

Empire, Federalism, Nation(s) and Homeland(s) in the first Portuguese Constitutionalism (1821-1822)¹

CRISTINA NOGUEIRA DA SILVA

When the first Portuguese liberal revolution occurred in Oporto, in 1820, Portugal was a pluricontinental monarchy, an heterogeneous set of territories and populations scattered across several continents (Europe, America, Asia and Africa), united under the rule of the king of Portugal, whose court was based in Rio de Janeiro since 1809. Since the 15th century, this set formed a discontinuous and poorly demarcated unit with respect to its non-European borders. The homogeneity of this territory on the politico-administrative level resulted from the exportation of similar administrative structures and functionaries as those of the kingdom to the overseas territories, combined with the intense political communication between the various peripheries and the political centre². However, this homogeneity coexisted with a "great physical, social and cultural diversity"³, and also with the legal and political pluralism characteristic of the political model of the *Ancien régime*⁴. Therefore, the cohesion of

the set depended, absolutely, on the existence of a Monarchy, and a Monarch.

This territory was described in detail in Article 20 of the Constitution adopted in 1822, the first Portuguese constitution, where it was named as the United Kingdom of Portugal, Brazil and the Algarves ("The Portuguese Nation is the union of all the Portuguese of both Hemispheres. Its territory forms the United Kingdom of Portugal Brazil and the Algarves"). European provinces and "overseas provinces" (the descriptor preferred by the constituent members because of its egalitarian connotation) of this United Kingdom constituted one single territory, under a single government and one single constitutional law, which was to be voted on by everyone. It was now the nation, and no longer the king, that was sovereign, and sovereignty was exercised by the representatives of this nation elected in Europe and the other continents ("The Portuguese Nation is represented in *Cortes*, that is, in the gathering of members that the same Nation to this end elects from

the population of all of the Portuguese territory", Article 32). These delegates would gather in a single parliament, situated in the only capital of the Kingdom of Portugal, i.e. Lisbon (Article 80). The king and the government would always reside in Lisbon, except in "extremely urgent circumstances, such as a plague or an invasion of the city" (Article 82). The king, and the successor to the crown, could not "leave the Kingdom of Portugal and the Algarves" without the consent of the *Cortes* (Article 125).

It was this political model that was collectively envisioned by the hundred delegates elected in the kingdom in December 1820, who, on 9th March 1821, assembled in *Cortes*, approved the "*Bases da Constituição*" (Foundations of the Constitution). The representatives of the "overseas citizens" (as they were designated in article 164 of the Constitution) had not yet been elected, but Article 21 of the *Bases* indicated that these only applied to «the Portuguese residing in the kingdoms of Portugal and the Algarves, who are legally represented in the present *Cortes*. As for those who reside in the other three parts of the world, it will become common to them as soon as their legitimate representatives declared this to be their will»⁵.

This new architecture of the Portuguese Monarchy meant, to these delegates, two important things. Firstly, that all, overseas citizens and metropolitan citizens, would liberate themselves from "absolutism", which would be substituted with a new political system, organised in a Constitution that would be decided by everyone. Secondly, the new political system would put an end to the "colonial system", an objective which they considered to be in consonance with the «liberal principles adopted

in our political regeneration»⁶. Echoing the eighteenth-century doctrines opposed to the colonial relationship and its hierarchies, the constituents understood that the "old colonial system" should be substituted with a representative political regime, in which the "old colonies", transformed into (overseas) provinces of a single nation, would enjoy equal rights to those of the "old metropole"⁷. All the territories of the monarchy were equal, and all who inhabited these were Portuguese, and were citizens⁸.

The fact, however, is that this formal idea of equality between the "parts" that constituted the whole of the monarchy, as well as the equal status of their inhabitants, was not a novelty brought about by the revolution. Since the 18th century, enlightened ministers, inspired by Adam Smith and by other doctrines critical of the colonial relationship, sought new political solutions, that aimed at more economically balanced and politically egalitarian relations between the diverse territories of the Monarchy⁹. Its integration into a uniform whole had been intensified in the last decades of the 18th century, and also in response to the recent revolution in North America, as well as the unfolding revolutionary processes occurring in Spanish and Portuguese America¹⁰. This process deepened with the invasions of the kingdom by the Napoleonic troops in 1808, the transfer of the court to Rio de Janeiro and in particular with the duplication of the most important organs of the administration of the Kingdom in Brazilian territory¹¹, along with the transformation of Rio de Janeiro into a "*Corte no Novo Mundo*" (Court in the New World)¹² as well as the intensification of the idea of equality and communion between the European Portuguese and the Portuguese of Brazil¹³.

This process came to a head when the formation of a first “United Kingdom of Portugal, Brazil and the Algarves” was decreed in 1815, which ensured that the Kingdoms of Portugal and the Algarves were politically equivalent to the newly formed Kingdom of Brazil. To the point that some Brazilian historians identify it as a process of “sovereignty without independence”¹⁴.

This equivalence between the two kingdoms was seen, by the Portuguese of Europe – but also by contemporaries from other countries, such as the Abée de Pratt¹⁵ –, as a sign of the subalternity of the Kingdom of Portugal in the Portuguese monarchical order. Primarily because the “equalization” of Brazil with the Kingdom resulted in an intensification of the Americanist policy of the *Corte* of Rio de Janeiro that was not convergent, on many points (for example, that of territorial expansion in America, with the consequent financial and military costs, or the end of the commercial exclusive), with the interests of the Portuguese of the Kingdom.

It was hoped that the Portuguese court would return to the kingdom of Portugal after the defeat of Napoleon and of the new order instituted by the Congress of Vienna (1814 and 1815), but the king did not oblige. The permanence of the court in America, and the elevation of Brazil to the status of Kingdom gave rise to the sentiment that Portugal had been transformed into a «colony of its former colony», and ended up being identified as one of the reasons for the Revolution of 1820. Therefore, from the beginning of the Revolution, in addition to the pressure to adhere to the constitutional movement (which occurred on 24th February 1821), the king was also insistently invited to return to the Kingdom. Thus, in



Domingos António de Sequeira, *The King João VI*, 1821

April 1821, pressured by the fact that several provinces of Brazil had, in clear defiance of his authority, acceded to the *Cortes de Lisboa* (*Cortes* of Lisbon) and the constitutional system that was being developed (for example, Pará, on 1st January; or Bahia, on 10th February 10), the King returned to Lisbon. But even then, he left behind his son, Prince D. Pedro – the future Pedro I of Brazil, and Pedro IV of Portugal – in Rio de Janeiro, as his lieutenant, to govern with broad powers. This decision, which responded to the pressure of those who, in Brazil, did not want the king to depart, was poorly received by the *Cortes*. As Valentim Alexandre has underlined, the regency of D. Pedro was, for a great number of the constituent delegates, a «foreign body within the constitutional system»¹⁶. In this context, and to ensure that the Prince did not, by his own volition

or under pressure from groups wishing him to do so, attempt to obtain support for his authority from all the American territories, or part thereof, the delegates decided, on 24th April 1821, to submit the provisional councils that had formed in Brazil to the government of Portugal.

It is worth remembering here that at this time the struggles for independence in Spanish America had already begun, since 1810, a fact that was of central importance in the politics of Portuguese America, before, during, and after the Revolution of 1820. As the historian João Paulo Pimenta pointed out, «the ongoing transformations in Spanish America during the crisis and dissolution of the Old Regime» constituted «a space of experience for the Luso-Brazilian universe»¹⁷. On the one hand, this author recalls, the contagion of disorder and civil war was feared, just as it was feared that the monarchical principle would be called into question. On the other hand, such processes showed the separation of America from Europe and the viability of independent American governments making them a concrete and feasible alternative. The Law of 16 December 1815, which elevated Brazil to the status of kingdom equated to that of Portugal had already been a response to this situation:

In view of what was observed in the Spanish Empire, where the American portions were increasingly distant from a unity with Europe, it would be advisable that, for the preservation of the principle of monarchical legitimacy in the occidental world, the Portuguese *Corte* hasten to strengthen the bonds of unity between the constituent parts of its Empire, giving its American portions the same political status as the European ones¹⁸.

These events also contextualize the conflicts and hesitations that have arose around the permanence of King D. João VI, first, and then of Prince D. Pedro.

The decision to keep the Prince, as well as the aforementioned decision of the *Cortes*, generated tensions in Brazil as well. For instance, in Rio de Janeiro. On 5th June, an uprising of troops, supported by the groups that feared the separation of Portugal and the return of "despotism", demanded that D. Pedro approve the *Bases da Constituição* (Foundations of the Constitution) and install provisional councils in the American provinces, directly linked to Lisbon; a demand with which the Prince complied. From that moment, the city proceeded to be under the authority of two governments, that of D. Pedro and that of a provisional council, installed on 14th June and recognized by him, but whose political project was different from the groups that were closest to him. There were, thus, contradictory projects, some more favourable to the permanence of D. Pedro in Brazil, others more favourable to the consolidation of the powers of the council. But, as Andréa Slemian has underlined, all were united in rejecting the «subordination of the Government of Rio de Janeiro, whether the regency or the council, to the Lisbon *Cortes*». Instead, they wanted parallel governments in the two hemispheres, preserving the equality of positions attained by Brazil as a kingdom in 1815. They wanted a centre of power in America, that guaranteed the influence of groups that had profited from the transfer of the Court. However, it is important to highlight that, as Slemian also reminds us, all groups saw the preservation of the Union with the European part of the monarchy as fundamental: «[...] the idea

of belonging to the United Kingdom and to the Portuguese nation was shared by all»¹⁹.

This was not, however, the way that the delegates elected in the Kingdom of Portugal had imagined the union, in the project of political reorganization of the monarchy approved in the *Bases da Constituição* and also in Decrees approved on 29th September and 1st October 1821, well before the arrival of most of the elected delegates in Brazil. In these decrees they recognized the councils (or *juntas*) that were already formed and ordered councils to be elected in the remaining provinces, all of them subject to the *Cortes* and to the Portuguese Government. This included the provincial council of Rio de Janeiro, at the time considered a province equal to the others. These councils were given civil, economic, administrative, and police authority, but they were deprived of all military jurisdiction. The *governadores de armas* (military governors of arms) of each province were to submit directly to Lisbon, thus separating the powers previously concentrated in the Captain Generals, an office which now emerged as a symbol of the "despotism" of the previous period. Finally, the superior courts created since 1808 in Rio de Janeiro, among them the *Casa da Suplicação* (Court of Appeals), were extinguished, and D. Pedro should embark for Europe. In this way, «Brazil ceased to be a United Kingdom with Portugal and the Algarves. Their provinces having to be directly linked to the Government of the Monarchy and the *Cortes*, as it was with the provinces of Portugal»²⁰.

These decrees were approved by a few delegates elected in Brazil who discussed them, namely those of Pernambuco, who were the first to join the other constituents in Lisbon on 29th August 1821, some of

them having been participants in the previous Pernambucan revolt against the *Corte* of Rio de Janeiro (1817). But the same did not happen in Rio de Janeiro, nor with the provisional councils of other south-central provinces, such as São Paulo, Minas Gerais and Rio Grande do Sul, regions strongly linked with Rio de Janeiro as a result of the recent development of trade and political links. On the contrary, these places reacted strongly against the decrees, spreading the idea through newspapers and pamphlets that the *Cortes* in Lisbon really wanted to "recolonize Brazil", misrepresenting the stated desire of those in Lisbon, to create equality between the territories of the monarchy. This was, however, just one version of events, because some provinces in the north and northeast of Brazil, like Pernambuco, fearing the reinforcement of a centre of power in the court of Rio de Janeiro, from where the repression of the 1917 Pernambuco's revolt against the Portuguese Monarchy had been relentless, preferred instead to continue to be linked to the Kingdom of Portugal, to the *Cortes* and to Lisbon. As Fernando Catroga emphasised, «the political macrocephaly of Rio, the absolutist past of Bragança, and the profile of D. Pedro and his counsellors appeared to many as a threat more dangerous than that of the centralism of Lisbon»²¹. Which did not mean, however, that they all adhered completely to the centralizing decrees of September and October, as will be obvious in the subsequent discussion.

There was, therefore, an agreement about a political union, but very different understandings about how this union should be effected. Therefore, when those delegates already elected in the Metropole were joined in 1820 by the forty-five dele-

gates elected in Portuguese America (Brazil), in addition to seven others, representing other overseas territories, in Africa and Asia²², the discussion developed in a way that none of those involved could have foreseen: the independence of Brazil, a process that occurred almost simultaneously with the signing of the Constitution of 1822, which, for this reason, did not come into force in Brazil. The following paragraphs are dedicated to the reconstitution of some of the dynamics of this discussion in what concerns Brazil. Dynamics of negotiation and of understanding, which were reflected in the approved constitutional text. But above all, the dynamics of tension, misunderstanding and conflict, which accompanied the separation between the European and American parts of the Portuguese empire and the consequent non-viability of the second version of the "United Kingdom of Portugal, Brazil and the Algarves", as imagined in that same Constitution²³. As it will be seen, this "United Kingdom", which was connected with the concept of a pluricontinental unitary nation, was not only an alternative to the ancient "colonial system", but also a model opposed to a "federal model" of relationship between European countries and their American "parts", which was being proposed, since the second half of the eighteenth century, by authors who criticized "colonial" relationships²⁴. It was precisely around this last "federal model" that most of the delegates from America, in spite of great divergences that divided them, found a common ground, against the vision held by their European counterparts, thus contributing to deepen the emancipation processes that were already occurring in Brazil.

At the end, a few references will be made to discussions and decisions involving delegates from other overseas provinces, in Africa and Asia, as well as the territories they represented.

Overseas provinces: political representation and provincial autonomy

One of the most intensely debated questions over the course of the years 1821-1822, which eventually fructified in the Constitution of 1822, was whether the political representation of the Overseas Territories in America, and also in Africa and Asia, should be considered separately or jointly with that of the European provinces of the Kingdom. At issue was the territorial extent of the monarchy and the distance of those provinces from the capital, which required the delegates to contemplate the possibility of delays or even impediments, in the event of a military blockade, to the arrival of delegates who would be elected to the *Cortes* in the future. In this regard, two perspectives emerged, which would manifest themselves on several other occasions. According to one of these perspectives, special regulations were necessary to guarantee the effective presence of delegates of those more distant provinces in the representative bodies. As the conditions were not equal, it was necessary to create them artificially. Therefore, in the view of these delegates, there needed to be "positive discrimination", promoting greater equality in a territory whose extent made it difficult for some representatives to access the *Cortes*. One of their proposals was that the presence of a minimum number of overseas delegates was one of the

conditions for the courts to convene, since it is inconceivable that «the greater part of the Monarchy, without being represented in the Congress, can be subjected to what is determined by the lesser part of that Monarchy»²⁵. For this reason, it was suggested that if something were to impede the election or the arrival of the delegates elected overseas, they should be replaced by those elected to the previous legislature. Another idea that was discussed was also that the Standing Committee of the *Cortes* should be filled with equal numbers of delegates from the continent and from overseas²⁶.

These proposals, which were well received as much by delegates elected in the Kingdom of Portugal as by those elected in Brazil, guaranteed what these delegates considered to be the "fullness of representation" and also the end of the idea of Europe's "superiority" over the overseas. The delegates then summoned up a problem of a psychological nature, the "mistrust" and the "jealousy", which they said, the "despotism" and the "petty colonial system" of the previous regime had created among the Portuguese of both hemispheres. According to the delegate Bento Pereira do Carmo, elected by Estremadura, in the Portuguese Kingdom, who had been committed to the political representation of the overseas provinces from the outset, «if we want to cement the union of all the parties scattered across our vast empire, it is necessary to dissipate all the ideas of supremacy of the Portuguese of Europe over the Portuguese of Brazil»²⁷.

The "knowledge of men and things" were the criteria followed by the committee of the Constitution which had drafted these proposals, part of which gave rise to constitutional articles, such as Articles 87, where

special conditions were admitted for the substitute delegates of the "overseas", Article 89, which stated that "if the deputies of any province cannot present themselves in *Cortes*, impeded by the invasion of enemies or a blockade, the previous deputies shall continue to serve in their place until those who were impeded appear", or Article 117, according to which permanent deputation was made up of an equal number of elected members in the "Provinces of Europe" and overseas. To reinforce their positions, the group of delegates who identified with them, intending to cause fear, also summoned up examples of the independence of the British colonies of North America and the federalist solutions that political literature contrary to the idea of empire had proposed since the late 18th century, as the most appropriate solution for establishing a just and egalitarian relationship between European metropolises and their former colonies²⁸. These "principles of federalism" were radically rejected by all the delegates elected in the metropole, because they considered them contrary to their understanding of the Portuguese Nation, which was for them a historically constituted "unity", prior to the constituent moment, as will be seen in more detail.

However, other delegates, whose reasoning was organized around more geometric notions of equality, protested against these positions. For them, the political representation of the overseas provinces should be treated exactly the same as the European ones. The institution of special rules violated the principle of "homogeneity that must exist in the national representation"²⁹ and involved risks, because the blocking of ports or an order to overseas governors to delay or prevent the elections

or the arrival of the representatives would make the convening of the *Cortes* unfeasible, as was noted by the delegate Baeta, elected by Estremadura³⁰. Moreover, other delegates added, the removal of inequality should not lead to the creation of another inequality, this time disavowing the Kingdom of Portugal. In their opinion, those proposals introduced a right of preference in favour of overseas delegates, with the consequent discrimination of the other provinces, namely those of Europe. The spectre of the subalternization of the Kingdom in relation to America was a looming presence, as warned by the transmontano delegate Francisco António de Almeida Morais Pessanha, who took the opportunity to underline that "the representatives of the Nation are not the representatives of the land that commands them; they are representatives of the whole Nation [...]", and it is therefore indifferent whether they were elected in America or Europe³¹.

For these delegates, the parity in the permanent deputation of the *Cortes*, discussed on 12th November 1821, also contradicted the principles of justice³². The calculation of the number of delegates for this body had to be proportional to the population³³. If it were not so, and Portugal having a larger population than the overseas provinces, where a large part of the population did not count, due to their being enslaved (around 1.1 million), the European Portuguese would suffer if the number of delegates in the delegation were equal³⁴. The "mathematical" principles of justice needed to be applied in order not to injure the European part of the Monarchy. These delegates, all of whom were elected in the European part of the Monarchy, concluded that instead of cementing the union, as

intended, the solutions that equalized the delegates brought with them disunity. The election of delegates should be free because «the Nation is a single unit, these divisions of Portuguese of the islands, of Portuguese of Africa, of Portuguese of America must disappear, we are all members of the great Portuguese family»³⁵. In this regard, the failures of Cádiz in relation to Spanish America were recalled: «[...] the Spaniards made a grave error by composing the permanent deputation of an equal number of European and overseas members; for they were thus persuading the overseas peoples that their interests were different; and that they needed their own natives exclusively to look out for their best interests»³⁶.

It is worth recalling, again, that these discussions took place during the emancipation processes of Spanish America and the failure of the Constitution of Cádiz (1812) to keep American territories linked to the Spanish Monarchy.

The nation that the vintists imagined was similar to the nation that had been imagined in Cadiz in 1812, when the Spanish monarchy tried to convert itself into a bi-hemispheric Nation. It was no accident that Article 20 of the Constitution of 1822 practically reproduced Article 1 of Cádiz ("The Spanish Nation is the union of all the Spanish of both Hemispheres"). It is not surprising, therefore, that, in view of the changes taking place in Spanish America, the Portuguese delegates had insisted both on the idea of equality, as well as on avoiding constitutional articles similar to those which had caused rifts between Peninsular Spaniards and American Spaniards. The possibility opened up by American independences, explained to a large extent by the unequal representation in the Spanish

Parliament and the rejection of political autonomies in America, weighed heavily on the Portuguese discussions³⁷. For some, any differentiation was seen as an approximation to the "principles of federalism", which would have aggravated factors leading to the dissolution of the Monarchy. But for others, on the contrary, it was necessary to recognize diversity and differentiate, in order to avoid its dissolution. Among the latter, the greatest disagreements occurred, naturally, around the degree of autonomy that this differentiation should imply. And in this regard – as also with regard to equal representation – the Constitution that was being discussed would prove to be as insufficient as the Gaditan one, despite the differences that separated the two constitutional programmes.

The distance of the overseas provinces from the centre of the monarchy and the reciprocal mistrust between the Portuguese of Brazil and the Portuguese of Portugal were central arguments in these debates, which put in opposition, on the one hand, the delegates who insisted that geographical distance and psychological mistrust should always be considered so that the Union would be strengthened; and, on the other hand, those who remained faithful to the formal principles and to the abstract formulas of public law. These debates intensified as more delegates elected by the provinces of Brazil arrived at the *Cortes*, accentuating the differences and generating incompatibilities that were not defined at the outset. As if the discourses had acquired their own and autonomous logic relative to the will of the subjects who articulated them. This evolution became particularly clear when discussing other topics more directly related to the handing-over of powers to the

provinces and provincial governments of America. It was considered whether or not there needed be courts in all the provinces of Brazil, whether or not there should be a *Relação* (an intermediate court) in America, or even a *Supremo Tribunal de Justiça* (Supreme Court). Or if, alternatively, the *Relações* that were instituted in those provinces should assume the functions that the *Supremo Tribunal de Justiça* played in Europe, with the provinces having judicial autonomy. What was also discussed was the possibility of delegating to authorities based in America, such as administrative councils, attributions of executive power in the name of the king; namely, the power to temporarily suspend magistrates, whose accession to the new ideas was suspicious, as the historian Andréa Slemian showed³⁸; as well as the right to pardon, traditionally exercised by the king. The reason cited, above all by the delegates of Brazil, but also by some of those elected in Portugal, was again the distances separating the territories of the United Kingdom. Only these delegations would allow the «great extension of the Portuguese monarchy» to be in «equal communion of rights; perfect and equal communion of utilities»³⁹.

It was also strongly disputed that the military governors should be directly subject to the *Cortes* and the government, as had been proposed in the centralizing decrees of 29th September and 1st October 1821, because it was believed that this was likely to create conflicts between the councils and the military governors, which was already causing problems and great instability in the American provinces of Bahia, Pará and Pernambuco. Instead, it was preferred that the governors be subject to the councils.

Many of these questions were initially raised by the delegates elected in Pernambuco, who arrived at the *Cortes* on 29th August, and in Bahia, who arrived on 15th December 1821 (those from Rio de Janeiro arrived on 10th September 10, and those from Maranhão on 6th November). Some of these delegates, who had been involved in the revolts that took place earlier in their provinces, already referred to here, met with both support and rejection from some of the delegates who were there before, whether elected in Brazil or elected in the kingdom. But, as it happened with respect to political representation, these demands for as much autonomy as possible for the provinces also gave rise to a radically opposite view, particularly at the military level⁴⁰.

The arguments of the delegates who disagreed with the autonomous and differentiating solutions coincided, to a large extent, with those who refused the possibility of creating special rules to ensure the political representation of the overseas provinces. These delegates now organised their discourse around the idea of the unity of the executive branch, which they considered nondelegable, and also believed that equality of rights did not necessitate equality of "means" to accessing them because, as Francisco Trigoso once said, «for this it would be necessary to reduce the whole world to small Republics»⁴¹. His arguments were, again, organized around a discourse about the dangers of differentiation. On the one hand, handing over military powers to the councils or the governors of the overseas provinces would run the risk of returning to the despotic exercise of power by these authorities, as in the previous system, with the *Capitães-generais* (Captain Generals). On the other hand, it was necessary

to guarantee formal equality between all provinces of the monarchy, to avoid "mistrust" and "jealousy". In the end, as Manuel Fernandes Tomás, president of the Constituent Assembly, one of the most important protagonists of the revolution of 1820 and perhaps the best known of the Vintist delegates, recalled, the weight of distance weighed heavily on all the provinces of the kingdom, including the European ones, and even more so on the other non-European ones, such as Asia and Africa. For this reason, the absence of exceptions or compensations would be justified. These statements were again accompanied by the idea that recognition of particularity benefited the American parts of the territory, to the detriment of the European part, giving "[...] those of Brazil more of a right than those of Portugal"⁴².

It is important to note that this latter, radically unitarian perspective was taken to its logical conclusion by a group of delegates who congregated around the figure of Fernandes Tomás. For these delegates — and alongside them there were also some delegates elected overseas — there should be only one executive power and only one judicial power, just as there was only one legislative power. In addition, all these powers should be exercised in a homogeneous manner, indifferent to any geographic diversity or psychological obstacle. This was the reasoning that had presided over the centralizing decrees of September/October 1821, that were conceived and defended by this group, and that had generated so much opposition in Rio de Janeiro and in other provinces of southern Brazil. Valentim Alexandre, who studied this discussion meticulously and integrated it into a broad chronological and thematic context, noted

that this perspective, which the historian chose to designate as "integrationist", prevailed in the first months of debates, but was subject to a "growing pressure" in the following months⁴³. The first pressure was exerted by delegates such as those from Pernambuco and Bahia, who defended the differentiating proposals which we have already discussed here. These proposals systematically refuted the formal legal arguments with the argument of utility and attention to the circumstances, which favoured the granting of ample autonomy to the provinces. Legislating for the concrete was not the same as solving abstract mathematical issues and, thus, if one wanted to maintain the unity of the territories of the Monarchy, it was necessary to abandon the geometric reasoning, as the delegate from Bahia, José Lino Coutinho, recalled when he demanded the delegation of regal powers to American authorities⁴⁴. On the contrary, political prudence recommended «the principle that laws and institutions should accommodate the circumstances of the peoples, conforming to the geographical situation of the country, customs, observances and other circumstances», noted Cipriano José Barata de Almeida, another Bahian delegate, bachelor of the University of Coimbra, like so many other deputies elected in Brazil. He had been arrested in 1798 for participating in the Bahian conspiracy, he had also adhered to the ideas of the Pernambuco revolt in 1817, and he was the author of some of the most radical political ideas expressed in the Portuguese constituents⁴⁵. Another delegate added that «it would be fatal to the Portuguese Monarchy when it was shown that the communication of benefits could not take place between

the remote parts of the Portuguese monarchy»⁴⁶.

To support their proposals, some of these delegates invoked the theoretical reflections that the political literature of the 18th century and early 19th century had developed around the ideal extension of the political units. This theme, as well as the extent and territorial dispersion of empires, their potentialities and their weaknesses, was an inheritance of the political reflections of antiquity and had already been discussed since the 16th and 17th centuries, in connection with the territories of the Catholic Monarchy. In the early 19th century, other political forms, more statist and centralizing, were already opposed to the decentralised and plural nature of the functioning of political power during the Modern Epoch. The unitary idea of the State and all that was associated with it (centralized political structure, unified government, unity of representation, suffrage, etc.) amplified the problems of this pluricontinental monarchy⁴⁷. The issue at stake here was obviously that of the distribution of powers between the government of Lisbon and the overseas provincial governments. The solution that was found would have resulted in greater or lesser equality or subordination of the provinces of America to the central power in Europe. One of the possible solutions that was proposed by some delegates was simple political decentralisation. Another solution was the different federal arrangements. It turns out that what a good part of the delegates elected in the kingdom wished for was neither of these, but a unitary State, an "Empire-Nation", undivided and indivisible, as designated by Fernando Catroga⁴⁸.

Moreover, in all this discussion other problems were involved, which revealed other divisions. For many of the delegates elected in Brazil, and especially for those from Pernambuco and Bahia, this effort to guarantee the power of the provinces was directed both towards Lisbon and also toward of Rio de Janeiro.

This double-sided nature of the problem gained great clarity in the words of one of the delegates of Bahia who intervened often in the sessions, the aforementioned Cipriano José Barata de Almeida. He defended the idea that, after the termination of the *Casa da Suplicação* (Court of Appeals) – one of the higher courts of the kingdom that had been recreated in Rio de Janeiro in 1808 – each province of Brazil should have a *Supremo Tribunal de Justiça* (Supreme Court), and that each province of America be treated as if it were a “Kingdom”⁴⁹. The same desire to withdraw centrality from Rio de Janeiro was expressed in the intervention of another delegate from Bahia, who emphasised the need to transform the *Casa da Suplicação* (Court of Appeals) into a simple *Relação* (an intermediate court), equal to those of the other provinces, with the intention of “[...] levelling the provinces of Brazil with Rio de Janeiro”⁵⁰.

What was already under consideration, at the time, was also the possibility of a federation of politically autonomous provinces, reminiscent of the constitutional model of the British Empire after the independence of the United States, or even the American Federation⁵¹. Drifting further and further from the horizon, therefore, were the controversial decrees of September and October of 1821, around which the discussion had begun.

As Márcia Berbel demonstrated, it was possible to reach a consensus on the proposals that were being drafted against more radically unitary projects. For example, the proposal for parity in the Standing Committee of the Parliament (*Cortes*) won the majority of the votes, with the support of the delegates elected in the American provinces as well as those elected in the Kingdom, giving rise to the aforementioned Article 117 of the Constitution⁵². An agreement was also reached on the existence of a tribunal in each province, subject to a *Relação* (an intermediate court) based in Brazil; which, in turn, would be subordinate to a *Supremo Tribunal de Justiça* (Supreme Court) in Lisbon. This rule also appeared in the Constitution: «In Brazil there will also be a *Supremo Tribunal de Justiça* in the place where the regency of that Kingdom resides, and shall have the same attributions as that of Portugal, as long as they are applicable», Article 193). And in the end, it was also agreed, as will be seen, that the military should submit to the provincial councils, instead of the central government.

However, further tensions were generated with the arrival in Lisbon of the delegates elected in São Paulo, whose project was to keep the government of Rio de Janeiro equated with that of Lisbon, even if it maintained, it should be noted, the unity of the Portuguese Monarchy. These delegates also feared the breakdown of the United Kingdom and the fragmentation of Brazil, a hypothesis that seemed very possible given the varied positioning of the Brazilian provinces in relation to the happenings and the solution to be constitutionalized, as well as the aforementioned threats arising from emancipation processes in Spanish America. The provinces of the north and

northeast preferred the link to Lisbon over the submission to Rio de Janeiro and to the other provinces of central and southern Brazil with which they had little or no relation. The latter, in turn, were united around the project of maintaining a political centrality in Brazil. So much so that two of them, the Cisplatina province and that of Minas Gerais, intentionally did not ever send delegates to the Lisbon *Cortes*.

This latter project of keeping a political centrality in Brazil became clear when, on 6th March 1822, the delegates of São Paulo presented to the *Cortes* the strongly autonomist instructions of the Council of São Paulo, which they had brought with them. These instructions proposed that there would be two "Kingdoms in a constitutional Monarchy" and that there would be an "executive general government for the *Kingdom of Brazil*", exercised by the Bragança family⁵³. It was also proposed that the legislature be composed jointly by delegates elected in Portugal and in Brazil, and it was not acceptable that the seat of the Monarchy should be exclusively in Portugal, but that there be an alternation between the two Kingdoms. The seat of the court and residence of the King was, predictably, a question that generated irreconcilable conflicts, discussed by the "public opinion" of the time, and which gave rise to pamphlets and essays that circulated in the Kingdom and in Portuguese America, as in a memoir sent to the Courts by António D'oliva de Sousa Sequeira, entitled *Projecto para o estabelecimento político do Reino Unido de Portugal, Brasil e Algarves* (Project for the political establishment of the United Kingdom of Portugal, Brazil and the Algarves), in which, in order to resolve the issue, it was proposed that the Constitution declare Rio de Janeiro or Bahia as

the capital of the United Kingdom and residence of the king, and that a viceroy be sent to reside in Lisbon. An idea that immediately generated the opposite view. In an opuscle of José Joaquim d'Almeida Moura Coutinho, entitled *Analyse do Projecto para o estabelecimento político do Reino Unido de Portugal, Brasil e Algarves, de António d'Oliva de Sousa Sequeira* (Analysis of the Project for the political establishment of the United Kingdom of Portugal, Brazil and the Algarves, by António d'Oliva de Sousa Sequeira), he explained why Lisbon was where the centre of the Monarchy ought to be located.

The authors of the instructions of the Council of São Paulo omitted the relations that would be established between the provincial governments and between the kingdom and the Monarchy in the future, if their project was to materialise, because they were conscious of the difference that separated their project – which relied on the support of Rio de Janeiro and Minas Gerais – from the federalizing projects so far discussed – which envisioned an equalisation of all the provinces of Brazil. This was an attempt to create space for future understandings between the provinces of the north and of the south of Brazil. Nonetheless, these instructions generated profound mistrust, notably among the delegates of Bahia, who, as we have already seen, feared the preponderance of Rio de Janeiro and the provinces of the south. Predictably, they also met with rejection from most of the deputies elected in the Kingdom, and in particular the most radically unitarian, whose positions at that time counted for little. The instructions were therefore not discussed, but despite this, and under the influence of the revolts that occurred in Rio de Janeiro since 1821, as well as the decision

of D. Pedro to remain in Brazil, declared on 9th January but known in the *Cortes* only at the end of April — events that led the delegates to be divided between attempting to reconcile and resorting to the use of force to control the situation in Brazil — space was created for new agreements. Thus, on 18th March, in a statement agreed upon by delegates from the Kingdom of Portugal and the provinces of Brazil and among them, they permitted the creation of one or two centres of delegation of executive power in Brazil, the permanence of D. Pedro until the end of the constituent sessions and, finally, broad provincial autonomy, particularly at the military level, involving the subordination of the *governadores de armas* (governors of arms) of the provinces to the respective provincial council, of which they would be native members. This agreement around what was perhaps one of the biggest points of disagreement between European and overseas delegates — the organization of military power — obtained the support of one of the most influential European delegates, Borges Carneiro, who from the outset had assumed a conciliatory position. His discussion resulted in the approval, as of late July 1822, of the subordination of the *governador militar* (military governor) to the councils, together with the recommendation that «the *governadores de armas*, already appointed and in conflict with the various councils, should be removed from the provinces»⁵⁴. On 7th and 8th June, a delegation of the executive in Brazil was also approved, and entrusted to the regency, but allowing for some of the American provinces, if they preferred, to be directly subordinated to Lisbon. In this way the authorities of the south were indulged and space for the recognition of the Government of

Lisbon was opened up to the authorities of the north. This solution also ended up being the one included in the Constitution adopted in 1822, in Article 128 of which the executive power had a delegation in Brazil («There will be in the Kingdom of Brazil a delegation of executive power, entrusted to a Regency»), from which some provinces could be independent if they immediately subjected themselves to the government of Portugal.

But at this point the gravity of the situation was already such that none of these decisions produced any effect in Brazil.

Márcia Berbel saw these agreements and the impasses that were being played out as having caused a diversion of the political discussion to economic subjects, such as the commercial relations between Brazil and Portugal. Between April and July 1822 this other project was discussed, which sought «[...] to make the United Kingdom a single market, strongly integrated and protected from abroad»⁵⁵. But this discussion also was abandoned. The convergence between the delegates of São Paulo, Bahia and Pernambuco around the ideas of freedom of trade and the opening of the ports of Brazil collided, this time, with the more protectionist visions of other delegates, above all those of the kingdom⁵⁶.

Legislative diversity

Another much discussed issue, articulated along with the issue of political representation and government autonomy, was that of legislative diversity. Many delegates understood that, by requiring a specific ordinary legislation for overseas diversity, the

Constitution needed to prescribe specific conditions for the formation of that particular legislation. Others, going a step further, believed that it should also consider the appropriate place for the production of overseas legislation. But on the contrary, other delegates believed that the Constitution was on a level "above" diversity, and also that, like the problem of distances, the other problems that arose with regard to the overseas provinces did not differ, except in degree, from those that arose in relation to the diversity among the various provinces of the kingdom. And thus, no exceptional rules were necessary for the formation of the respective legislation.

However, the delegates elected in Brazil and Europe eventually entered into a more radical disagreement around this question. It was also the issue that eventually united the Portuguese of America against the Portuguese of the kingdom, ultimately generating conditions for a final disagreement. It is to this question, therefore, that the following pages will be dedicated.

The problem of legislative diversity was articulated with another dimension of the theme of the overseas political representation, which not only had to do with the completeness of this representation, but also with the "local knowledge" that every delegate ought to have about the place where he had been elected. What some delegates argued, in relation to it, was that it was not enough that they were delegates elected in the overseas provinces. It was also necessary for these delegates to be born or, at least, to be domiciled in the constituencies that had elected them (many delegates had been born and/or lived in different provinces than they represented). There ought to always be, in the parliament, delegates

well-informed of local realities, able to interpret specifically overseas interests and to ensure appropriate legislation. This idea originated even solutions that gained a general character in the Constitution, like the one that, in Article 35, declared ineligible "those who are not born in or do not currently reside, for at least five years, in the province where the election is held". However, the discussion around legislative diversity had other developments, which led to projects incompatible with the "United Kingdom" as imagined in the Constitution

The unity of the nation and federal contractualism: nation, homeland(s), contract

The discourse on the diversity of the provinces that made up the nation and the need for laws that accommodated (and were accommodating to) this diversity and, therefore, delegates who knew the local realities, reached its peak as early as 1822. The thesis of the delegates who defended it came to be that it was absolutely necessary to always have in the Parliament overseas delegates born and domiciled there, because "legislators should always have in mind the localities, and the habits and customs of the people for whom they legislate". It was at that time that delegates elected in the provinces of Brazil argued that certain issues, some that had already been decided on — such as the government of the provinces, or the powers of the councils and the municipalities — could only be definitively decided with the presence of all the delegates elected on the other side of the Atlantic. During these debates the "stateless" nature of the delegates of the nation was problematized,

as well as the concept of representation that was articulated with its mandate, and Brazil began to be increasingly perceived by some as a secondary territory of the nation. In the words of the delegate Cipriano Barata, «this Portuguese nation is divided into two territories; two territories divided among themselves and whose union has immense difficulties»⁵⁷. In these same sessions it also became clear, in the voice of some delegates (even those elected in Europe), that the Portuguese nation integrated several "homelands". It had come to dissociate itself from a natural belonging to the homeland, understood as "the place where one was born", to an artificial belonging to the nation, founded on a civic contract. And many delegates from America also began to think of themselves as being representatives of the interests of their "homeland". As stated by the delegate Lino Coutinho, from Bahia, «all delegates of this Congress, in addition to representing the interests of the entire Nation, have a particular obligation to the interests of their country, and the needs of their province»⁵⁸.

In these moments, the diversity that separated the American provinces from each other, inherited from centuries of colonization, was presented as ineluctable, making, for some, the presence of delegates from each one of the overseas provinces indispensable. In addition to the Europe/America binomial, Portuguese America, on account of its extent, because of the natural and human diversity of its territory, could not be seen as a homogeneous group. This record surfaced because, as we know, the desire to mitigate the idea of a single political centrality in America was also at stake. There were not only two, but several auton-

omous kingdoms, which were to be associated in a monarchical unity:

Brazil should not see itself as one single country, there are as many different countries as provinces; to lack a deputation is the same as not being able to manage the affairs of that province [...]. The provinces of Brazil can be called Kingdoms⁵⁹.

In that session it was pointed out that delegates from each and every one of the provinces were not present in the Assembly, and it highlighted their extreme diversity, which demanded delegates that were different from the abstract delegates of the nation:

The provinces of Brazil are so many different Kingdoms, which have no link with each other, do not share common interests, each is governed by particular laws [...]; therefore, in order to deal with this pact of the administrative councils, [...] it is absolutely necessary to wait for the Delegates of those Provinces that are still missing⁶⁰.

The homelands were multiplying and the nation, on the contrary, was weakened. As some of these delegates stressed, their union did not exist yet, it had to be agreed upon. Only a complex contract could save it.

Confronted with this notion that the delegate was a representative of the concrete and multiple interests of the respective provinces and spokesman for the particular interests of each locality, implying a pluralistic interpretation of society and of the common good, similar to the North-American constitutionalism⁶¹, delegates elected on the European continent tended to converge around a different concept of representation which, contrariwise, evoked a unitary vision, in which only the delegate of the nation made sense. One of these delegates described himself as the paradigm of a delegate of the Nation:

it is when I consider myself without a true homeland; it is when I say, I am not Asian, I am not European, I am not American, I am not African, I am Portuguese [...]; and therefore as Portuguese, being indifferent as it were to the particular interests of all the provinces that constitute the Portuguese monarchy, I will [...] weigh the interests of the various parts of the Portuguese monarchy; and free from all prejudice, I will decide the interests of all the individuals of this monarchy⁶².

Other Delegates added that there should be full freedom of election, because the interests of the nation were general and could be interpreted by any one of the delegates. Once elected, each delegate represented the entire nation, and not only his constituency, as Borges Carneiro underlined:

We hope for Delegates of the *Cortes* to be universal men so to speak, to know all interests and to know how to establish laws appropriate for the entire Portuguese family, such that were the Brazilian, the Angolese, the Macanese, the Algarvian and the Lusitanian, men to ask you: Where are you from? You may answer with Sócrates: "I am from the Lusitanian world". Whom do you represent? The whole Portuguese family⁶³.

These delegates said that the distinction that was made between the representation of Europe and the overseas provinces was dangerous because it created the idea that the overseas interests were essentially different from the European ones, activating elements of disintegration. It was the nation and its interest that had to be safeguarded against the selfish interests of the homelands. All of these delegates, even those that were still available to negotiate, were now united around the idea that as a representative of the nation, the elected delegate had to be able to fulfil his mission of transcending what Fioravanti defined as "the particularity of the interests inevitably

present in the electoral body [...] bringing to light the unrenounceable unitary political dimension of the Nation"⁶⁴.

However, these exhortations did not prevent a commission formed by delegates of the provinces of Brazil from introducing a set of additional articles to the Constitution, on 17th June 1822, with elements even more disturbing than those contained in the instructions from São Paulo in March. The starting point of this document was that «the localities and circumstances of Brazil essentially differentiated it from any European regime and system». Therefore, in one of the 15 items that constituted it, the existence of two kingdoms — one of Brazil and the other of Portugal and the Algarves — was foreseen, each with its own legislative congress, endowed with the capacity to legislate on the "interior government" of each of the two kingdoms⁶⁵. Another novelty was the creation of a "*Assembleia federal* (Federal Assembly)" — the "General *Cortes* of the whole Nation composed of fifty delegates taken from the special *Cortes* of the two Kingdoms" — and a delegation of the executive branch in the capital of Brazil, in a city to be chosen in the future, "annually entrusted to the successor of the crown, and in the future to him, or to a person of the ruling house, and in his absence to a regency"⁶⁶.

This was, thus, a third alternative. The refounding of the unity now passed through a federal solution that would unite different homelands, considered distinct parts of the same nation. It was a solution inspired by the British Imperial model, which was repeatedly mentioned in the debates, but significantly more egalitarian, since, according to that model, the powers of the proposed federal assembly were largely the



Jean-Baptiste Debret (1839), Provisional acceptance of the Lisbon constitution, Rio de Janeiro 1821

powers of the British Parliament, in which there was no overseas representation. Moreover, according to Márcia Berbel, it also expressed, for the first time, a consensus among the "Portuguese of America", because it dialogued with the federalism of the delegates of Pernambuco and Bahia, who were seduced by this project. Also for the first time, it led to a clearer opposition between two groups, the "Portuguese of America" and the "Portuguese of Europe", the delegates elected in the European part of the monarchy, although these were always accompanied by delegates such as those of Maranhão and of Pará, who protested against this new project. Since they had already situated themselves within a particular way of thinking — where, on the

one hand, homeland and nation tended to be the same thing and, on the other, it was the representation in a single assembly that expressed the nation as a unified reality, as we have already seen — the duplicity of assemblies was incompatible with the unity of the Nation. Thus, they considered the project of "two national representations, one in America, another in Europe?" to be absurd⁶⁷.

The authors of the additional articles had not distanced themselves from the idea that the nation was a single unit, but what they proposed was not compatible with the understanding that delegates elected in Europe had about the unity of this nation. For the latter, the nation was a reality that history had already made, which already existed

before the constituent moment. They called for a more profound national unity, that political representation had already expressed even before its founding. On the contrary, for the former, the nation had been a set of peoples united in a contract, that might or might not be realized.

To the impasse resulting from the discussion of these articles, which began on 26th June and ended, with their rejection on 6th July, was added the decision of the prince in Rio de Janeiro to convene Cortes for Brazil, on 3rd June 1822, which was only known by the Cortes of Lisbon on 26th August. Conditions were created so that the solution that began outside the horizon of the discussion — the political separation of the American part of the territory — started to become an increasingly viable project.

By this time, unable to gauge the situation, many delegates elected in Brazil had already opted to be absent from the sessions. Delegates of São Paulo, Rio de Janeiro and Minas Gerais had declared their provinces in dissent and therefore requested the annulment of their representations, which was not granted to them. In the days of the signing of the Constitution, on 23rd and 24th September, many hesitated and asked for a postponement. Most of them ended up signing, but on 2nd October some of the six delegates who refused to sign (among whom were the delegates from Bahia, José Lino Coutinho and Cipriano José Barata de Almeida) left clandestinely from the kingdom, making their way to England and, from there, they drafted a manifesto justifying their position before returning to Brazil. By then, news had already arrived in Rio de Janeiro, in September, that the Portuguese Cortes had revoked the convening of the Constituent Assembly of Bra-

zil, which demanded the immediate return of D. Pedro. In response, "the Prince [...] declared the definitive emancipation of Brazil, even in the face of the threat that it would materialise only in the provinces of the south and southeast"⁶⁸. On 1st December D. Pedro was crowned emperor of Brazil and, from there, although being the product of a rather turbulent process, various Brazilian provinces declared obedience to the Emperor. However, those of the northern provinces, such as Pará, Maranhão, Piauí and Ceará, preferred to remain linked to the *Cortes* of Lisbon. A sign that the unification of Brazil around Rio de Janeiro would be — as it effectively came to be — a violent process that faced the resistance of many provinces and provincial governments⁶⁹.

As is well known, it was not "Brazilian nationalism", nor even a previous Brazilian identity, which did not exist, that made the formation of a "United Kingdom of Portugal, Brazil and the Algarves" and the validity of the Portuguese Constitution of 1822 unfeasible and led to the independence of Brazil. In the view of historians such as Andréa Slemian and João Paulo Pimenta, this unfeasibility was determined by the interests and actions of the south-central elites of Brazil, who feared the loss of the political power and influence gained by the presence of the *Cortes* in Rio de Janeiro⁷⁰. In the words of Slemian, "from the moment of the advancement of the revolution in Portugal could result in the loss of political influence for these men, the alternative of independence gained viability. It was made possible by the support coming especially from Minas Gerais, São Paulo, and Rio Grande do Sul, regions strongly linked with Rio de Janeiro"⁷¹.

The central thesis of other historians, such as Valentim Alexandre, is that the project was unfeasible because, largely as a result of the situation created with the transfer of the *Cortes* of Lisbon to Rio de Janeiro in 1808, the revolutionary vintists no longer continued to hold on to an imperial conception of the Luso-Brazilian system, but had transited to a nationalist conception. For them Portugal and Brazil were part of the same indivisible whole, of the same nation spread across the world, consisting of a "community of blood, that of the Portuguese, endowed with the same spirit and of the same national character, of the same language, customs and religion"⁷². They attempted, in accordance with this perception, to define a regime of relations to be established with Brazil in which the hegemony of the former metropole within the empire could be re-established. In the words of Valentim Alexandre the "*strong nationalist component of Portuguese liberalism, with roots in the period ranging from 1808 to 1810, made it difficult to accept or even perceive of Brazil as an [or a set of] autonomous entity, distinct from the former Metropole*"⁷³.

It was therefore, Valentim Alexandre concluded, the incompatibility between this perspective and the "Brazilian" perspectives that determined the rupture, the breakdown of the system and, with it, the failure of the first Portuguese liberal experience – among other reasons because, with the independence of Brazil, the revolution lost its support base, the commercial and industrial bourgeoisie, who were interested in the *integrationist* vision, but not to the extent that, in its name, they would accept the hypothesis of Brazilian secession.

These two historiographical perspectives are not incompatible, but this debate,

which is questioning some of the most traditional thesis on the emancipation of Brazil, is still ongoing.

The African and Asian "parts" of the United Kingdom of Portugal, Brazil and Algarves

The United Kingdom of Portugal, Brazil and the Algarves included small territories in Africa and Asia, identified in detail in Chapter 20 (Goa, Macau, Timor, some coastal areas of Mozambique, Angola and Guinea, some enclaves in the African hinterland, the Islands of S. Tomé and Príncipe and Cape Verde). Although the American problem had eclipsed these other territories, the fact is that there too councils had been formed that joined the Revolution of 1820, and there too delegates had been elected or appointed (three in Angola, three in Cape Verde, three in India). There was recurrent affirmation, during the constituent discussions, that everything that was decided for Brazil would be valid in these other overseas territories⁷⁴.

The number of elected delegates in the African territories and in India was, as expected, tiny, and the majority of these delegates, because they did not arrive on time or for other reasons, did not assume their mandate.

In the Additional Acts presented in June 1822 by the delegates of São Paulo, already mentioned here, it was expected that the African and Asian provinces would declare which of the Kingdoms (Portugal or Brazil) wanted to be incorporated into, and even before 1822, there were attempts, particularly in Angola and Mozambique, at unification with Brazil and the *Cortes* installed

there, and not to Lisbon. In a memorandum sent to the *Cortes*, dated 12th April 1821 and entitled "*Memória demonstrando que a união de Portugal com o Brasil e África é para todos opressora e absurda*" (Memorandum demonstrating that the union of Portugal with Brazil and Africa is for all oppressive and absurd), it was even proposed that Brazil be made into two kingdoms with capitals in Rio de Janeiro and Bahia, and two more be created in Africa, with capitals in Angola and Mozambique, "all four sovereign, and independent, confederated with Portugal"⁷⁵. It is also known that the two delegates elected by Angola who did not participate in the sessions, Eusébio de Queiroz Coutinho, magistrate, and Fernando Martins do Amaral Gurgel e Silva, captain, both born in Luanda, were sympathizers of the union of Angola and Brazil⁷⁶. This union would have made sense, in their eyes, since both territories were linked by the most important economic activity in Angola, the slave traffic to Brazil. Perhaps that was the reason why they had not assume their mandates in Lisbon, and had remained in Rio de Janeiro⁷⁷. The only delegate elected by the "Kingdom" of Angola who participated in the *Cortes*, Manoel Patrício Correia de Castro, wrote, against the union of Angola with Brazil, a leaflet entitled "*Aos meus Amados compatriotas, habitantes do Reino de Angola e Benguela*" (To my beloved countrymen, inhabitants of the Kingdom of Angola and Benguela) (Typografia de M.P. De Lacerda, 1822), to whom he asked not to follow the path of disunity with the metropolis. Identifying himself essentially with the *Cortes* and with the model of government of the overseas territories that was proposed in the Constitution, one of his most important interventions was related to the number of

delegates to be elected by Angola. What had been decided, with regard to this number, was that each of the African and Asian provinces «would appoint at least one delegate, whatever the number of its free inhabitants» (Article 38 of the Constitution). It was assumed that in most of those provinces there did not reside the 30000 "free souls" that were necessary for the election of a delegate, but it was considered that, for reasons relating to the perception of their economic and historical importance, they should all send at least one delegate, regardless of their free population⁷⁸. Therefore, when discussing an electoral decree of 11th July 1822, Deputy Manoel Patrício Correia de Castro was surprised that Angola elected, according to this decree, only one delegate, when, on the basis of its population, it was entitled to six⁷⁹. The fact that each African division appointed one delegate "whatever the number of its free inhabitants" should not prevent them from appointing more delegates, provided that the population justified it⁸⁰. For this reason he proposed «that in the Constitution it should be marked that the Kingdom of Angola, Benguela, and its dependencies appoint the number of representatives as correspond to its stated population», which he calculated at about 202660 "free souls" since slaves did not count. This number coincides, to a large extent, with figures collected on the demographics of Angola in the first years of the 19th century⁸¹. But the fact is that neither was his suggestion approved in the Constitution, nor at any time was Angola entitled to more than 2 delegates⁸².

Three delegates were elected in India. Two of them were Catholic Brahmins, from the native Catholic elite, who had enormous prominence in Goa, and who competed

there with a minority of *reinóis* (Europeans coming from the kingdom or 'reino' of Portugal) and Luso-descendants, for the positions of the overseas administration⁸³. The other delegate, António José de Lima Leitão, was a doctor and a native of the Algarve. None of them participated in the discussions, although the latter would be re-elected as a delegate by India in other legislatures and one of the other two, Bernardo Peres da Silva, a doctor for the Medical School of Goa, would assume a central role in the establishment of the liberal regime in India. No Luso-descendants were elected, which clearly illustrates the rise of native Catholic elites⁸⁴.

Contrary to what happened with Portuguese America, all African and Asian territories remained united to Portugal, becoming, according to the Constitution of 1822 and several decrees of the *Cortes*, "provinces" that formed the territory of a single nation, with its centre of power in Lisbon. Subsequently, the Constitutional Charter of 1826, which was in force, with minor interruptions, until 1910, made these overseas province equivalent to any other Portuguese province, not instituting any particular rule for its government, for the election of their delegates or for the formation of its legislation. Thus, the election of delegates by these overseas territories, which varied from a minimum of 6 to a maximum of 14 delegates, was maintained. There were two main demands in relation to the model proposed in the Charter. On the one hand, a greater number of representatives elected to Parliament in Lisbon and special rules to ensure their effective participation in Parliament, demands that had little success. On the other hand, the construction of special forms of legislating

for overseas provinces. With regard to this last demand, one possibility that was, at one point, very cherished by representatives of India's native Catholic elites, was the establishment of local assemblies with legislative powers in Africa and India. It was, however, a possibility that did not materialize either. On the contrary, the representation of three territories in Parliament worked as an alibi against it: such assemblies, it was argued, were not necessary because the overseas provinces were being represented in Parliament in Lisbon. Instead of this decentralizing solution, what was ultimately decided, in the Additional Act of 1852, was to assign to the government of the metropolis and governors of the overseas provinces the ability, in urgent cases, to legislate, the legislation being later approved in *Cortes*. And it persisted, despite protests from several of the "overseas" delegates, for whom this solution called into question the status of equality of overseas territories and the value of their representation in Parliament.

We can, therefore, conclude that the same concept of a unitary pluricontinental nation that had been an argument to reject the decentralized or even federal models of government proposed by the delegates from America in the *Cortes* of 1820-22, then were used, throughout the 19th century, as an argument to reject the creation of legislative assemblies in Africa and Asia as proposed by some delegates from those territories, thereby maintaining therein a centralizing model of government of the Portuguese overseas territories⁸⁵.

- ¹ This text has been carried out under the project "Legal Pluralism in the Portuguese Empire" (PTDC/DIR-OUT/30873/2017), funded by Foundation for Science and Technology of Portugal (FCT). It was translated from Portuguese to English by Johann Salazar.
- ² See, for example, N. Camarinhas, *Lugares ultramarinos. A construção do aparelho judicial no ultramar português da época moderna*, in «Análise Social», vol. 53, 2018, n. 226, pp. 136-160. For a synthesis of the history of the territorial organization of the Portuguese monarchy see P. Cardim, and A. M. Hespanha, *A estrutura territorial das monarquias Ibéricas* and M.F. Bicalho and N.G. Monteiro, *As instituições civis da Monarquia portuguesa na Idade Moderna: centro e periferia o Império*, in Â. Barreto Xavier, F. Palomo and R. Stumpf (eds.), *Monarquias Ibéricas em Perspectiva comparada (Sécs. XVI-XVIII)*, Lisboa, I.C.S., 2018, pp. 51-97 e 209-237 respectively. See also, on the theme of political communication, J. Fragoso and N. Monteiro, *Um Reino e suas Repúblicas no Atlântico. Comunicações políticas entre Portugal, Brasil e Angola nos séculos XVII e XVIII*, Rio de Janeiro, Civilização Brasileira, 2017.
- ³ J.P. Pimenta, *Estado e Nação no fim dos Impérios Ibéricos no Prata (1808-1828)*, São Paulo, Hucitec, 2002, p. 49.
- ⁴ A.M. Hespanha, *A Constituição do Império português. Revisão de alguns enviesamentos correntes*, in J. Fragoso, M.F. Bicalho and M. de Fátima Gouvêa (eds.), *O Antigo Regime nos Trópicos. A dinâmica imperial portuguesa (séculos XVI-XVIII)*, Rio de Janeiro, Civilização Brasileira, 2001, pp. 163-188.
- ⁵ The instructions for the election of members of the *Cortes*, which had been published on 31 October 1820 and had already included the «adjacent islands, Brazil and overseas Dominions» (Article 38), were later substituted by others, published on 22 November, but it was only on 24 February 1821 that the king ordered delegates to be elected «in the Kingdom of Brazil and overseas Dominions», based on the electoral rules that had been followed in the elections of Portugal.
- ⁶ R. Ferreira da Costa, *Indicação e Projecto de Decreto sobre os Governos Ultramarinos*, read in the sessions of July 31 and August 16, 1821, published in B.M. Duque Vieira, *A crise do Antigo Regime e as Cortes constituintes de 1821-1822*, Lisboa, Centro de Estudos de História Contemporânea, Ed. João Sá da Costa, vol. I., p. 194.
- ⁷ On the dissemination of the term "colony" and its meanings in 18th century Spanish and Portuguese America see M.F. Bicalho, *Colônia ou conquista, loja ou engenho? Identidades e discursos identitários na América Portuguesa nos séculos XVII e XVIII*, in D.M. Marcos, J.M. Iñurritegui and P. Cardim (orgs.), *Repensar a identidade. O mundo Ibérico nas margens da crise da consciência europeia*, Lisboa, Cham, 2015, pp. 218-19.
- ⁸ Regarding the critical discourses of the ideas of empire in the 18th century see A. Pagden, *Lords of All The World, ideologies of Empire in Spain, Britain and France c. 1500-c-1800*, New Haven-London, Yale University Press, 1995; S. Muthu, *Enlightenment against Empire*, Princeton-Oxford, Princeton University Press, 2003; J. Pitts, *Empire and Legal Universalisms in the Eighteenth Century*, in «American Historical Review», vol. 117, 2012, n. 1, pp. 92-121.
- ⁹ G. Paquette, *Imperial Portugal in the age of Atlantic revolutions: the luso-brazilian world, c. 1770-1850*, United Kingdom, Cambridge University Press, 2013, pp. 17 and ff. About enlightened visions of the Luso-Brazilian Empire and its doctrinal and ideological foundations, as well as its relationship with the international context, marked by the Napoleonic Wars in Europe, see M. de Lourdes Viana Lyra, *A Utopia do poderoso Império. Portugal e Brasil, bastidores da política (1798-1822)*, Rio de Janeiro, Sette Letras, 1994; J.L. Cardoso, *Nas malhas do Império: a economia política e a política colonial de D. Rodrigo de Sousa Coutinho*, in Id. (org.), *A economia política e os dilemas do Império luso-brasileiro (1790-1822)*, Lisboa, CNCDP, 2001, pp. 63-109; A.R. Cloclot da Silva, *Uma Monarquia nos Trópicos. A visão imperial subjacente à migração da corte portuguesa: 1777-1808*, in «Cultura. Revista de História e Teoria das Ideias», 2004, n. 18, pp. 91-119; K. Schultz, "Tropical Versailles", the transfer of the Portuguese Court to Rio de Janeiro, *Monarchy and Empire (1808-1822)*, Doctoral Dissertation in Philosophy, New York University, Department of History, New York, 1998.
- ¹⁰ About this context, see J.P. Garrido Pimenta, *Estado e Nação no fim dos Impérios Ibéricos no Prata (1808-1828)*, São Paulo, Hucitec, 2006, pp. 155-160, which includes some reflexions on the revolt in Pernambuco (Brazil). About the revolt in Bahia see I. Jancsó, *Na Bahia, contra o Império: história do ensaio de sedição de 1798*, São Paulo, Hucitec, 1995; and in M. Gerais, R. Stumpf, *Filhos das Minas, americanos e portugueses: identidades coletivas na capitania de Minas Gerais (1763-1792)*, São Paulo, Hucitec/Fapesp, 2010.
- ¹¹ M. de Fátima Silva Gouvêa, 1808: "Rio de Janeiro, única capital Imperial das Américas", in J.L. Cardoso, N.G. Monteiro, J.V. Serrão, *Portugal, Brasil e a Europa Napoleônica*, Lisboa, Imprensa de Ciências Sociais, 2010, pp. 334-338.
- ¹² Schultz, "Tropical Versailles" cit. p. 345.
- ¹³ A.R. Cloclot da Silva, *Inventando a Nação – intelectuais ilustrados e estadistas luso-brasileiros na crise do Antigo Regime português*, São

- Paulo, Hucitec, 2006, p. 252.
- ¹⁴ A. Wehling, M.J. Wheling, *Soberania sem Independência: Aspectos do discurso político e jurídico na proclamação do Reino Unido*, in «Tempo», vol. 17, 2011, n. 31, pp. 89–115. See also J.L. Cardoso, *O Reino Unido em busca de um Império perdido*, and G. Paquette, *Império e Nação nas monarquias constitucionais portuguesa e brasileira*, in R. Ramos, J.M. de Carvalho, I. Corrêa da Silva (eds.), *A Monarquia Constitucional dos Braganças em Portugal e no Brasil (1822–1910)*, Lisboa, Leya/D. Quixote, 2018, pp. 34–57; A.C. Bartolomeu de Araújo, *O “Reino Unido de Portugal, Brasil e Algarves”, 1815–1822*, in «Revista de História das Ideias», vol. 14, 1992, pp. 233–261.
- ¹⁵ Wehling, Wheling, *Soberania sem Independência* cit., p. 98.
- ¹⁶ V. Alexandre, *O nacionalismo vintista e a questão brasileira*, in M.H. Pereira, M. de Fátima Sá, M. Ferreira, J. B. Serra (eds.), *O liberalismo na Península Ibérica na Primeira Metade do século XIX*, Lisboa, Sá da Costa, 1982.
- ¹⁷ J.P. Pimenta, *A independência do Brasil e a experiência hispano-americana (1808–1822)*, São Paulo, Hucitec/Fapesp, 2015, p. 31.
- ¹⁸ *Ibid.* p. 235, translated from the Portuguese idiom.
- ¹⁹ A. Slemian, *Vida Política em tempo de crise: Rio de Janeiro (1808–1824)*, São Paulo, Hucitec, 2004, pp. 125; See also Andréa Slemian and J.P. Pimenta, *O “nascimento político” do Brasil, as origens do Estado e da nação (1808–1825)*, DP&A Editora, 2003.
- ²⁰ M.R. Berbel, *A Nação como Artefato. Deputados do Brasil nas Cortes Portuguesas (1821–1822)*, São Paulo, Hucitec, 1999, p. 98.
- ²¹ F. Catroga, *A Geografia dos Afectos Pátrios*, Coimbra, Almedina, p. 296.
- ²² Ivi, p. 80. Márcia Berbel accounted for 94 elected delegates, between actuals and alternates, identifying 45 among those who actually occupied their seat in the Courts.
- ²³ In this reconstruction we follow closely the work done in Nogueira da Silva, *Constituição e Império* cit., pp. 95–118, later updated in our participation in the book C. Nogueira da Silva, J.P. Pimenta, 1822, Lisbon, Tinta-da-China, 2019.
- ²⁴ On this topic, as well as on Jeremy Bentham’s comments against the preservation of what for him was the Spanish and the Portuguese Empires, and his attempts to influence the constituent assembly in favour of the emancipation of Brazil, see C. Nogueira da Silva, *Nação federal ou Nação bi-hemisférica? O Reino Unido de Portugal, Brasil e Algarves e o «modelo» colonial português do século XIX*, in «Almanack brasiliense», 2009, n. 9, pp. 68–84.
- ²⁵ *DCGECNP*, session of 21st September 1821, p. 2360, Dep. Castelo Branco.
- ²⁶ *DCGECNP*, session of 12th November 1821, p. 3046, Dep. Castelo Branco.
- ²⁷ *DCGECNP*, session of 12th November 1821, p. 3047, Dep. Pereira do Carmo.
- ²⁸ On the direct impacts of these discourses on the Portuguese context of 18th century and early 19th century see, C. Nogueira da Silva, *Constitucionalismo e Império. A cidadania no Ultramar português*, Lisboa, Almedina, pp. 67–94. On the permanence, in nineteenth-century liberal thinking, of founding trans-Atlantic political communities in the midst of federal or other ties see, D. Bell, *Reordering the world. Essays on Liberalism and Empire*, Princeton–Oxford, Princeton University Press, 2016, p. 37.
- ²⁹ *DCGECNP*, session of 24th September 1821, p. 2390, Dep. Henrique Xavier Baeta.
- ³⁰ *DCGECNP*, session of 24th September 1821, p. 2390, Dep. Henrique Xavier Baeta.
- ³¹ *DCGECNP*, session of 24th September 1821, p. 2391, Dep. Francisco Pessanha.
- ³² *DCGECNP*, session of 12th November 1821, p. 3046, Dep. Miranda.
- ³³ *DCGECNP*, Session of 12th November 1821, p. 3046, Dep. Xavier Monteiro.
- ³⁴ *DCGECNP*, Session of 12th November 1821, p. 3047, Dep. João Vicente Pimental Pereira Maldonado. There were around 3.2 million inhabitants in Portugal and about 2.5 million free inhabitants in Brazil.
- ³⁵ *DCGECNP*, session of November 12, 1821, p. 3046, Dep. Francisco de Lemos Bethencourt.
- ³⁶ *V. DCGECNP*, session of 14 November 1821, p. 3077.
- ³⁷ On Spanish American processes see, among many others, J.M. Portillo Valdés, *Crisis Atlántica. Autonomía e independencia en la crisis de la monarquía hispana*, Madrid, Marcial Pons, 2006; C. Petit Calvo, *Una Constitución Europea para América. Cádiz, 1812*, in A. Romano (a cura di), *Alle origini del costituzionalismo Europeo. Accademia Peloritana dei Pericolanti*, Messina, 1991; *Los Orígenes del Constitucionalismo Liberal en España e Iberoamérica: un estudio comparado*, Sevilla, Junta de Andalucía, 1993.
- ³⁸ A. Slemian, *Sob o Império das Leis. Constituição e Unidade Nacional na formação do Brasil (1822–1834)*, São Paulo, Hucitec/Fapesp, 2019.
- ³⁹ *DCGECNP*, Session of 13th February 1822, p. 178, Dep. Castelo Branco.
- ⁴⁰ M. Berbel, P. Botafogo C., *Soberanias em questão: apropriações portuguesas sobre um debate iniciado em Cádiz*, in M. Berbel, C.H. Salles de Oliveira (eds.), *A Experiência Constitucional de Cádiz. Espanha, Portugal e Brasil*, São Paulo, Editora Alameda, 2012.
- ⁴¹ *DCGECNP*, session of 9th February 1822, p. 150, Dep. Trigoso.
- ⁴² *DCGECNP*, session of 13th February, 1822, p. 183, Dep. Fernandes Tomás. On Fernandes Tomás see the recent work of J.L. Caroso, M. Fernandes Tomás, *Ensaio Histórico-Biográfico*, Coimbra, Almeida,

- 2020.
- ⁴³ V. Alexandre, *Os sentidos do Império. Questão Nacional e Questão Colonial na Crise do Antigo Regime Português*, Porto, Afrontamento, 1993, p. 589.
- ⁴⁴ DCCECNP, session of 9th February 1822, p. 148, Dep. Lino Coutinho.
- ⁴⁵ DCCECNP, session of 13th February 1822, p. 170, Dep. Cipriano José Barata de Almeida. See also Slemian, *Sob o Império das leis* cit., pp. 24-25.
- ⁴⁶ DCCECNP, session of 9th February 1822, p. 146, Dep. Castelo Branco.
- ⁴⁷ A.M. Hespanha, *Pequenas repúblicas, grandes Estados. Problemas de organização política, entre antigo regime e liberalismo*, in I. Jancsó, *Brasil: formação do Estado e da Nação*, São Paulo, Hucitec, 2003, pp. 93-109.
- ⁴⁸ F. Catroga, *A Geografia dos Afectos Pátrios*, Coimbra, Almedina, 2014, p. 282.
- ⁴⁹ M. Berbel, *A nação como artefacto* cit., p. 124.
- ⁵⁰ DCCECNP, session of 29th December 1821, Dep. Lino Coutinho, cit. in Márcia Berbel (1999), *A nação como artefacto*, p. 117.
- ⁵¹ Berbel, *A Nação como artefacto* cit., pp. 125-126.
- ⁵² «As Cortes, antes de fecharem cada uma das duas sessões da legislatura, elegerão sete d'entre os seus membros, a saber, três das províncias da Europa, três das do Ultramar, e o sétimo sorteado entre um da Europa e outro do Ultramar [...]».
- ⁵³ Berbel, *A Nação como artefacto* cit., p. 133 and p. 164.
- ⁵⁴ Berbel, Ferreira, *Soberanias em questão* cit., p. 188.
- ⁵⁵ L.M. Bastos, P. Neves, *Estado e Política na independência*, in K. Grinberg, R. Salles (eds.), *O Brasil Imperial*, vol. I (1808-1831), Rio de Janeiro, Civilização Brasileira, 2009, p. 125.
- ⁵⁶ Berbel, *A Nação como artefacto* cit., pp. 143-151.
- ⁵⁷ DCCECNP, session of 31st January 1822, p. 70, Dep. Cipriano José Barata de Almeida.
- ⁵⁸ DCCECNP, session of 4th March 1822, p. 378, Dep. José Lino Coutinho. About different meanings of the notion of "Homeland" and "Nation" in the context of the Pernambucan revolution of 1817 and its repercussions in the vintistic courts see D.A. de Mendonça Bernardes, *Pernambuco e o Império (1822-1824): sem constituição soberana não há união* and Márcia Berbel, *Pátria e patriotas em Pernambuco (1817-1822)*. *Nação, identidade e vocabulário político*, pp. 345-365, in Jancsó, *Brasil: formação do Estado e da Nação*, cit., pp. 219-251 e pp. 345-365, respectively. About the complex set of identities that were being sketched since the eighteenth century, as well as about its politicization see I. Jancsó, J.P. Pimenta, *Peças de um mosaico. Ou apontamentos para o estudo da emergência da identidade nacional brasileira*, in «Revista de História das Ideias», vol. 21, 2000. And, for Minas Gerais, see Stumpf, *Filhos das Minas* cit., pp. 155-251.
- ⁵⁹ DCCECNP, session of 4th March 1822, p. 379, Dep. Borges de Barros.
- ⁶⁰ DCCECNP, session of 4th March 1822, p. 381, Dep. Lino Coutinho.
- ⁶¹ M. Fioravanti, *Appunti di Storia delle Costituzioni Moderne, le Libertà fondamentali*, Torino, G. Giappichelli Editore, 1995.
- ⁶² DCCECNP, session of 4th March 1822, p. 178, Dep. Castelo Branco.
- ⁶³ DCCECNP, session of 19th October 1821, p. 2715, Dep. Borges Carneiro.
- ⁶⁴ Fioravanti, *Appunti di Storia* cit., p. 64.
- ⁶⁵ On the idea of a separated "interior government" with independent legislatures, was inspired in the British common law see M. Craton, *Property and propriety. Land tenure and slave property in the creation of a British West Indian plantocracy, 1612-1714*, in J. Brewer, S. Staves (eds.), *Early Modern Conceptions of Property*, London and New York, Routledge, 1996, p. 521.
- ⁶⁶ Berbel, *A nação como artefacto* cit., pp. 171 and ff.
- ⁶⁷ DCCECNP, session of 4th July 1822, p. 688, Dep. Castelo Branco.
- ⁶⁸ Slemian, *Vida política* cit., p. 131.
- ⁶⁹ That is why, later, in the constituent discussions of 1823, in which the debate of 1821-22 was almost reproduced, the delegates of São Paulo replicated the centralizing arguments used by the European delegates in the vintistic courts.
- ⁷⁰ Slemian, *Vida política* cit., p. 135.
- ⁷¹ *Ibidem*.
- ⁷² Alexandre, *Os sentidos do Império*, cit., pp. 813-814.
- ⁷³ Alexandre, *Os sentidos do Império*, cit., p. 802.
- ⁷⁴ On the deputies elected in these territories and their positions in the various assemblies see Nogueira da Silva, *Constituição e Império* cit., pp. 383 and ff.
- ⁷⁵ Published in B.M. Duque Vieira, *A crise do Antigo Regime e as Cortes constituintes de 1821-1822*, Lisboa, Centro de Estudos de História Contemporânea, Ed. João Sá da Costa, vol. I, 1991, pp. 205-210.
- ⁷⁶ See J.M. Guimarães, *A Difusão do Nativismo em África, Cabo Verde e Angola, Séculos XIX e XX*, Maia, Ed. do autor, 2006, pp. 244-261.
- ⁷⁷ A.O. Pinto, *História de Angola da pré-história ao início do século XXI*, Lisboa, Mercado das Letras, 2015, p. 47.
- ⁷⁸ About the myths of El Dorado and of *Herança Sagrada* (Sacred Inheritance) and their function in the Portuguese colonial discourses of the 19th and 20th centuries see V. Alexandre, *A África no Imaginário Político Português (séculos XIX-XX)*, in «Penélope», 1995, n. 15, pp. 39-52.
- ⁷⁹ V. DCCECNP, session of 2nd September 1822, p. 322.
- ⁸⁰ V. DCCECNP, session 14th August, p. 153, Dep. Vilela.
- ⁸¹ See the estimated free population for Angola in 1821 in the project *Counting Colonial Population. Demography and the use of*

statistics in the Portuguese Empire, 1776-1875, where we arrive at 207277 free men <<http://colonialpopulations.fcsh.unl.pt/Angola/Populacao.php>>, October 2020.

⁸² On the discussions about who should or should not be considered as Portuguese Citizen in the Overseas see C. Nogueira da Silva, *Universalism, Legal Pluralism and Citizenship: Portuguese Imperial Policies on Citizenship and Law (1820-1914)*, in C. Ando (ed.), *Citizenship and Empire in Europe, 200-1900: The Antonine Constitution after 1800 years*, Wiesbaden, Franz Steiner Verlag, 2016, pp. 199-220.

⁸³ About this group see E. Carreira, *Índia*, in J. Serrão, A.H. de Oliveira Marques (eds.), *Nova História da Expansão Portuguesa*, Lisboa, Editorial Estampa, 1998, vol. X, pp. 657-714; and the work of Luís Cabral de Oliveira, nomeadamente L.C. de Oliveira, *Consagração dos naturais. Direito(s) e Elites naturais católicas em Goa (1780-1880)*, doctoral thesis supervised by A. M. Hespanha, Universidade Nova de Lisboa, Faculdade de Direito, Lisboa, 2015.

⁸⁴ About the absence of representation of the elite luso-descendents in the parliament see Luís Cabral de Oliveira, 2015, p. 107.

⁸⁵ Regarding this conclusion see Nogueira da Silva, *Nação federal ou Nação bi-hemisférica?* cit.