 16th and the

8 For this perspective, see Duve, 2017.

9 For an overview on the application of the idea of cultural translation in a legal historical perspective, see, among others, Foljanty, 2015.

10 For a detailed report of the ceremony, see *Relação da procissão e sessões do Sínodo Diocesano*. In Vide, 2007, pp. 511-526.

11 *Concilii Tridentini Canonibus et Decretis Insertae*, pp. 327-329 (Sessio XXIV, Decretum de reformatione, Caput II).

12 On the III Provincial Council of Lima, see Duve, 2010; Lisi, 2010.

13 On the III Provincial Council of Mexico, see Moutin, 2016.

early 17th centuries¹⁴. On the western Portuguese possessions, nonetheless, things were quite different, since no synod nor council happened before the one of 1707¹⁵, what implies that there were no general rules regulating that space in particular. Sources of the 19th century report that the fourth Bishop of Salvador, D. Constâncio Barradas (1602-1618), attempted to write constitutions to the diocese in 1605 (Vide, 2007, p. XII), but his work was never completed, and the manuscripts that comprised his incomplete work are nowadays considered to be lost.

The report about the synod made by D. Sebastião Monteiro da Vide clarifies the difficulties in organizing the meeting. His original intention was to coordinate a provincial council attended by the four suffragan bishops of the archdiocese, but he was discouraged because two dioceses (Pernambuco and São Tomé) were at that time *sede vacante*, and the Bishop of Rio de Janeiro, D. Fray Francisco de São Jerônimo (1701-1721), denied the invitation due to health reasons. The bishop of Angola was the only one who actually participated, and therefore D. Vide decided to nominate the ecclesiastical meeting a diocesan synod instead of a provincial council. In such a huge archdiocese, as Brazil's, which comprised two continents separated by an ocean and, even just within the American portion, comprised thousands of kilometers from the villages of Nossa Senhora da Luz de Curitiba, in south, to São José de Ribamar de Aquiraz, in north, for example, having the clergymen under the direct authority of the metropolitan seemed to be an alternative for D. Vide to get his decrees approved.

Despite their endorsement in a diocesan synod and not in a provincial council, which could have been regarded as a restriction on the limits of the territorial jurisdiction of the text, the First Constitutions were no doubt in force in the entire ecclesiastical province of Brazil, and not only in Bahia. The available sources strongly point towards this conclusion, especially on civil litigation in the ecclesiastical courts (*auditórios eclesiásticos*) of the dioceses and in the records related to the sacraments, mainly marriage. Moreover, Pollyanna Muniz reported its use also in the diocese of Maranhão, which was suffragan of the Archbishopric of Lisbon and not of Salvador, particularly in criminal suits (Muniz, 2017).

The First Constitutions had to be obeyed by the subjects, both laymen and ecclesiastical ones, because they were positive canon law, which could be enacted, among other people, by the bishops. Suárez tells explicitly that the bishops have legislative power in their dioceses (Suárez, 1619, p. 224). Pedro Murillo Velarde, in his chapter dedicated to the *constitutiones*, defined law as the decree of those who had supreme power over an area (Velarde, Lib. I, Tit. II, n. 34, p. 13) and stated that particular ecclesiastical law could be enacted by archbishops and bishops in their dioceses, as well as by diocesan and provincial councils (Velarde, Lib. I, Tit. II, n. 43-44, p. 16). The legislative power of synods and councils, which were emphasized and accurately described by Suárez (1619, Lib. IV, Cap. VI, pp. 231-236), is referred by canonists such as Agostinho Barbosa as being connected to the power of the Archbishop and his *auctoritas* over the suffragan dioceses (Barbosa, Lib. I, Cap. VII, n. 14-22, p. 103).

Recent historiography on the councils in Hispanic America spotlighted their legislative role, recognizing the councils as legislators¹⁶. This perspective can be useful to understand the law-making process of the First Constitutions of Bahia, but, such as in other works on Hispa-

14 On the synods and councils of Santafé de Bogotá, see Cobo Betancourt & Cobo, 2018, pp. XV-LX.

15 The Archbishopric of Goa held five provincial councils (1567, 1575, 1585, 1592 and 1606) under the influence of the Council of Trent. For more information about it, see Faria, 2013.

16 For that perspective in the III Council of Mexico, see Moutin, 2016, pp. 146-148.

nic American synods¹⁷, it is impossible to isolate this process from the existence of a leading figure in the making of the legislative text. D. Vide was the main responsible for enacting the First Constitutions, not only because it was him who convened the cabildos and clergymen to hold the synod, almost one century and a half after the Tridentine order, but mainly because he personally wrote the texts of the decrees before the submission to the synod. While decrees like the Mexican one had no direct indication of authorship, the First Constitutions, since their first printed edition, in 1719, were handled as a work by D. Vide. In this perspective, he fits perfectly in what José Pedro Paiva described as the model of bishop according to the Council of Trent (Paiva, 2006, pp. 128-139): he was a good shepherd for his herd, concerned about the cure of souls, but also about the government of the archdiocese, taking the responsibility for implementing the Tridentine reformation by carrying out the synod and promulgating the provincial constitutions.

3. Moral theology, law and the ruling of Portuguese America

Ecclesiastical normativity dealt both with legal and theological questions, and the enactment of this kind of norm depended on a clear understanding of both areas. Moral theological issues were regulated by canon law, under the influence of juridical (civil and canon law) and theological knowledge. Personal skills enabled D. Vide to be the appropriate legislator for the Archbishopric of Bahia. He was an experienced canonist, not only due to his studies on canon law at Coimbra University, but mainly because of his large practical experience acting as a judge (*desembargador*) of the ecclesiastical court of the metropolitan see of Lisbon. At Évora University, he also earned a diploma in Theology, and the benefits of his double education are displayed in the complex normative instrument, the First Constitutions, as it deals with both areas¹⁸.

As recent studies have demonstrated, there were close relations between law and moral theology in the Early Modern period. Theologians were concerned about many legal issues in topics that are now considered purely juridical, as criminal law, civil procedure and private law¹⁹. If we examine a book like Paul Laymann's *Theologia Moralis*, it is easy to understand these close relations: besides an introduction explaining matters related to conscience, actions, will and sins, Laymann writes about the meaning and the species of law (emphasizing both canon and civil law) and virtues, as well as about the traditional topic *de iustitia et iure*, in which obligations, contracts, wills, real state and procedural matters are detailed. In the following pages, Laymann returns to what we now consider issues that are more related to theology, like the sacraments. In other words, Laymann, as well as other moral theologians of the Early Modern period, deals, in the same book, with questions that include the crime of homicide and the matrimonial impediments, the sacrament of order and *fideicommissa*, donation and the species of sins. All of these topics were viewed as being intertwined.

If moral theology and civil law were close, we could not expect something different when we put moral theology and canon law in perspective. Not only were the matters themselves related, but they also shared sources. In medieval and early modern tradition, all the fields of

17 For the role of the bishops and archbishops in the Synods of Santafé, see Cobo Betancourt & Cobo, 2018, pp. XXIII-XXIX and XXXIV-XLII.

18 For biographical information on D. Sebastião Monteiro da Vide, see Machado, 1752, pp. 694-695.

19 For a broader vision on these relations, see Decock, 2013.

knowledge were based on the idea of authority (Cabral, 2017), which explains the necessity, on almost every topic, of quoting and referring to other's opinions when writing a text. That makes the role of literature – in the case of this paper, both legal and theological – an important topic here. Jurists concerned about civilian and canonical matters and theologians shared the same structure in the making of their books, often referring to authoritative sources in their texts in order to convince the readers of the correctness of what they were alleging, as it would be seen as being founded on the best opinions. And these authorities were taken not only from the literature, since legislative acts and also judicial decisions, no matter where they came from, were very often used to support an argument, revealing an idea of law that was much more related to the revelation of a natural order than to a human creation for a particular space.

This same structure was used by D. Vide when he prepared the First Constitutions. Every topic was reasoned in the opinion of jurists, theologians and texts, such as the Holy Scriptures and ecclesiastical norms of many kinds (papal bullas, council decrees and other Portuguese synodal constitutions). Other studies have already listed the most important sources used by D. Vide in making of the fifth part of the First Constitutions, which dealt with criminal law²⁰. Amongst the most frequently quoted authors, there are the names of Prospero Farinacci, Gabriel Pereira de Castro, Giulio Claro, Manuel Barbosa, Giacom Menochio, Martín de Azpilcueta and Tomás Sánchez, as well as references to texts as the *Corpus iuris canonici*, the decrees of the Council of Trent and the diocesan constitutions of Lisbon, Oporto, Lamego, Évora, among others.

The influence of other diocesan constitutions is remarkable, particularly the Constitutions of the Archbishopric of Lisbon, which, as indicated in preface of the First Constitutions, were the inspiration for the new text, since they were officially in effect until the creation of the Archbishopric of Bahia, in 1676. D. Vide stated that his visitations to the parishes of the ecclesiastical province made him realize that “the Constitutions of Lisbon could not be accommodated to this so diverse region, resulting thereupon in some abuse in the Divine worship, administration of justice, life and customs of our subjects” (Vide, 1719, fol. ii-iii). These words leave no doubt about the reason why D. Vide decided to enact specific legislation for his archbishopric: there was a real necessity of providing an appropriate normative discipline to the particular situations that happened in this ecclesiastical province encompassing such a culturally diverse area, which, in the eyes of D. Vide, could not continue to persist outside the rule of ecclesiastical norms. Particular situations demanded specific norms, in order to solve every issue that may arise. At the same time, the internal division of the First Constitutions followed the structure found on the *Libri Extra*, dealing with issues on faith and sacraments (book 1), Catholic ceremonies, penances and other obligations of the laymen (book 2), duties of the clergymen (book 3), ecclesiastical immunities and the regime of the goods of Church (book 4), and crimes and criminal procedure (book 5).

In this perspective, the First Constitutions are a perfect example of particular law in Portuguese America. It is true that, according to Hespanha (2006), a particular juridical order consisted in the capacity of fulfilling open or indefinite juridical spaces, which were not always materialized in written laws; in some cases, however, there were indeed written laws whose normativity was delimited to specific areas, aiming to solve their precise problems. This is exactly what was intended to be done through the enactment of the First Constitutions.

²⁰ For more information about this topic, see Cabral, 2016.

4. Examining the space: the freguesia of Fortaleza

This topic does not aim to offer an ecclesiastical history of the *freguesia* of Fortaleza during the 18th century, but only to contribute with the understanding of its territorial organization²¹. In the Church's ecclesiastical hierarchy, there are three spaces that have higher relevance for this research: the ecclesiastical province or archdiocese, the diocese and the parish. Archdioceses were composed by suffragan dioceses, and each diocese was composed by parishes. According to Agostinho Barbosa's definition, a parish was a place with defined territorial limits where a church had jurisdiction over the people who lived there (Barbosa, p. 262). A priest is responsible for the spiritual jurisdiction inside the parochial space and is in charge of the main church of the territory. In Portugal, the word *freguesia* is used to refer to a parish, and therefore its use is repeated here.

The creation of parishes in the Captaincy of Ceará only happened in the beginning of the 18th century. Documents reveal that, at the end of the 17th century, the chapel of the Fort of Nossa Senhora de Assunção was, alongside indigenous villages under the control of religious orders, the only one in the entire Captaincy²², and that chapel became the main church when the parish of Nossa Senhora de Assunção and Saint Joseph of Ribamar of Fortaleza was created, in the first half of the 18th century²³. The parish was under the jurisdiction of the Diocese of Pernambuco, and Pernambuco, in its turn, was suffragan to the Archdiocese of Bahia.

Inside the parochial territory, there were also chapels, a subject which will be further explored later on this paper. Agostinho Barbosa stated that chapels could be located both inside a church or somewhere outside a temple; they were juridically regulated by the *ius patronatum* and were a potential object of *majoratus* (1650, pp. 63-65)²⁴. Chapels located in private lands have no priest for their own; they are a sacred place where religious rituals could be celebrated during the visitation of a priest.

José Ramiro Teles Beserra (2018, p. 306), in an important work on ecclesiastical architecture in the Captaincy of Ceará during the 18th century, listed parishes and chapels in this huge territory and demonstrated that some chapels were strategical for the Church to distribute the sacraments in areas where some families lived and where there were no permanent priests. Besides the Main Church of Nossa Senhora da Assunção of the village of Fortaleza, there were 8 chapels by the end of the 18th century, some of them located very far from the main church. The priest or some other clergymen were in charge of visiting the chapels to distribute the sacraments, and the parochial records illustrate that these visitations indeed took place.

5. Ruling baptism in theory and in practice

The Book 1 of the First Constitutions deals with the Catholic faith and the sacraments, which were defined by Thomas Aquinas as secrets, Divine or human, which are unlawful to

21 For more information about the ecclesiastical history of Ceará, see, among others, Nobre, 1980.

22 AHU – Ceará, Papéis Avulsos, Box 1, Doc. 36.

23 For more information about that process, see, among others, Jucá Neto et al, 2014.

24 In a juridical perspective, Hespanha stated that they were a settle of goods left to someone in order to use the income to celebrate masses for the intention of the settler of the chapel. Hespanha, 2015, p. 454.

violate by making them known to anybody whatever²⁵. Following the Tridentine concern about the obedience to the sacraments²⁶, the First Constitutions handle this topic in many ways, both explaining and regulating them in order to clarify their meanings and the practice of their administration. Some particular situations concerning the sacraments in Portuguese America demanded explicit and specific normative regulation.

At the same time, the Constitutions also aimed to put into practice the correct form of administering the sacraments in Brazil, stating that, following the Council of Trent, all related solemnities were absolutely required. For that reason, the First Constitutions ordered that every parochial church must have a copy of a manual of sacraments, which would be used by the priests to administer the sacraments to the local population²⁷. An explanation of the sacraments during the catechesis was also absolutely necessary, as well as the mentions of the sacraments to those who attended to the masses and were not enough acquainted with the Christian doctrine; for the latter, the First Constitutions stated that the priests should read the simplified foundations of the Christian doctrine²⁸, under direct inspiration on the official Catechism prepared by Cardinal Roberto Bellarmino, which included the mentions of the seven sacraments²⁹.

Baptism is the first sacrament and therefore is described as “the gateway to Catholic Church, enabling those who received it to go on in the next sacraments”³⁰. It turns a former pagan into someone relevant to the Church, a person who could be prepared to become a full Christian after the catechism. Only after the conversion was complete would the person have entered the Catholic universe³¹. The First Constitutions left no doubt about the effects of baptism: it forgives the baptized person of all the sins (both the actual sins and the original one) and allows them to begin professing the Catholic faith, which they are then compelled to obey under the authority of the clergymen³². Thus, once baptized, the person became part of the Catholic normative order.

The elements of the definition of baptism were the same found in classical theological sources, being described as the regeneration through water in the word³³. From the Constitutions of Lisbon, D. Vide copied the rule that determined the necessity of baptizing children up to eight days after their birth³⁴ and the description of the baptismal procedure, with the ablution of the body with water and pronouncement of certain words by the priest³⁵. This deadline was sometimes hard to fulfill, since many people lived far from the parishes. In the Archbishopric of Bahia, it happened quite often that a child would go far longer than 8 days without baptism, such as in the case of the legitimate son of Manuel José and Maria, Francisco, who was born on

25 Summa, pars 3, quaestio 60, a. 1. Paul Laymann, inspired by Aquinas, defined sacraments as “signum visibile invisibilis gratia, ad populum Dei sanctificandum, divinus institutum”. Laymann, 1626, p. 202 (B. 5, T. 1, c. 2, 1).

26 Concilii Tridentini Canonibus et Decretis Insertae, pp. 69-70 (Tri. Sess. 7 de sacram. in gen. can. 13).

27 First Constitutions, Book 1, Tit. 9, 30.

28 First Constitutions, Book 3, Tit. 32, 550.

29 First Constitutions, Book 3, Tit. 32, 562.

30 First Constitutions, Book 1, Tit. 10, 33.

31 For a discussion on that matter, see Cabral, 2019.

32 First Constitutions, Book 1, Tit. 10, 34.

33 Laymann, 1626, pp. 31-32 (B. 5, T. 2, C. 1, 1).

34 Constituições do Arcebispado de Lisboa, Book 1, Tit. 1, Cons. 1, fol. i

35 Constituições do Arcebispado de Lisboa, Book 1, Tit. 1, Const. 4, fol. ii.

January 6th, 1792 but only baptized on April 20th of the same year, in the Chapel of Siupé³⁶, to where priests only went in visitations, to administer the sacraments.

Some particular rules were required to regulate baptism, and its formal structure was a key element. The Council of Trent was concerned about the formality in the administration of sacraments and ordered the maintenance of a book in which the names of the baptized, his parents and godparents were required to be written³⁷. The First Constitutions repeated this order, which constitutes as a true symbol of the attention paid by the Church to the formality of records, documents and written culture. The baptismal registry book was required to be numbered and with firmed pages, with the indication of the church to which it belongs and, in the last page of the book, the indication of its end. Most of this regulation can also be found on the Constitutions of the Archbishopric of Lisbon³⁸, but the First Constitutions enacted a standardized model for each register in the baptismal book: “Aos tantos de tal mez, e de tal anno baptizei, ou batizou de minha licença o Padre N. nesta, ou em tal Igreja, a N. filho de N. e de sua mulher N., e lhe puz os Santos Oleos; forão padrinhos N. e N. casados, viúvos, ou solteiros, fregueses de tal Igreja, e moradores em tal parte”³⁹.

Comparing the model enacted by the First Constitutions with the registers in the Baptismal Book of the *freguesia* of Fortaleza, it is possible to note that the main elements of this model can be found on the majority of records. The record usually contains additional information, such as the name of the grandparents, but, more important, it normally has the data the Church required to be registered, which were the name of the baptized, their parents, godparents and of the priest, the date of birth of the baptized and of the baptism, and the locale of the ceremony, as well as the signature of the person in charge of writing the information down.

Maria filha legitima de Pedro Rodrigues do Lago e Sebastiana de Cunha, netta paterna de Antonio Rodrigues do Lago e Joanna e materna de José Cavalcante e Anna de Barros, nasceu a nove de outubro de mil e setecentos e secenta e hum, foi baptizada nos Santos Oleos na capella de Nossa Senhora do Livramento de Trahiri pelo Padre Jose Furtado de Mendonça aos vinte seis de dezembro do mesmo anno, forão Padrinhos Jose Barrozo Valente solteiro, e Dona Maria de Souza casada, por certidão do dito padre, delle recebi no Trahiri a doze de Fevereiro deste anno de mil setecentos e secenta e dous, fiz este assento de minha letra e signal aos dezoito do dito mês e anno. Vicente Correa Lial, Cura do Ciará⁴⁰.

Another topic that required special regulation was the place where the baptismal ceremony should take place. Referring to the *Clementinae*, the First Constitutions also prohibited baptism to take place outside the parochial church and in private domains⁴¹. However, due to the situation in the Archbishopric and its wide empty areas, with most of the population living in rural areas and a reduced number of parochial churches, the Constitutions regulated some exceptions for this rule, when, for example, for children and adults who were suffering mortal danger to be baptized outside the regular locations.

36 Freguesia de São José de Fortaleza, Baptisms, Book 1 (1736-1795), fol. 126.

37 Concilii Tridentini Canonibus et Decretis Insertae, pp. 327-329 (Sessio XXIV, Decretum de reformation, Caput II).

38 Constituições do Arcebispado de Lisboa, Book 1, Tit. 1, Const. 10, fol. 6.

39 First Constitutions, Book 1, Tit. 20, 70.

40 Freguesia de São José de Fortaleza, Baptisms, Book 1 (1736-1795), fol. 53v.

41 First Constitutions, Book 1, Tit. 13, 43-46.

The other exception was the administration of baptism in chapels. The First Constitutions acknowledge the necessity of building and using them, “because in this Archbishopric, due to the great extension of most of the *freguesias*, some inhabitants live fifteen, twenty days from the parish”, and there the sacraments must be administered; this is why the maintenance of baptismal sinks in the chapels was deemed mandatory⁴². Despite their private nature, chapels had a leading role in the dissemination of the Catholic sentiment in Colonial Brazil, particularly in the large farms where there were no churches. Parishes were extremely wide in some cases, and chapels were the only connection with religiosity in remote locations.

The chapel of Siupé, under the jurisdiction of the *freguesia* of Fortaleza, is an example of one of these chapels. Created by a public deed dated from 1741 by the Sargento-mor Antônio Marques Leitão and his wife Apolônia da Costa⁴³, the chapel of Nossa Senhora da Soledade of Siupé is located in the current territory of the city of São Gonçalo do Amarante, around 60 kilometers from Fortaleza. During the 18th century, this area was located in the edges (*termo*) of the village and held many baptisms, which happened most of the times during the visits made by the parish priest to the chapels in the *freguesia*. The route of the visitation also included the chapel of Nossa Senhora do Livramento in Trairi, built in 1727 and around 120 kilometers from the main church of the *freguesia* of Fortaleza⁴⁴. In 1759, for example, fathers Jose Furtado and Manuel Correia de Ávila visited both chapels and baptized Quitéria, Miguel, Jacinta and Francisca, all of them legitimate children but Quitéria, whose registration indicated only the name of her mother, Ana Dias.

6. Baptizing enslaved

Theologically faced as a regeneration, baptism was a valid instrument to allow men of any age to be introduced to the Catholic faith. Because of its social and economic particularities of the New World, baptism of adults, especially Native Americans and black slaves, was an important measure for the conversion to Catholicism, and therefore the First Constitutions regulated it, in opposition to the silence of the Constitutions of Lisbon on that. Baptism was essentially a question of natural law, as theologians like Suárez and Laymann stated, but it does not dismiss the necessity of the person to be baptized consenting with the administration of the sacrament when they already “uses the reason”. The First Constitutions explicitly required the interested to clearly demonstrate his intention to be baptized or, in other words, to become Christian⁴⁵.

Differently from the dioceses of the Peninsula, norms that regulate other ethnical groups were necessary in Portuguese America, particularly because of the intention of converting them to Christianity. In this matter, the linguistic barrier separating Portuguese, Indigenous Americans and Africans had to be overcome. For the conversion of indigenous people, the Church decided that native languages had to be applied in the conversion by the missionaries. The result was a noticeable production of texts targeted at conversion, such as the 16th and 17th centuries Jesuit manuals of catechesis by José de Anchieta and Antônio de Araújo, which were structured

42 First Constitutions, Book 1, Tit. 11, 37; Tit. 19, 68.

43 For the transcription of the public deed, see Bezerra, 1904.

44 For more information about these churches, see Beserra, 2018, pp. 528-533.

45 First Constitutions, Book 1, Tit. 14, 48-49.

in Tupi language⁴⁶. By using these texts, missionaries did not need to learn proficiently native languages, but only had to repeat the phrases contained in the texts to explain the most relevant topics of Catholic faith before baptizing and allowing them to receive the communion.

For the Africans, however, the process to the conversion was not so well organized in the First Constitutions. They allow those in charge of converting Africans to seek for assistance of translators if the Africans did not know Portuguese language⁴⁷, but there is no word about teaching or providing the priests elementary knowledge on these languages. If the Africans “already have some linguistic knowledge” or when there was an interpreter to explain the basic foundations of Catholic faith, the slaves were supposed to answer some questions in order to check if they were ready to be baptized. These were the questions:

- a) Would you like to have your soul washed by the holy water?
- b) Do you want to eat the salt of God?
- c) Do you put all your sins out of your soul?
- d) Will you sin?
- e) Do you want to be son of God?
- f) Do you put the demon out of your soul?⁴⁸

By the time D. Vide wrote the First Constitutions, almost all economic sectors were indisputably dependent on enslaved labor force, and this dependency was most pronounced in agriculture and mining. This huge enslaved population of the colony had heterogeneous owners, comprising small farmers, people living in the urban settlements, powerful landowners and even religious orders, such as the Jesuits and the Carmelites. Slaves must be included in the catechetical strategy of the Church, but this had to be done without invading the authority of their lords over them.

One of the best solutions for that topic was proposed a few years before the Synod of Salvador by the Italian Jesuit Jorge Benci, who spent many years of his life in Brazil, where he would eventually act, among other things, as the responsible for revising the text of the First Constitutions. His book *Economia Christãa*, which was addressed to the masters of slaves, proposed a solution for this deadlock when it emphasized their role in the *propaganda fidei* in private spaces. According to Benci, the lords were in charge of feeding their slaves not only in a material sense, but also in the spiritual one, meaning that they must care for preservation of appropriate Christian habits inside their lands and among their slaves. In other words: the masters should provide their slaves with Christian education and hence take measures to ensure they would receive sacraments, such as the baptism and marriage.

Benci’s ideas on the duties of lords in educating their slaves had a huge influence on the First Constitutions. The accomplishment of this obligation allowed the priests to baptize the enslaved, including in situations of rusticity, when, despite the measures taken by the lords in providing education, the enslaved were not able to properly understand⁴⁹. Vicars, however,

46 About the normative role of this books, see Cabral, 2020.

47 First Constitutions, Book 1, Tit. 14, 50.

48 First Constitutions, Book 1, Tit. 14, 50.

49 First Constitutions, Book 1, Tit. 14, 55.

had to examine the real situation of the enslaved, in order to ensure that this general allowance given by the First Constitutions would not mean an authorization for the masters to neglect of with this religious instruction before the baptism. This provision of the First Constitutions constituted a harsh criticism to what was then the default: the masters most often carried out the educational duties of their enslaved very badly because they rarely provide direct instruction, and, when they did so, the doctrine was not taught patiently and in steps, as it should be, but all together and hurriedly⁵⁰. In short, the First Constitutions were an effort to turn the masters of slaves into partners of catechesis and consequently in partners in the attempt to build a Christian society in the New World.

By examining Colonial parishes records, it is possible to find abundant information about this sort of filiation. On January 8th, 1738, Maria, daughter of Maria, who was slave of the Father Domingos Ferreira received her baptism in the main church of Fortaleza, with no information about her age and her father⁵¹. Felipe, son of the enslaved Felipa, who lived in the Serra of Uruburetama, at that time in the countryside of the *freguesia* of Fortaleza, was baptized without the indication of his father's name⁵². These two cases are similar to thousands of others all around Portuguese America: enslaved women registered their offspring as a "natural child" without mentioning his or her father, but always nominating the mother's owner. Legitimate filiation among slaves is not abundant in this kind of records.

For that reason, the baptism such as that of Francisca, legitimate daughter of Vicente and Feliciana, both slaves of Colonel Antônio Diniz, in 1747, is a rare occurrence, revealing that, even in remote areas, enslaved couples married according to the law of Church and introduced their offspring in the Christian faith⁵³. Notwithstanding, this is a kind of exception that confirms the general rule: sons and daughters of slaves were mostly natural because their mothers were not married to their fathers, and marriage was a precondition to constituting legitimate offspring⁵⁴. Despite the acknowledgement of the Church, it was not the ideal situation for a Christian society, which had marriage and the procreation as a result of matrimony on its ideal foundation, regardless of the social condition of the Christians involved, which, according to canon law, included slaves, oddly enough it seems in such a violent legal regime.

The analysis of parochial sources enables, as Roberto Guedes and João Fragoso have already pointed out, a better understanding of the social complexities in the Early Modern period (2016, pp. 7-9), particularly in the affairs related to families. For sure the Portuguese standard model of families is found on the sources: free man and woman having biological children within matrimony. Other situations, however, are easily found on baptismal records in places like the *freguesia* of Fortaleza. Single women leading what is nowadays called mono-parental families, such as João, son of Maria Viera da Costa and with unknown father, baptized in For-

50 First Constitutions, Book 1, Tit. 14, 56.

51 Freguesia de São José de Fortaleza, Baptisms, Book 1 (1736-1795), fol. 3v.

52 Freguesia de São José de Fortaleza, Baptisms, Book 1 (1736-1795), fol. 140.

53 Freguesia de São José de Fortaleza, Baptisms, Book 1 (1736-1795), fol. 37v.

54 Illegitimate filiation also comprised the spurious one, that is to say, the children of priests. For an interesting work on this kind of filiation, which was contrary to canon law, but whose acknowledgment was possible under certain circumstances, see Limão Papa, 2020. The Constitutions of Lisbon regulated the baptism of the offspring of priests, stating that, when this situation happened, the baptism might not take place in the church where the father is priest, in order to avoid the scandal. *Constituições do Arcebispado de Lisboa*, Book 1, Tit. 1, Const. 6, fol. 5v.

taleza in 1791⁵⁵; children of a non-married couple, such as Gabriel, son of Antonio Ferreira de Araujo and Teresa de Jesus, baptized in 1762⁵⁶; legitimate sons of an enslaved couple, such as Quitéria, daughter of José and Teresa, slaves of Antônio dos Santos, inhabitant of the Canindé, baptized in 1792. These are some cases that escape the regular familial patterns envisioned and regulated by royal legislation. As a consolidated literature on the history of family and women in Portuguese America has demonstrated, families were often much more complex than the prototypical white man with white woman Christian union within matrimony⁵⁷.

7. Final Words

Central powers in the Early Modern period, like the Crown and the Church, were aware that general rules were not enough to regulate social life, especially in the New World, where different issues demanded specific resolutions that did not fit perfectly in more general frameworks. Based on the idea of specialty, the Council of Trent ordered the adaptation of their norms in the local spaces of Christianity, but it took one and a half century until this was fully carried out. Adaption meant in that context regulating special situations so that ecclesiastical normativities specifically encompassed them.

The analysis of baptism, the first Catholic sacrament, contributes with the understanding that Portuguese America had problems that could be known only by those who lived within that reality, and these very problems might be mitigated by creating the appropriate theological structures. Archbishop D. Vide was the best man to legislate on these matters because he had both canonical and theological knowledge, and he knew the problems of the ecclesiastical province after the visitations he made to the suffragan dioceses and to the parishes under his jurisdiction.

Huge distances, bad infrastructure of churches and chapels, a shortage of clergymen, challenging conversion of indigenous and Africans, and the peculiarities of slavery, which was deeply ingrained in the economical structure of the colony: these were some of the problems incorporated in his legislative work of D. Vide, and the regulation he provided sat upon very solid theological grounds, being deeply inspired by the Catholic tradition, particularly on the laws of other Portuguese dioceses and on the authority of canonists and theologians. The solutions he brought for practical matters, such as the duty of the slave owners in the spiritual education of his slaves, resulted in the maintenance of the status quo in Portuguese America – an excellent situation for land and slave owners, but a terrible one for the slaves. Good or bad depending on the point of view, but, above all, solutions that were compatible with the cultural universe they were meant to regulate.

Consulting baptismal records of a peripheral parish located thousands of kilometers from the head of the diocese and from the metropolitan see was a very effective method in achieving a better understand of how the First Constitutions were actually applied, ascertaining whether their provisions were put into practice as intended by its author and those in charge of approving the text. The registered diversity of people receiving the sacraments demonstrates that

55 Freguesia de São José de Fortaleza, Baptisms, Book 1 (1736-1795), fol. 96v.

56 Freguesia de São José de Fortaleza, Baptisms, Book 1 (1736-1795), fol. 54v.

57 Among many others, see Silva, 1984; Goldschmidt, 2004; Samara, 2004; Silva, 2020.

the First Constitutions succeeded in finding a way to expand Catholic faith to other ethnic and social groups, including those whose labor was explored in the Colonial society. Baptism incorporates people in a social organization based on the belief in a natural order, where everything and everybody had an assigned place and function. Administrating this sacrament correctly, a concern addressed with the First Constitutions, resulted in the expansion of Christianity to even in remote areas that would otherwise have been isolated from this important theological tradition.

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