Chapter V

Christian Religious Foundations in Western Europe: Between Spirituality and Wordliness

Jean-Pierre DEDIEU

Introduction

This paper is about one of the most important, and yet less studied, features of early modern western societies: religious foundations.[1] Why has historiography neglected Christian foundations? Fundamentally, in our view, this has been for two reasons. The first one derives from the legal basis on which the institution had been built, that is the specific, and today almost entirely incomprehensible, concept of the autonomy and yet effectiveness of religious law in relation to civil law. Religious law, known, taught, and studied under the name of canon law, created a specific legal space at the core of all Christian societies: a legal space under ecclesiastical supervision, administered by ecclesiastical courts, on which the king himself had in principle little influence, and a legal space where not only civil regulations, but also the basic principles on which civil society lay, were suspended and substituted by religious concepts. Time, inheritance, patrimonial transmission, inequality, and death itself (the Church was considered as eternal) were excluded. And yet, what ecclesiastical courts determined under canon law had efficacy in the civil sphere. Many objects shaped by ecclesiastical law were handled by lay persons and inserted, along with purely lay objects, into social strategies, in such a way that many aspects of the profane world were in fact indirectly commanded by ecclesiastical regulations. Present-day citizens of Western countries still have in common with their Ancien Régime ancestors a sharp distinction drawn between ecclesiastical and civil law, and between ecclesiastical and civil society. Nevertheless, they have

[1] The lack of studies is blatant. Classic references on ecclesiastical history are practically silent on this topic. See for instance [Aldea Vaquero et al. 1973–1987; Delumeau 1965: 417; 1971: 358]. Things are changing, at least in France and Spain, the countries to which the present paper mainly refers. In the Hispanic world, a few ground-breaking studies paved the way at the end of the last century [Pro Ruiz 1989; Wobeser 1996; Barbazza 2000, Vol. 18, 361]. A small trickle of papers has followed since then, although the movement does not seem to be really gathering momentum. They neveverthelessuggest that the concept is slowly gaining ground.

lost the sense of symbiosis which in the Ancien Régime united both spheres. All subjects of all civil powers were also members of a Church, whatever its denomination, and as such subject to canon law, while beliefs were not a private matter, but a fundamental part of social and political global organisation. Historians no longer understand these kinds of overlapping functions which provided the basis on which all social and political institutions were established in Europe, at least until the end of the eighteenth century [Dedieu 2010: especially Chap. 1]. To what they do not understand, they make themselves blind, and such an ignorance pervasively distorts their conclusions. Obviously, all fields of historical knowledge are not affected to the same degree. Ecclesiastical foundations are probably the most impacted. Their essence precisely consists in "spiritualisation," in other words the management under ecclesiastical rules, of economic resources, that is, of typically mundane social objects, precisely those considered as most foreign to spirituality and to religion. In that way Christian foundations stretch to their utmost the mix between the civil and ecclesiastical spheres, so as to make it invisible, for those who are not aware beforehand, of its presence. Christian religious foundations have been ignored because they consist in a legal figure, the terms of which have been almost totally forgotten.

The second reason is their scant visibility in the sources. This is due, in turn, to three factors. First is the fact that religious foundations are by essence "mortmains." That means that they are not normally subject to transmission. They are supposed to remain identical from their creation onwards, under the same owner, with no sales, no mortgages, no *post-mortem* inventories, and no mention in wills. They generate far fewer documents than any other kind of estate or commodity. We know them mostly through indirect sources, when they appear involved in some kind of operation of the civil sphere, which does not directly concern them, but makes necessary their mention as secondary, and mainly passive, actors in it. The second reason is their plasticity. Christian religious foundations, although based on a common set of principles, have been used by social actors in such a variety of ways so as to make a complete inventory of them practically impossible. Should such an inventory exist, it would nevertheless be unable to describe the social reality based on the institution. Religious foundations were part of the Church's life, the material existence of which they sustained. They were also a fundamental part of family estates, and had an essential function in their exploitation and transmission.[2] They were in fact fundamental tools for patrimonial management. Families not only created specific forms of religious foundation to answer specific needs, they also invented specific ways of putting them to work in accordance with specific contexts. Understanding these strategies means understanding also, in some detail,

[2] This side of the question has been specially stressed in the works of [Wobeser 1996; Pro Ruiz 1989], quoted in note 1.

the strategic configurations of family patrimonial interests at that same moment, a huge task which social history did not undertake until recently. The third factor is that sources related to religious foundations are mostly preserved in ecclesiastical archives, which historians of the early modern world have not until recently tapped to get materials for civil social history.

The first two parts of our exposition will describe the institutional side of the question, both from the legal and from the practical point of view. The third part will stress the role of Christian foundations in the management of patrimonial strategies.

1. Religious Foundations as Legal Institutions

1.1. Mortmain: Time vs. Eternity/Civil Law vs. Canon Law

Religious foundations, as they were institutionalised in early modern Europe, can be defined as the possibility given to Christians to turn into "mortmain" any kind of assets—real estate or money—and to assign them for religious or charitable purposes.[3] Making assets subject to "mortmain" (from the French *main morte*, literally, dead hand) means that they no longer were at their owner's or administrator's disposal. The purpose they were assigned to by the act of foundation could no longer be changed. They could not be sold or in any other way alienated or mortgaged. Administrators and beneficiaries were not properly owners. They just received the profits generated by the assets and took conservative measures to preserve the value and profitability of the foundation, but in no way might they dispose of the "principal," the objects on which the mortmain had been set. The asset, in a sense, had no proprietor, but itself. It existed in its own right, was endowed with legal personality, and became an autonomous legal object. The owner was normally the main term of the dyad he formed with the object: property was precisely defined as the right given to the owner to "use and abuse" the object. In mortmain the object was the main term: the possessor was only a temporary incumbent with limited rights of use. He did not even always choose the object: in many foundations, the object nominated its owner, after its own rules, for the duration set by those rules. In such a way, mortmain removed the object from the domain of changes generated by time, and consequently also removed it from the domain of the usual legal system

[3] All the data we use to deal with the institutional side of the question were common knowledge for Ancien Régime lawyers. We drew our information from the reference works of the time. The most famous was [Thomassin 1752]; we use it in its standard Latin translation, although it was first published in 1680, in French. We also used [Gibert 1750] and the very clear, concise, and highly useful [Febrero 1825], which was a standard Spanish legal textbook at the end of the eighteenth and beginning of the nineteenth century.

created to manage the changes that the passing of time made necessary. The asset set in mortgage was in some sense made eternal, an aspect which the civil legal system could not assume. The object had consequently to be assigned to a legal system based on eternity. God only is eternal. The most obvious ascription was to canon law, the legal system created to manage God's interests in this world.

Mortmain was, moreover, a typical case of an artificial legal object created and shaped to answer a specific social demand. All legal objects are artificial creations, but some remain closer than others to what the usual legal practice of their time considers as natural. Western religious foundations were outside the bounds of normal legal practice. They established a specific order of succession as to whom would enjoy them, which necessarily excluded some legal heirs, and they implied in fact a clear breach of all the usual rules of inheritance. They also meant a breach of all usual norms of state regulation: they could not be confiscated, for instance, and the will of the founder was considered superior to any other current legal disposition ratified by the king. Such an "out of the way" character made it necessary to ground them on transcendental principles, superior to human norms. In Christian—as well as in Muslim—countries, foundations were rooted in God. They were defined as a service made to God's people or to God's servants, and not to individuals.

In a Christian context, resorting to God meant resorting to the Church, an organisation specially designed to channel relationships between Humankind and God, to keep together both spiritual and mundane universes. Religious foundations were supposed to be a property of the Christian community, represented by the Church. In fact, each foundation was assigned to a specific organisation within the Church, either an existing one or an entity created *ad hoc*, just to provide an institutional frame from which to make the foundation hang. But the ultimate owner, the supreme regulator who in the final resort would decide about the foundation, was the Christian community itself, represented by its head, in the Catholic world, the Pope. This meant that religious foundations were from the start not only out of reach of civil courts and of political institutions,[4] but also that they were in some way out of the reach of local ecclesiastical institutions, the more so as centralisation increased in the Catholic world. The only competent law was canon law, a legal system which substantially depended on the Roman Curia, and the only competent tribunals were those of the bishops, acting as representatives of the Pope, whose decisions could be appealed to the Curia. Foundations were one of the most

[4] In most cases. A special class of "lay" foundations, whose only purpose was usually to say some masses for the deceased and whose capital was de facto a rent set on estates held by lay owners (see below), were in fact largely under civil jurisdiction. Ecclesiastical authorities made sure that the purpose of the foundation was correctly fulfilled, but they did no select incumbents nor mediate in its economic management [Febrero 1825: Vol. 2, 83–84].

powerful tools at the Pope's disposal to establish progressively his supreme authority in the Church from the twelfth century on, the time when papal lawyers began to organize canon law into a cohesive system. The fact that he was the head of the ecclesiastical mortmain apparatus gave him a hand in the local affairs of any part of the Christian world, and not only in merely spiritual matters.

A foundation was instituted by the founder's will—will in a psychological sense, but also usually will as a legal deed enacted shortly before death. What a foundation made eternal was, in fact, the founder's will. And as founders were usually laymen, religious foundations may be seen not so much as a transfer of resources to the Church, but as a tool provided by the Church to laymen in order to make their own will eternal. For obvious reasons, as the foundation seriously impaired the owner's liberty, it had to be instituted on assets at the full disposal of the founder. Foundations could not be established, for instance, on entities already set in mortmain. When creating a foundation, founders had to make clear four points: they had to describe as fully as they could the assets to be included, and the purpose of the new entity and to name administrators and incumbents. Administrators were in charge of the preservation of the mortmain's profitability and of the choice of beneficiaries. The founder's decision was everlasting and the mortmain perpetual. The founder named the first beneficiary and the first administrator, and he set rules for the choice of future agents, which nobody could change, except the Pope and, in some cases, a bishop acting as a delegate of the Pope.

1.2. The Benefits of Founding

1.2.1. For Founders

Who took advantage of the foundation? First of all, obviously, it was the founder. He acquired a spiritual benefit from the fact that he had performed a highly meritorious deed, something the community highly approved of. Readers are free to interpret this benefit from a theological point of view as a service done for the founder's soul and an insurance against hell, or from a social point of view as a sense of greatness in the eyes of the community. Both visions were probably present at the same time in the founder's mind.[5] Establishing a foundation thus provided a double gratification, or even a triple one, for it made the founder's will eternal. A will (deed) only obliged the next generation: the testator's heirs were free to do what they wanted with the assets transferred by the will. A foundation had eternal obligations. Centuries after the establishment, the descendants of the founder would

[5] [Herreros Moya 2012] underscores such a duality.

still be compelled by his will. This was also an important reward.[6]

1.2.2. For Incumbents

The incumbent obviously got his reward: he received the neat revenue produced by the foundation as a compensation for the task the founder had assigned to him. This task had to be "spiritual," that is, to match the functions assumed by the Church. Maintaining a member, or members, of the clergy was one of the purposes most obviously approved of by the Church. Positions endowed in that way were called "benefices." They were so important for the organisation of religious life that Pope and councils, with the help of the Catholic sovereign, had progressively recast them into a unique model which almost, but not totally, excluded laymen from their administration and divided the total amount of resources into as many benefices as were necessary to fill the many positions of the parish system, which itself was the basis of the ecclesiastical territorial organisation. Other foundations endowed monasteries and convents, and maintained nuns and monks, though not friars (Dominicans, Franciscans, and the like) who refused perpetual endowments and lived on alms. Others maintained a numerous non-parochial secular clergy, as numerous as parish priests; this clergy almost totally disappeared when the benefice system broke down in the nineteenth century. Some benefices of this kind were full endowments and were able to maintain a full-time cleric on one benefice only. Others were small or very small portions, on which making a decent living was impossible: their incumbents had to hold a number of them, or to get stipends from them to survive. Still others just paid for some masses every year, and had no permanent incumbent: whoever said the masses pocketed a salary from them. Such minute foundations mainly required from the incumbent tasks related with the founder's spiritual well-being, such as saying masses for his soul and for that of the members of his family. They were usually called chaplaincies. No one could be ordained in the secular clergy, in the eighteenth century, if he was not endowed with enough such non-parochial benefices to be able to make a living from them.[7]

Other foundations were dedicated to the maintenance of ecclesiastical buildings. Those for parochial churches were organized on a basis similar to that of the benefices for parochial clergy. Other foundations provided for hospitals, chapels,

[6] Some *mayorazgos*, a laicised foundation system which we shall describe further, even imposed upon beneficiaries the obligation of using forever the same first and second name as the founder. Laicisation made possible in *mayorazgos* the expression of a measure of self-assertion which could not be made explicit in a religious context.

[7] Members of the secular clergy could also own personal property which, from the moment they became members of the clergy to their death, depended on ecclesiastical jurisdiction, but it did not enjoy the status of mortmain foundation assets.

and isolated religious monuments, such as crosses and statues. Others did not provide for the building proper, but its ornament and decoration: maintaining a lamp burning in a church, or in front of a saint's altar, or a saint's statue, was one of the most usual practices of this kind. The benefit for the local clergy was then only an indirect one: the foundation enhanced the prestige of their church, which meant more visitors, more alms, and more religious services charged by, and paid to, themselves.

Other foundations provided for social needs and services. Hospitals were endowed by foundations, which paid either for the hospital as such, or for its chapel, for the provision of hospital workers, or for the stay of the ill or of pilgrims. The same was true of universities, of many grammar schools, and of some primary schools, which were maintained along these lines, from the buildings themselves to an impressive system of grants for students. Other foundations provided relief in times of epidemics or famine, help for the "ashamed poor," impoverished members of the middle-class who refused to live in a hospital or to beg for alms in the streets, dowries for meritorious maidens, and the like.

All these activities were considered as Church-related, and as such eligible for foundation status. It must be noted that in Western Europe such a list was in fact restrictive. Except some few possible exceptions, no other collective equipment (roads, bridges, fortifications, urban facilities, markets, etc.) was considered, at the end of the Ancien Régime, as relevant foundation matter. This was a result of a state policy firmly continued over time in almost all European countries that tended to contain religious foundations within strict bounds to preserve the civil sphere—which the State controlled—from encroachment.

Incumbents were chosen by the founder or in accordance with a set of rules established by the founder. Founders usually limited the group of eligible persons to members of their family, to natives of their village or province, to people of a specific character, or at least established priorities in favor of them. The Church added its own rules, especially when the incumbent had to fulfill an ecclesiastical function. Better said, the Church tried to impose such rules. It was a hard fight against private interests which, for a long time, had the upper hand and backed the founders' free will. Never could the Catholic Church, in fact, fully enforce the obligation for incumbents to fulfill the conditions which canon law demanded from clerics named to the corresponding ecclesiastical position, and stop the usual practice of an inept incumbent hiring underpaid deputies to do the job he was himself unable to carry out. It met a measure of success as far as positions for which the priesthood was required in terms of pastoral tasks, fundamentally in parish vicariates and curateships. Many other ecclesiastical positions remained open to the founders' choice with slight obligations for the incumbent. Most notable among them were the "simple" benefices, chaplaincies which did not involve pastoral care, just saying private masses for the dead in exchange for a decent living, and which,

till the end of the Ancien Régime, could be served through deputies chosen by incumbents who were not themselves priests, but students or intellectuals who considered the benefice as a grant for their studies or research.

The Catholic Church also intended to gain full control of the selection process, by choosing the person among those who fulfilled the required conditions. In the sixteenth century the Church enforced the rule that possession of the most important benefices had to be granted by the bishop to otherwise nominated incumbents, a precept which endowed the ecclesiastical hierarchy with a kind of veto on inconvenient designations. It also succeeded, around the same time, in curbing the liberty that incumbents had enjoyed until then of transmitting freely their endowment to whom they thought fit, a practice known as "resignation in favor of another," or as "coadjutorship," or as "swapping," depending on the legal form this transmission took. But the Church did not succeed in fully suppressing such behaviour, nor probably really desired to do so. It rather tried to make mandatory getting a license from the Pope before swapping or resigning, in order to enhance the unity of the Church and the power of the Church's central authorities. This centralising policy paved the way for state intervention. Once local dynamics previously at play had been curbed by Rome, the state only had to capture papal faculties to take possession of the whole package, with little or no opposition from the local establishment which, anyway, had already lost control and which preferred on the whole bargaining with their national leaders rather than with the distant and notoriously expensive Roman court. This is what happened in England under Henry VIII, and in Spain under Ferdinand VI (mid-eighteenth century), as we shall see below.

1.2.3. For Administrators

A third actor was the administrator (or administrators) of the foundation. Two sides of the question must be considered: the administration of the assets which made the "principal" of the foundation, for one; the right of "patronage," that is the right to name the incumbent, when an incumbent had to be named, for the other.

Being perpetual, the foundation had to produce a yearly income. It could not be based on a lump sum of money to be given once and for all from which yearly portions would be drawn. Foundations necessarily had to be made up of a capital, technically known as the "principal," invested in a support which would produce earnings, while at the same time preserving the capital itself from attrition. That meant that somebody had to take corresponding investment decisions. Such a faculty also meant the power of diverting capital to one channel or another; which in turn meant economic and social influence. It also implied that somebody had to run the business from which the income was drawn, and that such a person also, although indirectly, benefited from the foundation. There thus existed between the

founder and the incumbent, a layer of administrators, trustees, contractors, farmers, and the like, who in the most material way helped to draw money from the principal and passed it on to the incumbent. Seen from an economic point of view, the foundation was an entity which provided capital to entrepreneurs, at the price of a yearly rent. Canon law had set strict and detailed rules as to the conditions for establishing foundations and the designation of incumbents. It said nothing however of this intermediary layer, which was left to the free decision of founders. Particularly, no rule established any fixed relationship between the value of the principal and the amount paid to the incumbent, except that this amount could not be above the profits produced by the principal. This allowed founders, if they wished to, to impose low charges on huge principals, for the ultimate benefit of the administrators. This also made possible for administrators to divert part of the income to their own profit, that is to use the foundation as a convenient legal shell to get from canon law advantages that civil law could not afford.[8] Neither did canon law say anything as to the choice of such administrators, farmers, and entrepreneurs. Nothing prevented the founder from nominating them when creating the foundation, and choosing them from among members of his family, if so he wished.

The choice of the support for the investment was made by the founder. It had to be stable enough to ensure perpetuity. Real estate was, of course, highly favoured, especially agricultural land which did not demand as continuous a supply of fresh resources from the owner to preserve its value from depreciation as town houses did. It could also be, and often was, an amount of money to be invested in securities, or in commercial and industrial ventures. But whatever the support, somebody had to make it produce. This task rarely could be the incumbent's. The purpose for which he had been endowed was not to run a shop, till farmland, or indulge in trade. Real estate had to be put out to rent. Secure and productive investments had to be found for money. Leases and grants could be negotiated and overseen by the incumbent himself, by the patron (see below), or by a third party acting as an administrator. The founder could also decide that the estate which supported the foundation would remain an inalienable part of the family's patrimony, and be managed as such by the heir, usually the eldest son, simply paying an annual rent to the incumbent. In such a situation, the ecclesiastical character of the foundation almost faded away and practical results were fairly similar to those of a lay entail, an institution which we shall briefly comment upon below. A global overview of around a hundred cases we had the opportunity to study in some detail

[8] "What has been will be again, what has been done will be done again; there is nothing new under the sun" [Eccles 1:9]. Patrimonial engineering was not invented in the twentieth century. In fact, accounting and patrimonial creativity were as developed and appreciated in ancient times as they are now, and had reached a degree of refinement still unsurpassed, although through exploring other ways than today's "golden boys."

shows that a great variety of possibilities was open to founders, and gave them a free hand on that point.

As for the right of patronage, founders' liberty was somewhat more constrained. To be the patron consisted in nominating the incumbent, under the conditions set by the founder and by the Church. This was one of the most appreciated rights derived from the foundation. To be master of positions, in Ancien Régime societies, meant social and political power. The Pope, for instance, established his influence in Spain when he got hold, at the end of the medieval period, of the faculty of nomination to all parochial benefices vacated during eight of the twelve months of the year, and to the benefices vacated through the promotion of incumbents to other positions. This influence was broken when the king, in 1753, took over for himself these papal faculties of patronage.[9] Till then civil power had been unable to curb the national clergy, not because Spanish clerics particularly liked the Roman Curia, but because they knew promotions came from there. Patrons were named by the founder, the first one personally, the next ones by establishing an order of succession. Patrons also had a general duty of overseeing that everything went well with the foundation. In many cases they also assumed the function of administrators.

The canvas we have just described was open to many variations. We must stress once more that the main character of Christian foundations was plasticity, which allowed them to adapt to a variety of needs and situations. Let us see some examples.

2. The Foundation Embodied: As Many Forms as Needed

On 5 January 1785, in Puebla de Los Angeles of New Spain, Agustín Ovando de Cáceres sells an inn located in Nopaluca, a neighbouring village, to Nicolas Paez. This inn, the global value of which is estimated at 3,500 pesos, is charged with the principal of various foundations, up to the total amount of 2,820 pesos: 1,500 pesos of an "obra pía" (pious work) to celebrate with dignity the festival of Saint Joseph in Nopaluca Parochial Church, founded by the seller himself some 20 years before; 1,000 pesos for another "obra pía" named "of the Pilgrim," of which the seller is patron; 100 pesos for a "memorial" mass sung yearly for the Indian workers who died on Ovando Cáceres' family estates; 80 pesos for another "obra pía" for yearly masses on the day of Saint Joachin and Saint Ann in Nopaluca Church, of which the seller is patron; and finally 240 pesos for a last "obra pía" of one yearly mass

[9] The Spanish monarchy reached an agreement with Rome in 1753 which gave the king the right to provide the tens of thousands of ecclesiastical positions Rome had been accumulating in Spain from the end of the medieval period [Hermann 1988: 129–140].

on Saint Antony's day, founded by José Martínez de Cevallos, the man from whom Ovando Cáceres bought the inn. The buyer had to pay a yearly rent of 5 percent to all these foundations, with the faculty to buy out the rent by paying back the principal to the administrators of the relevant fund. The total amount of the principal was obviously deduced from the price paid by the buyer. From a strictly economic point of view, the operation was equivalent to a loan of 2,820 pesos at a 5 percent interest, made to the owner of the inn by the various foundations.[10]

Some time at the end of the seventeenth century, Francisco de la Mata Sala, governor of the little town of Quintanopio in Castile, decided to establish a foundation to say masses for his soul after his death. He left a capital of 6,000 ducats, that is over 40 years of the income of an unskilled labourer. He invested it in buying the position of substitute to the king's advocate in the Secretaría de Milliones of the Council of Finance. The king at that time was selling every position he could as perpetual property to whoever cared to buy it. The salary paid by the king would form the stipend from which the priest in charge of saying the masses would be paid. Mata Sala named the town of Quintanopio as patron of his foundation. That meant that the municipality would make sure the investment produced money and chose the priest in charge of the masses. To get the salary from the king, the administrative position had to be filled, so that Quintanopio municipality had to find a deputy for the task. In 1750, Juan Antonio Gonzalo Soto was such a deputy. He gave back almost all his salary to the foundation; he also paid a rent of 100 ducats a year to the daughter of his deceased predecessor—a condition he had to accept to get the job, and made a living from fees he levied on litigants. That same year, the king decided to "incorporate to the real patrimony" (that is, to retrieve) Soto's position. Soto was left in charge. Such a change meant that he was no longer a deputy of the foundation, but a full incumbent. The foundation no longer had any right to the position, nor to the salary. The king had to give back the money which had been paid to buy the right. He promised to pay 6,000 ducats to the chaplaincy as soon as the patron found a secure investment opportunity for that amount. Meanwhile, Soto would go on paying the rent he used to pay. The king gave him the money for that as a supplement to his salary.[11]

In September 1643, at Bárcena de la Puente, in Asturias, northern Spain,[12] Juan Fernández Caballero made his will. He put into mortmain a house, a garden, and 30 chestnut trees in favour of his son and heir, García, and of the eldest son of his son, and so on for ever, conditional to the marriage of his son with the daughter of a neighbour, and to the payment of the stipend for a yearly mass for

[10] [Archivo Histórico Notarial de Puebla de los Angeles (Mexico), Notaría 1, box 50]. This document was provided by Michel Bertrand and Nicolas de Neymets.

[11] [Archivo General de Simancas, Dirección General del Tesoro, I, leg. 2503].

[12] [Archivo de la Corona de Aragón, Audiencia, R. 990/35r 6 38 r].

the founder's soul, that is, more or less a day's wage of an agricultural laborer. The founder even made it clear that he did not want any special offering or distribution of bread to poor people to be made, as was the custom for such celebrations. He aggregated this foundation to another, created by his own grandfather, of which he was the patron and of which García would be the patron after his father's death. To all practical intent, García and his descendants would from now on dispose of an appreciable indivisible estate, which would pass to the next head of the family as an addition to the portion of the inheritance he could legitimately claim under civil law, in exchange for a very modest yearly rent.

Such cases, taken at random, stress the fact that establishing a foundation was within the reach of many people, even those who did not belong to the establishment. You only needed a small capital to charge a rent on a house or field you owned. You did not even have to pay it yourself immediately—your heirs would take over the burden, though they would only have to pay the rent. The capital would in fact be made effective only when they sold the house, and they would not even have to disburse it: it would take the form of a discount on the price paid by the buyer to compensate for the rent he had to assume, as a new owner, because the duty to pay the rent followed the asset. It is difficult to imagine more flexibility.

Of course, you also could do it on a grand style. You could, as Juan Chaves Mendoza did in 1629, found a whole monastery for Augustine friars—in that case in Santa Cruz de la Sierra, a place he was lord of—and endow the new religious house with a building and all that was needed, just to be its patron, have a say in the recruitment of new friars, get some reserved positions for members of his family and, most of all, prestige. Chaves Mendoza needed prestige. He was born in a middle-class family. His main asset in life was to be a nephew of a confessor of King Philip II, a relationship which procured him a brilliant career as a judge of the Council of Castile, the supreme court of the kingdom, but it did not endow him with a prestigious pedigree. He did what he could to become a member of the upper establishment. He bought the seigneurial manor of Santa Cruz de la Sierra and was created first viscount of La Calzada. The foundation took place between the purchase of the manor and the concession of the title, obviously as an important step toward higher honours [Gómez-Rivero 2003: 657–744]. You might make in that way a fantastic investment. When Francisco Velazquez endowed the convent of the Carmelite sisters of Alba de Tormes, he could not imagine that Saint Teresa of Avila would die and be buried there and that, apart from winning such a strong and privileged advocate before God, he was making his own name famous forever.

The grand style was not, nevertheless, the most frequent way of establishing foundations in the last centuries of the Ancien Régime. The bulk of the new endowments were small-scale chaplaincies and other "obras pías" of the kind we described above. The aim founders were pursuing was finally, in most cases, family interest. Let us have a closer look at these points.

3. The Role of Ecclesiastical Foundations in Social Life

3.1. Religious Foundations: A Pervasive Phenomenon

It is difficult not to come across religious foundations when studying any aspect of Spanish life, or of any other Catholic country, in early modern times. This makes most astounding the blindness of historiography on their account. All the examples we have adduced, and all those we shall adduce from now on, have been gathered in research programs which had nothing to do with ecclesiastical matters: they just came along, in quite a casual way. Let us confess that we were not ourselves fully aware of their pervasiveness till we began planning this paper. They are so unassuming, and historians so conditioned by historiographical traditions, that research easily misses them. Collaboration with Islamic historiography in waqf studies called our attention to that point. Providing fresh insights is decidedly one of the main virtues of transcultural studies.

In 1575, King Philip II ordered an inquiry on various aspects of local life in various localities of New Castile. It included questions about ecclesiastical mortmain and foundations. The inhabitants of Madridejos (presently part of the province of Toledo), answered:

> "Clerics: 15, besides the priors of the Order of Saint John [Madridejos belonged to the estates of the Order of Malta]. There are eight chaplaincies, founded by inhabitants of the town, the beneficiaries of which are inhabitants of the same. The main part provides very short rents. There also are 42 anniversary foundations [mortmains which funded masses to be said every year on the anniversary of the founder's death], which pay yearly for as many masses said for their founders' soul. There are two hospitals. The first one, called Our Lady of September, shelters poor travellers. It owns some houses, the rent of which amounts to 3,000 *maravedies*[13] and eight bushels of wheat. The other one, Our Lady of August, shelters local poor people. Its rents amount to 13 bushels of wheat..." [Viñas Mey and Paz 1951: Part 2, 1–7]

To the same inquiry, the village of Manzaneque answered: "In this place, there is no more than one church, named Santa María, and there is no private chaplaincy here" [Viñas Mey and Paz 1951: Part 2, 19–28]. Yuncos, a village close to Toledo, answered that it had "a vicar, with 200 *ducados*, more or less [financed by tithes]... and an endowment with a service at the Church of the Epiphany of Toledo, and another endowment for a student of the College of Valladolid, valued

[13] The smallest Castilian coin and account unit. A labourer, at that time, could earn around 10,000 *maravedis* a year.

at more or less 15,000 or 20,000 *maravedis* yearly" [Viñas Mey and Paz 1951: Part 2, 815–819].

Torrijos belonged to the same province. It was somewhat larger.

> "In this town, there is only one parish, called Lord San Giles, with an endowment for the vicar, another endowment without service ["service" meant that the incumbent had to reside there], two other benefices, ten or twelve chaplaincies with lay patrons, the patron of which is the municipality itself, the town council presents candidates, and the archbishop puts them in possession of the benefice. These chaplaincies own vineyards, olive trees, houses and are in charge of saying masses in accordance with the rent they get... The benefice without service belonged to Antonio Muñoz, of Toledo. Judicial proceedings are presently under way about who is to have it. There is also in this town a church, called the Very Holy Sacrament, founded and endowed by the Most Illustrious Lady Teresa Enríquez, who left one million *maravedis* in purely lay estates [that is, independent from ecclesiastical jurisdiction, see note 5]. The church has a head-chaplain and twelve chaplains, with a sexton (who must be a cleric), a choirmaster and twenty boy singers, and an organist..." [Viñas Mey and Paz 1951: Part 3, 620–631]

In 1759 King Ferdinand VI's civil service brought to a close the first detailed census preserved of the houses of Madrid. Each block (*manzana*) was mapped on a separate sheet of paper, every plot was charted and drawn with its dimensions. Each map matched an entry in a special register which gave further details about each one of the plots: the name of its owner, the global income generated, and its position in relation to the "aposento" tax, which was levied to pay for the accommodation of the court's servants. We studied 25 blocks, some located downtown, some in more peripheral areas, making a total of 461 plots, probably around one out of 20. We arranged them by function of their status as to mortmain. We distinguished free possession, possession of a free asset by a member of the clergy, as personal belongings,[14] assets under ecclesiastical mortmain, and assets in "mayorazgo," a civil mortmain which we shall briefly discuss below, quite similar in its social effects to ecclesiastical mortmain, and civil public buildings. To test a widespread hypothesis as to the concentration of mortmain assets in the most profitable areas, we built a special section for assets located on the Plaza Mayor, and another one for those which were not. The results were as follows:

[14] The estates a cleric personally owned were subject to ecclesiastical jurisdiction during his lifetime, but were not considered as mortmain. They reverted to the cleric's heirs after his death.

Table 1: Madrid, 1759. Status in Relation to Mortmain of 461 Urban Plots[15]

	Madrid except Plaza Mayor				Plaza Mayor				Total cases		Total income	
	Number plots		Income		Number plots		Income					
Free assets of clerics	5	1.3%	17,949	1.4%	0	0%	0	0%	5	1.1%	17,949	1.1%
Free assets	208	53.5%	785,596	60.2%	37	51.4%	174,221	47.6%	245	53.1%	959,817	57.4%
Ecclesiastical mortmain	152	39.1%	408,012	31.3%	26	36.1%	109,266	29.8%	178	38.6%	517,278	31%
Civil mortmain	18	4.6%	87,122	6.7%	7	9.7%	57,043	15.6%	25	5.4%	144,165	8.6%
Civil public buildings	6	1.5%	6,538	0.5%	2	2.8%	25,566	7%	7	1.5%	32,104	1.9%
Total	389	100%	1,305,217	100%	72	100%	366,096	100%	461	100%	1,671,313	100%

Roughly speaking, taking into account the income generated as well as the sheer number of cases, we can assume that around one-third of the building plots of Madrid were ecclesiastical mortmain. Civil mortmain accounted for less than 10 percent. More than half the plots were under free ownership.[16] About half the plots in ecclesiastical mortmain were wholly managed by an ecclesiastical authority, probably with some obligations to the founders. The other half were chaplaincies, or memorial services, pious works, and the like, which remained in fact under lay management.

We may conclude that the sheer weight of ecclesiastical mortmain makes it a basic feature of early modern Spain. The same is true of the rest of Europe. We have in fact no clear idea of the geography of religious foundations. Our examples all come from Spain. We suspect that Portugal and Italy were not so different. Of other Catholic countries we know little, although the amount of wealth which the Church accumulated in these countries points to a not so different situation, maybe to a somewhat lesser degree. In Castile, around 17 percent of all agricultural land was ecclesiastical mortmain in the middle of the eighteenth century, and almost 25 percent of the value of agricultural production [Grupo 75 1977: 197–210]. The same was true of a still more important proportion of urban housing. In France, recent studies put at 6.5 percent the proportion of French territory in clerical hands [Bodinier et al. 2000: 501; Luna 2016: 385–412]. This estimate though is based on

[15] [Archivo General de Simancas, Patronato, leg. 94, doc. 08], "Libro segundo de los asientos de las casas de Madrid." We studied blocks 1–10; 142; 160–169; 193–196. We used the edition of the source given by [Camarero Bullón 1986]. Our student, Natalia González Heras, drew our attention to this document. Incomes in *reales de vellón*.

[16] We say nothing of areas in this first approach. Areas *per se* do not mean anything when unrelated to the quality of the plot, a rather tricky estimate in an urban context where such values vary hugely from one point to another.

the declaration of owners to the Revolutionary government prior to confiscation. We suspect that it is grossly undervalued. Many Protestant countries maintained the medieval system of endowment. It still exists in England. They preserved it however on a basis which left less room for private initiative and creativity, that is, with a more strictly ecclesiastical tone. Much probably depended, as far as these changes were concerned, on the religious denomination to which the sovereign belonged.

From this brief survey, anyway, a fact emerges: studying religious foundations is an urgent task. The idea we entertain of European social history without taking them into account is probably a deeply biased one.

3.2. Some Good Reasons to be Generous with the Church

We know too much of religious anthropology to dismiss as irrelevant spiritual motivations, mostly when the society one lives in assumes them as an "order of greatness."[17] We know too much of social history to imagine that nothing more was at stake.[18] At a previous stage of our research we observed families of the Spanish establishment over long periods of time, namely from the end of the fifteenth to the beginning of the nineteenth century. We tried to reconstruct the whole set of actors who acknowledged themselves as members of the same family, to list as far as possible all their actions in relation to this family,[19] and to measure how far this conscious belonging to a family influenced their social life. We found beyond any reasonable doubt that preserving family patrimonies was the first and more fundamental goal pursued by all members of the Spanish establishment. They had (a) to prevent patrimonial division among various heirs, which would deprive the family of the capacity of playing under equal conditions with its contenders in the social market, (b) to provide, in each generation, the necessary number of males to secure male succession to the trunk, so as to receive and keep the patrimony inside the stem and prevent its passing to other families through the marriage of female heiresses with male outsiders, (c) to secure for themselves whenever possible a female heiress from another family and, obviously, the patrimony which went with her, to provide the necessary resources in order to compensate for the depreciation of their own patrimonial assets as time elapsed, and (d) to provide king and Church with as many and as high-ranking agents as possible to ensure as profitable as possible a redistribution of Church and state resources in favor of the family. They

[17] On this concept, and on its application to religious beliefs, see [Boltanski and Thévenot 1991: 484].

[18] What follows is based on previous basic research we published in [Dedieu 1998; 2002; Dedieu and Windler 1998].

[19] Some good genealogical works provided the global factual frame which made this work possible. The contribution of [Mayoralgo Lodo 1991: 957] was invaluable on this point.

were confronted with two kinds of problem: (1) these objectives were mutually contradictory, and (2) biological uncertainties[20] made impossible any real long-term planning, and made it obligatory to create a complex tissue of family combinations so as to be able to mount an emergency alternative in case something failed. Social strategies were more like American football or rugby than chess. Security did not depend on short-term and short-range solutions, but on a capacity to retreat, when necessary, to strong, previously organized defensive positions, if possible to positions which could not be affected by any event with a negative incidence on the family. The Church provided such positions, for persons (priesthood)[21] and assets (foundations), with a convenient degree of independence from mundane hazards.

We saw how, from an institutional and legal point of view, ecclesiastical endowments opened a space in which donors could settle under the protection of ecclesiastical law, and store resources for future use. Foundations in favour of monasteries, family chaplaincies, and the endowment of grants in favour of universities made it possible to assign positions to younger sons, who were a precious asset as long as the eldest one had not begot successors, but a cumbersome liability once he had; and to daughters, who were still more a danger (see point [b] above). Land and capital accumulated in foundations of the kind that Juan Fernández Caballero had founded were at the eldest son's disposal, as he usually was the successor as administrator and patron of the foundation, a resource to which he succeeded without it being legally considered as part of his inheritance, a kind of *majorat* (*mayorazgo* in Spanish) into which an appreciable part of the patrimony had been diverted, every generation adding its bit (see Fernández Caballero, above), out of reach of any other heir, except the one who would be in charge of perpetuating the family stem.

Therefore, to be generous to the Church was to be generous to oneself.[22] We are unable to evaluate rightly what proportion of the huge resources diverted from economically efficient investments into mortmain for the preservation of patrimonial integrity was preserved by the Church. We have an idea of its contribution to the management of persons, an important part of this policy, in various countries,[23] enough to write confidently that its role was fundamental. We know far less of its monetary contribution. We have some examples of bishops who passed important

[20] Infant mortality was as high in the Spanish upper classes as among the people in general, as consanguinity probably amply compensated for the benefit of better food and general living conditions.

[21] When the duke of Lerma, a great Spanish minister, grew aware around 1618 that his favor was decaying and a trial grew every day more probable, he made himself a cardinal, in order to escape lay jurisdiction [Elliott 1986: 34].

[22] We wholly ratify on this point the conclusions of [Wobeser 1996; Pro Ruiz 1989].

[23] Apart from our own contributions, see for instance [Loupès 1985: 590], [Ago 1990: 190], and the famous (and ground-breaking) [Reinhard 1974].

amounts of ecclesiastical income to their family, and we also know cases of complex strategies in which various relatives associates themselves to put the scattered pieces of a dispersed patrimony on the head a clergyman so as to rebuild it as a united entity [Huovinen 1995]. But we know little more.

3.3. Lay Foundations: The "Mayorazgo"

One of the best clues to the social importance of religious foundations in Spain as a tool for patrimonial transmission is the fact that they probably gave birth, at the end of the medieval period, to a cloned laicised version, the *mayorazgo*.[24] Founding a *mayorazgo* meant isolating a block of assets which would be transmitted directly and *en bloc* to the eldest son.[25] The rest of the patrimony would be divided between all heirs, including the one who received the *mayorazgo*. This meant that the main heir was strongly favoured in relations to his brothers. He could not remove anything from the *mayorazgo*, but he could add to it, as could any other member of the family. Favouring a daughter who would remain a spinster and at her death leaving her properties to the *mayorazgo*, was a basic successoral strategy. To all practical effect, and from the strict point of view of the family, *mayorazgos* had the same results as religious foundations, without any need to pay the Church for the protection afforded by sustaining a benefice, and preserving the family from any ecclesiastical interference. Creating a foundation meant in fact that in most cases any transaction affecting the assets included in it had to be validated by an ecclesiastical judge, and that any lawsuit related to it had to be decided by ecclesiastical courts. They were not worse than the king's tribunal, but not better, and things could go far, to Rome, where litigation was notoriously expensive. A *mayorazgo* warranted that the case would not leave Spain.

Mayorazgo was as foreign to usual civil laws as foundations were. Like foun-

[24] The best studies on the origin of the *mayorazgo* do not take into account any form of possible imitation. Although Spanish legal doctrine explicitly established a direct equivalence between *mayorazgo* and some classes of religious foundations [Febrero 1825: Vol. 2, 79], their authors were simply unaware of the importance of religious foundations. [Clavero 1974], the main Spanish authority on the matter, rightly points to a social demand for patrimonial security, which the *mayorazgo* provided, not only by enforcing the domination of one, and only one, of the siblings, but also by exempting, *de facto*, *mayorazgos* from confiscation in case of treason.

[25] Or daughter in the case of a lack of male heirs, unless the founder had created the *mayorazgo* with a special "estricta agnación" clause, which eliminated women from succession to prevent their taking away through marriage the *mayorazgo* to another family. This disposition was deemed so adverse to natural law that it almost invariably led to lawsuits concluding in a marriage between the daughter and the designed heir, frequently an uncle of the daughter, with disastrous results from a biological and reproductive point of view.

dations, it needed to be backed by an authority absolute enough to enforce such a break from natural law. Foundations were backed by the authority of the Church, *mayorazgos* by the authority of the king. They were first created when political theory explicitly endowed the king with an absolute character. Only the king could create a *mayorazgo*. Only the king's supreme courts, the royal Chanceries of Granada and Valladolid, and the Supreme Council of Castile, could act in lawsuits in which *mayorazgos* were involved. The *mayorazgo* in turn was an efficient tool in the king's hands to tame aristocratic families. The *mayorazgo* spread from the fifteenth century on, first among higher Castilian aristocracy and later slowly extending its reach to lower aristocratic circles, then to the gentry. At the end of the seventeenth century, it was so usual that owning a *mayorazgo* now meant nobility and the foundation of a *mayorazgo* was a preliminary step to ennoblement. First invented in Castile, a kingdom whose successoral laws favoured patrimonial division, it extended to the Crown of Aragon, especially in the eighteenth century. At the beginning of the nineteenth century, it had placed religious foundations in a subsidiary role in the patrimonial strategies of Castilian nobility. Foundations, nevertheless, preserved their role in the middle and upper middle classes. They were, as an author rightly defines them, a "*mayorazgo* for the poor" [Barbaza 2000].

Conclusion

This brief survey leads to the following conclusions.

A. In early modern Europe, some forms of Christian religious foundations were astoundingly close to their *waqf* equivalent. Lawyers used a similar vocabulary to describe both institutions, the same arguments to justify them and similar categories to classify them. Societies used them in a similar way for the management of family estates. It will of course be necessary to have a closer look at the matter before jumping to conclusions, to calibrate better the social context and make sure that superficial analogies did not hide deeper differences. Nevertheless, a community of legal forms cannot be denied. How was it possible? Must we resort to a (dubious) representation of the Mediterranean Basin as an area of common civilisation? Does a common history explain that different societies "invented" such similar social/religious behaviours? Does the reason lie, on the contrary, in common constraints which strictly limited and directed human abilities in the creation of tools for the management of social life?[26]

B. In Western societies at least, the observed social practice was rather at variance from the spiritual and charitable aims supposedly assigned to foundations.

[26] Others have already made these points, although from a more limited anthropological perspective. See [Trello Espada 2003: 445–470].

This observation raises two questions. First is that of the relationship between social demand and socially accepted justifications in the shaping of institutions. This problem we leave for a more appropriate occasion. Second is that of the relationship between religion and social demand, a question which can be seen as a special part of the previous one. We shall only approach it here from its strategic dimensions. Western clerics were always conscious that the strength of ecclesiastical institutions was highly dependent on the goodwill of the state, of civil institutions, and, more widely, of the establishment. The break-down of Christian unity in the sixteenth century and the surge of various competing religious denominations fighting to win the upper hand in Europe made them still more painfully aware that they had to accept compromising arrangements with social demand in order to preserve an alliance which they considered as basically necessary [Reinhard and Heinz Schilling 1995]. They knew that the social practice which had grown around ecclesiastical mortmain only remotely matched Christian precepts. Leading sectors of the clergy disapproved of it. But they had to endure it [Gibert 1750: specially his comments on beneficial resignations, Vol. 2, 21]. The social and economic relevance of religious foundations was abolished in most European countries in the 60 years following the French Revolution, and the assets accumulated under ecclesiastical jurisdiction sold away for the state's benefit. This was not purely the result of an attack of unbelievers against a passive Church. Ecclesiastical circles collaborated in the undertaking or easily accommodated themselves to the new situation, in an effort to recover independence from civil society [Artola Renedo 2013: 383]. Many Catholic families of the establishment helped with the secularisation of Church foundations, in the name of family strategy, by massively buying nationalized Church properties, or, in Spain, by getting back for purely lay uses the assets they had piled up into foundations [Vázquez García-Peñuela 1990: n. 1]. They had no idea of committing treason against the Church. They were using it, exactly as they had always done. The social and economic context until the end of the eighteenth century demanded stability for patrimonial assets, and the Church provided that stability. Nineteenth-century conditions demanded flexibility: the Church gave back what had been entrusted to it as a deposit [Caro Baroja 1980: 243]. It lost in the wake of this devolution much of its social influence and it had to reconstruct its own theology in a way which made the new Ultramontane Catholicism quite a different confession from the eighteenth-century brand. The Catholic sectors of the establishment, for their part, went on undisturbed.

C. Mortmain was also attacked from a civil point of view. From the eighteenth century on, economists made mortmain responsible for introducing unsustainable rigidities in the economic and social systems.[27] Modern historians confirm this

[27] A classical text in Spain is [Jovellanos 1795].

[28] This is the main conclusion of [Yun 2004: 623].

opinion,[28] as do contemporary mortmain holders: the first forced sale of religious foundations, and the voluntary sale of civil *mayorazgos*, instituted in 1798 in Spain to pay for a war against England, were a success. Many holders volunteered to sell unprofitable assets of over-large and over-dispersed patrimonies accumulated through the mortmain mechanism, to get the necessary capital to invest in more profitable sectors [Herr 1989: 879]. Mortmain had grown in such a way as to stifle the Spanish economy: in the kingdom of Murcia, the only region for which we have a reliable evaluation, 100 percent of the water which was a fundamental commodity in an arid area, at least half the irrigated and a third of the non-irrigated fields were held in mortmain at the end of the eighteenth century [Pérez Picazo 1990: 103].

Bibliography

Primary Sources

Archivo de la Corona de Aragón, Audiencia, R. 990/35r 6 38 r.

Archivo General de Simancas, Dirección General del Tesoro, I, leg. 2503.

Archivo Histórico Notarial de Puebla de los Angeles (Mexico), Notaría 1, box 50.

Febrero, José. 1825. *El Febrero adicionado o librería de escribanos, abogados y jueces, aumentado últimamente, reformado y arreglado en su testo y notas a las leyes y decretos vigentes por el licenciado don Miguel Aznar, abogado del ilustre colegio de esta corte. Obra precisa a los escribanos, abogados y jueces, y utilísima a toda clase de personas.* 8 impression. 6 vols. Madrid: Real Compañía.

Gibert, Jean Pierre. 1750. *Institutions ecclésiastiques et bénéficiales suivant les principes du Droit commun et usages de France*. New edition. 2 vols. 1360 p. Paris: Chez Claude Jean Baptiste Bauche Fils.

Jovellanos, Gaspar Melchor. 1795. *Informe de la Sociedad Económica de esta Corte al Real y Supremo Consejo de Castilla en el expediente de Ley Agraria*. Madrid: Sancha.

Thomassin, Louis. 1752. *Vetus et nova ecclesiae disciplina circa beneficia et beneficiarios, distributa in tres partes sive tomos, quae et ipsae in tres libros singulae distributae sunt*. 3rd Italian edition . Venecia: Typographia Balleaniana.

Secondary Works

Ago, Renatta. 1990. *Carriere e clientele nella Roma Barocca*. Roma: Laterza.

Aldea Vaquero, Quintín, Tomás Marín Martínez, and José Vivés Gatelli, eds. 1973–1987. *Diccionario de historia eclesiástica de España*. 4 vols. and supplement. Madrid: CSIC.

Artola Renedo, Andoni. 2013. *De Madrid a Roma. La fidelidad del episcopado en España (1760–1833)*. Somonte: Trea/Universida del País Vasco.

Barbazza, Catherine. 2000. *La société paysanne en Nouvelle-Castille. Famille, mariage et transmission des biens à Pozuelo de Aravaca (1580–1640)*. Madrid: Casa de Velazquez.

Bodinier, Bernard, Eric Teyssier, and François Antoine. 2000. *L'événement le plus important de la Révolution, la vente des biens nationaux*. Paris: Société des études robespierristes et Comité des travaux historiques et scientifiques.

Boltanski, Luc, and Laurent Thévenot. 1991. *De la justification. Les économies de la grandeur*. Paris: Gallimard.

Camarero Bullón, Concepción, ed. 1986. *Planimetría General de Madrid. Asientos*. Madrid: Tabapress.

Caro Baroja, Julio. 1980. *Introducción a una historia contemporánea del anticlericalismo español*. Madrid: Istmo.

Clavero, Bartolomé. 1974. *Mayorazgo. Propiedad feudal en Castilla (1369–1836)*. Madrid: Siglo XXI.

Dedieu, Jean-Pierre. 1998. Familles, majorats, réseaux de pouvoir: Estrémadure, XVe–XVIIIe siècle. In *Réseaux, familles et pouvoirs dans le monde ibérique à la fin de l'Ancien Régime*, ed. Juan Luis Castellanos and Jean-Pierre Dedieu, 111–146. Paris: CNRS.

———. 2002. El pleito civil como fuente para la historia social. *Bulletin Hispanique* 104 (1): 141–160.

———. 2010. *Après le roi. Essai sur l'effondrement de la Monarchie espagnole*. Madrid: Casa de Velazquez.

Dedieu, Jean-Pierre, and Christian Windler. 1998. La familia: ¿Una clave para entender la historia política? El ejemplo de la España moderna. *Studia Historica. Historia Moderna* 18: 201–233.

Delumeau, Jean. 1965. *Naissance et affirmation de la Réforme*. Paris: PUF.

———. 1971. *Le catholicisme entre Luther et Voltaire*. Paris: PUF.

Elliott, John. 1986. *The Count-Duke of Olivares: The Stateman in and Age of Decline*. Yale: Yale University Press.

Gómez-Rivero, Ricardo. 2003. Consejeros de Órdenes. Procedimiento de designación (1598–1700). *Hispania. Revista española de Historia* 63 (214): 657–744.

Grupo 75. 1977. *La economía del Antiguo Régimen. La "renta nacional" de la Corona de Castilla [1753]*. Madrid: Universidad Autónoma de Madrid.

Hermann, Christian. 1988. *L'Eglise d'Espagne sous le patronage royal (1476–1834)*. Madrid: Casa de Velazquez.

Herr, Richard. 1989. *Rural Change and Royal Finances in Spain at the End of the Old Regime*. Berkeley: University of California Press.

Herreros Moya, Gonzalo J. 2012. Así en la tierra como en el cielo. Aproximación al estudio de las capellanías en la Edad moderna. *Historia y Genealogía* 2: 111–114.

Huovinen, Anja. 1995. Una vida sacerdotal en un mundo de laicos: conflictos en la vida cotidiana ante la justicia eclesiástica. In *Instituciones y relaciones sociales en un municipio de señorío. Estudios sobre la cuestión del poder en Osuna (1750–1808)*, 21–77. Osuna: Fundación de cultura "Antonio María García Blanco."

Loupès, Philippe. 1985. *Chapitres et chanoines de Guyenne aux XVIIe et XVIIIe siècles*. Bordeaux: Fédération historique du Sud-Ouest.

Luna, Pablo F. 2016. El clero en el campo: ¿Beaucoup de bruit y pocas nueces?. Un

enfoque historiográfico franco-español. Siglo XVIII. In *La Historia rural en España y en Francia (siglos XVI–XIX). Contribuciones para una historia comparada y renovada*, ed. Francisco García González, Gérard Béaur, and Fabrice Boudjaaba, 385–412. Zaragoza: Prensas de la Universidad de Zaragoza.

Mayoralgo Lodo, José Miguel conde de los Acebedos. 1991. *La Casa de Ovando. Estudio histórico-genealógico*. Cáceres: Real Academia de Extremadura.

Pérez Picazo, María Teresa. 1990. *El mayorazogo en la historia económica de la región murciana, expansión, crisis y abolición (s. XVIII–XIX)*. Madrid: Ministerio de Agricultura, Pesca y Alimentación.

Pro Ruiz, Juan. 1989. Las capellanías: familia, iglesia y propiedad en el Antiguo Régimen. *Hispania Sacra* 41: 585–602.

Reinhard, Wolfgang. 1974. *Papstfinanz und Nepotismus unter Paul V. (1605–1621): Studien und Quellen zur Struktur und zu quantitativen Aspekten des päpstlichen Herrschaftssystems*. Stuttgart: Hiersemann

Reinhard, Wolfgang, and Heinz Schilling, eds. 1995. *Die katholische Konfessionalisierung. Wissenchaftliches Symposion der Gesellschaft zur Herausgage des Corpus Catholicorum und der Vereins für Reformationsgeschichte 1993*. Heidelberg: Schiften des Vereins für Reformationsgeschichte/Gütersloher Verlagshaus.

Trello Espada, Jesús. 2003. De la fundación funeraria egipcia a la capellanía: pervivencia de una institución para el culto de los difuntos. In *Religión, religiones, identidad, identidades, minorias: Actas del V Simposio de la Sociedad Española de Ciencias de las Religiones, Valencia, 1–3 de febrero de 2002*, coord. Fernando Amérigo. Madrid: Universidad Complutense.

Vázquez García-Peñuela, José María. 1990. Entidades eclesiásticas de carácter benéfico: régimen legal autonómico. *Cuadernos doctorales: derecho canónico, derecho eclesiástico del Estado* 8: 466–518.

Viñas Mey, Carmelo, and Ramón Paz, eds. 1951. *Relaciones histórico-geográfico-topográficas de los pueblos de España hechas por iniciativa de Felipe II. Reino de Toledo*. Madrid: CSIC.

Wobeser, Gisela von. 1996. La función social y económica de las capellanías de misas en la Nueva España del siglo XVIII. *Estudios de Historia Novohispana* 16: 119–138.

Yun Casalilla, Bartolomé. 2004. *Marte contra Minerva. El precio del imperio español, c. 1450–1600*. Barcelona: Crítica.