CHAPTER FOURTEEN

ADMINISTRATION AND GOVERNMENT OF THE IBERIAN EMPIRES

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INTRODUCTION

Among the most intriguing themes in the history of early modern Iberian expansion is how the Portuguese and Spanish Crowns attempted to impose formalised control over diverse panoplies of territories and subject populations spread across such vast, discontinuous spaces. Within roughly a century Portugal and Spain had transformed from small, isolated polities at the edge of Europe into globe-girdling monarchies with overseas possessions in Africa, Asia, and America. Already by the mid-sixteenth century Portuguese rulers had adopted the imperious title, “Kings of Portugal and the Algarves, and of the Sea near and far, Lord of Guinea and of the Conquest, Navigation and Commerce of Ethiopia [referring to the whole of Africa], Arabia, Persia and India” (Barros 1778, 12). At the same time, they claimed dominion throughout the sprawling territories of Brazil. The enthusiastic fervour for Spanish imperium gained force over the sixteenth century as well, reaching crescendo in the 1580s when Philip II of Spain ascended the Portuguese throne, bringing the two hemispheres of Iberian expansion together under his singular sovereignty. The famous medallion emblazoned with the phrase, “The World is not Enough”, was one of many reflections of Spain’s confidence in its expansionary prowess (Parker 2001). And the following decade the influential Spanish chronicler and jurist, Gregorio López Madera, lauded collective Iberian conquests throughout the Old World and the New, where, he wrote, “Roman power never reached, and which not even Alexander attempted to subject” (López de Madera 1597, 63v).

Of course, a gaping divide existed between the Iberian Crowns’ grandiose claims to dominion and their ability to impose full control over those dominions they claimed. Distinct from the worn portrayal of the Spanish monarchy as a domineering, centralised political unit exercising supreme rule over vast swathes of uninterrupted territory and millions of overseas subjects, Spanish rule in America was, in reality, highly fragmented and often indirect, especially beyond fortified towns. Likewise, even in Brazil, which lacked hostile native polities that were large or centralised, Portuguese Crown power remained largely restricted to a series of
coastal enclaves throughout the sixteenth and seventeenth centuries. Yet despite the challenge of ruling their numerous distant territories, the Iberian Crowns proved adept at mobilising often limited resources, and the institutional frameworks they created were successful in balancing local settlers’ and officials’ tendencies toward autonomy with more centripetal forces of inclusion and subjugation.

In this chapter we explore the relationship between political theory, legal frameworks, and practice of government in defining the nature of Spanish and Portuguese Crown rule and administration beyond Europe. We assess the aims, strategies, and effectiveness of the Iberian Crowns in extending control over the land, inhabitants, and economic production of their overseas possessions. With an emphasis on the American dominions—which emerged as the major centre of gravity within Spain’s overseas imperium by the mid-sixteenth century, and in Portugal’s a century later—we examine the evolution and internal hierarchies of the main political, military, judicial, fiscal, and ecclesiastical institutions of overseas administration, and their competing or overlapping jurisdictions. We show not only the similarities and differences between the Spanish and Portuguese institutional frameworks, but also their mutual influence over time. Finally, we analyse the instruments the crowns developed to manage their officials from afar and to ensure their obedience and accountability in distant colonial contexts.

We adopt a broad view in reconstructing the institutional frameworks of Iberian overseas administration. In addition to the institutions under direct crown control, including viceregalies, governorships, high courts, royal treasuries, and the various metropolitan bodies created to regulate expansion, we also discuss a range of distinct powers like the secular church and missionary orders, the Inquisition, and European and indigenous municipal councils and confraternities throughout the overseas colonial world. These latter institutions, while under the king’s overarching authority and dependent on his recognition for legitimacy, in some cases maintained distinct orders of hierarchy, owed obedience to other high authorities (in Rome, for instance), or were local in origin and elected their own members free from royal appointments and supervision. Together the local, regional, and central powers formed a complex constellation of institutions that, while allowing a high degree of decentralisation and local autonomy, united the many peoples and territories under Iberian Crown rule within singular systems of social and administrative organisation.

Scholarship of the past two to three decades has added significant depth to our knowledge of the nature of the early modern “state”. If the sovereign power of the state then as now was absolute in theory, it has rarely been absolute in practice. Including during the supposed height of European absolutism in the seventeenth century—and including in the Spanish monarchy, traditionally held as a classical paragon of effective centralisation—crown power was circumscribed, dependent on constant negotiations with elites and local interests over financial and military support to the crown, jurisdictional autonomy, and royal recognition of local custom and privilege (Fernández Albaladejo 1992; Amelang 2006; Cardim 2012; Chittolini 1995; Clavero 1996b; Hespanha 1989). This revisionist concept of the state has provided a vision of the exercise and organisation of power as flexible, diffuse, and fluid in early modern monarchies, including both Portugal and Spain. In addition, it has contributed to a gradual cross-fertilisation between specialists of Iberian America and those of the peninsular kingdoms. And it has produced an
Image 14.1  Laws by and for the monarchy: an interpolation of the iconography from the frontispieces of *Ordenações e leis do reino de Portugal, recopiladas per mandado do mito alto catholico & poderoso rei Dom Philippe o Principe* (Lisbon: Pedro Craskeek, 1603) and *Juan de Solórzano Pereira, Política indiana* (Madrid: Diego Díaz de la Carrera, 1648)
enriched, integrated historiography on the multi-continental polities of Portugal and Spain, showing that certain phenomena supposed to have existed only in America, like the selling of offices and honours in Spanish territories, for instance, could be found in the peninsula as well.

OVERSEAS ADMINISTRATION GUIDING PRINCIPLES

The extension of Iberian Crown rule over the Americas was defined by the three guiding principles of accession, replication, and territorialisation (Garriga 2006). Accession refers to the manner by which new possessions were incorporated into the crowns’ extended dominions. Replication denotes the imposition of Portuguese and Castilian law throughout those new possessions. And territorialisation implies the creation of newly incorporated geographical spaces as legal jurisdictions.

According to the European tradition of territorial accession and aggregation, territories became incorporated within existing monarchies through a variety of means including dynastic marriage, voluntary cessions of sovereignty, and conquest (Elliott 1992; Gil 2012). Although the overseas territories under Iberian jurisdiction were eminently diverse in their size, location, ethnic composition, and strategic or economic function, and despite the manner in which each territory had been acquired in practice, from a legal perspective the crowns considered those possessions as extensions of and fully integrated within the kingdoms of Portugal and Castile. The ethical and religious justifications for overseas expansion explain why in the 1570s the Spanish Crown ordered its subjects to eschew the word “conquest” as a source of law, replacing it instead with those of “settlement and pacification” (Tau 2000, 85). Although they did not possess any distinct political status, however, the position of “the Indies” within the kingdom of Castile was not equal to that of the other kingdoms ruled by the Castilian Crown. This was as true in practical political and economic matters as in the basic perceptions of contemporaries on the issue. In the Spanish Indies, which eventually included the Philippines, there was no parliament (Cortes) and Spanish settlers had no representation in the Cortes of Castile. Nor was there a titled nobility comparable to that in the peninsula. In America, Spaniards forced indigenous peoples to labour for the benefit of individuals and the crown. Spaniards also developed norms in economic matters that did not exist in the peninsula, including, for example, the prohibition of commerce between viceroyalties or the obligation to trade exclusively through the port of Seville. The overseas provinces and kingdoms, therefore, were exclusively at the service of the interests and tendencies of European politics (García Gallo 1972, 489–514; Tau 2000).

The extension of Iberian rule over the Americas was a process of replication in the sense that, as incorporated territories, Spain and Portugal assumed the right to impose their own peninsular legal systems from the outset. In Portugal, the Ordenações Afonsinas, of the mid-fifteenth century, the Ordenações Manuelinas, of 1521, and the Ordenações Filipinas, issued in 1603 during the period of Iberian union, were all examples of comprehensive, codified revisions of Portuguese royal law completed during, and in part shaped by, the long process of overseas expansion. Although the crown continually supplemented these laws with decrees and instructions to overseas officials on specific issues, these compilations provided the general legal framework governing all Portuguese subjects throughout the Old
World and the New, including in Brazil and peninsular Portugal. In Spanish America, the process of replication saw the extension of Castilian law overseas. This central legal system was grounded on a body of laws specifically created for the Indies, collected in the *Recopilación de leyes de los reinos de Indias* (Compilation of Laws of the Indies), published in 1680. There was thus a set of legislation for the Indies not applied in Castile, as well as one of Castilian legislation not applied in the Indies. As early as 1614 the crown declared that new laws promulgated in Castile would only be applied in the Indies when expressly ordered.

Finally, the processes of accession and replication were materialised through that of territorialisation, which implied the conversion of geographic spaces into political entities with jurisdiction (Garriga 2006). While the Portuguese Crown initially divided the Brazilian territories into donatory-captaincies reminiscent of the autonomous lordships granted to elites during peninsular Reconquest from the Moors, it eventually introduced a viceregal administration with sub-jurisdictions, mirroring Portuguese India and similar to that of Spanish America, but on a smaller scale. In Brazil as in Spanish America, despite efforts toward centralisation, the various institutions of Iberian administration, from viceroyalties to governorships, high courts to royal treasuries, bishoprics to municipal councils, were created in different moments for distinct purposes. The American dominions of both Spain and Portugal in the sixteenth and seventeenth centuries are best understood as collections of territories with multiple centres, ruled by individuals or institutions each of which could communicate with the metropolis, and which possessed competing, often overlapping jurisdictions. In the Spanish case, however, all these diverse powers converged in the Council of Indies, reflecting the polysynodal conception of Spanish administration (Cañéque 2004).

Despite the numerous differences that characterised Spanish and Portuguese frameworks of government and administration in the overseas territories, the institutionalisation of those frameworks was guided by certain common principles as well. First, royal power throughout the multi-continental monarchies of Portugal and Spain possessed both temporal and spiritual dimensions. Second, both monarchies divided the civil administrations governing their overseas territories into four separated political, military, judicial, and fiscal branches. Each branch possessed its own offices and institutions with specific competencies and jurisdictions, some of which overlapped. Finally, in both Spanish and Portuguese America different offices and competencies could be united in a single individual, as was the case with the viceroy or governor-general, for instance, who possessed certain overarching powers across the various branches of administration (Céspedes del Castillo 1983 and 2000; García Gallo 1987; Garriga 2006; Pérez Herrero 2002; Tau 1992).

Highlighting the duality of Portuguese royal power, Diogo do Couto, the eminent chronicler of Portuguese imperium in Asia, remarked in the early seventeenth century that “the Kings of Portugal always aimed in their conquest of the East at so uniting the two powers, spiritual and temporal, so that one should never be exercised without the other” (Couto 1781, 322). In Portugal as in Spain and other Christian monarchies of their time, the king was regarded as God’s representative within his realm and was charged above all with ensuring justice and preserving the *ecclesia*, or community of believers (Cardim 2008; Clavero 1996a; MacLachlan 1988). Although lacking the power to determine matters of theology, which remained the authority of
the pope in Rome, the king was nonetheless responsible for facilitating the expansion of the faith worldwide and for defending Christendom against threats from infidels and heretics. This sacred duty encouraged a mutually supportive relationship between king and pope, and ultimately enhanced the former’s aura of power by imbuing it with divine legitimacy. In recognition of Portuguese and Spanish exploits in propagating the faith beyond Europe, the papacy institutionalised the Iberian kings’ ecclesiastical power through a series of concordats in the fifteenth and sixteenth centuries, establishing the Royal Patronage, which granted the Iberian Crowns powers to appoint bishops and establish new bishoprics and dioceses throughout their dominions. In addition, the crowns gained the monopoly over evangelisation in their territories. Missionary orders like the Dominicans and Jesuits, for instance, depended on the king’s mandate and good will.

CENTRAL ADMINISTRATION

In the civil sphere the Iberian Crowns developed institutions to consolidate their pre-eminence over the kingdoms’ political, military, judicial, and fiscal organisation as well. These institutions took shape over several centuries, expanding as Iberian Christians reconquered territories from Muslim rule, and continued to evolve throughout the long process of expansion overseas. The opening of long-distance sea routes, the conquests of new territories and peoples, and the profits generated by overseas commerce compelled the Iberian Crowns to expand their administration both overseas and, in the peninsula, to more tightly control the political and economic development of their increasingly lucrative and extensive colonial worlds. Lisbon’s House of Guinea (ca. 1460) and House of India (ca. 1500) regulated the crown’s monopoly contracts, collected the royal share of imported merchandise from each region, and served as maritime courts and warehouses for trade goods, including slaves. If throughout the sixteenth century the majority of Spanish Crown revenue derived from taxes levied on Castile, already by the 1510s 39% of the Portuguese Crown’s total income derived from the Asian spice trade alone, making the House of India the kingdom’s most important economic institution (Godinho 1975, 33; Lang 1979, 30). In the early seventeenth century, while under Spanish Habsburg rule, the Portuguese Crown established the short-lived Council of India (1604–1614), modelled on its Castilian counterpart, the Council of Indies, which in theory held supreme jurisdiction over all political, military, judicial and commercial affairs throughout the colonial world (Luz 1952). Finally, the Overseas Council (1642), established after Portugal’s separation from Spain, possessed the same mandate as the Council of India, but was more powerful than its predecessor and survived into the nineteenth century given its legitimacy as a purely Portuguese creation.

The House of Trade, founded in Seville in 1503, was Spain’s first institution of overseas administration. Modelled on Lisbon’s House of India, its competencies were nearly identical. Soon, however, it came under the authority of the newly created Council of Indies. In the monarchy’s political hierarchy, directly below the king was a polysynodial system of councils, including one for each constituent kingdom. The Council of Indies, which emerged initially as a sub-committee within the Council of Castile, became an independent body in 1524. It advised the monarch on everything related to the administration of his overseas possessions and became the highest
authority on all legislative, executive, and judicial matters concerning those territories, subject only to the order of the king.

SPANISH OVERSEAS ADMINISTRATION

The theme of the government and administration of Spain’s overseas territories provides a unique perspective from which to analyse the incorporation of those territories within the Spanish monarchy, and the extent to which their integration proved exceptional. The degree of exceptionality derived from the diversity of the integrated territories, from constantly evolving circumstances, and from the ever-present physical distance between America and the peninsula as well as between the different overseas territories themselves. All this gave rise to a peculiar casuistry in legislation and political management.

The key idea sustained in numerous reports and memoranda that arrived to the metropole, especially during the first half of the sixteenth century, was that realities in the Americas were hardly compatible with the rigid Spanish legal norms seen as essential to the exercise of good government above all the contingencies of people, time, and place, which determined particular circumstances (Tau 1992, 33). Another principle guiding political action from the mid-sixteenth century was captured in the oft-repeated phrase, conocer para legislar (“know in order to legislate”), which translated into an interest in rationalising systems of information. With a continuity that was not necessarily regular, from 1570 the Council of Indies began obtaining standardised information on the Americas through general or partial questionnaires. More than 30 such questionnaires were sent to America from 1577 to 1812, giving rise to the well-known Relaciones Geográficas (Ponce Leiva 1992).

Alongside these examples of exception, however, several other factors provide evidence of the Indies’ full and normal integration within the monarchy. Such factors include the sharing of one king, one language, and one official religion (which in practice coexisted alongside many indigenous ones), the implantation of a collection of institutions that channelled the incorporation of the Indies within the monarchy’s political and administrative apparatus, and the insertion of the overseas territories in an economic system regulated by the metropole.

In the period from 1492 to 1535, management of the overseas territories was based on a system of “trial and error”. Despite the instability and general lack of control that characterised these years—without doubt the hardest for the indigenous population—it is nonetheless clear that in the Spanish sphere the crown’s presence in the management of its overseas territories was constant, and thus distinct from other processes of European colonisation, including that of the Portuguese in Brazil. Until 1535 or 1540 government was exercised through the viceroy (Columbus, father and son), whose powers were steadily curtailed; through governors, in so-called “capitulations”; and through high courts granted governing powers either by royal delegation or by the absence of other high officials in their jurisdiction. From that date the system of government was structured around viceroys, high courts-governorships, local magistrates and corregidores. Beginning in 1564 this system was transferred to the Philippines, which fell within the jurisdiction of the Viceroyalty of New Spain. From there developed the particular trajectories for each of the different jurisdictions, all of which were managed from the Council of Indies.
The crown created six superior governorships in the sixteenth century with both political and judicial attributes based in Mexico City, Lima, Santo Domingo, Guatemala, Santa Fé de Bogotá, and Manila. Each was subordinated directly to the king and his Council of Indies and headed by a governor who was also captain-general of the military, president of the high court where he resided, and chief treasury official. In Mexico City and Lima, the governor was also viceroy and hence vicepatron of the church. Below this superior level there were minor provinces and governorships of varying size and population whose governors, although subordinated to a corresponding viceroy or high court president, nonetheless acted as chief justice and general commander of defence within their territorial jurisdiction. They also possessed important fiscal powers (Céspedes del Castillo 2000, 32).

For the government of cities and their districts, the crown appointed corregidores to oversee local municipal councils. Corregidores had functions of government, acted as royal judges, military commanders, and as representatives of the royal treasury not only where they resided, but also often in neighbouring municipalities. Chronologically, the municipal councils were in general the first institutions created in America. As Spaniards spread across America, they founded new towns and cities with such councils, which provided them limited self-government at the local level. Municipal councils held jurisdiction over the municipality and its surrounding countryside, served as bastions for the protection of local customary law, as courts of

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**Figure 14.1** Spanish Administration in the Indies

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first instance, set prices on foodstuffs and other products, allotted and sold municipal lands, regulated agriculture and access to the market of indigenous labour, and organised militias for defence.

Communities of indigenous peoples were governed in two ways. Several, especially in remote regions, maintained their traditional leaders (caciques or curacas) and forms of social and political organisation, while others created municipal councils on the Spanish model, overseen by indigenous corregidores. In the first case, the great variety of indigenous American societies produced diverse manners of governing themselves under Spanish dominion. In the second, through the cabildos, caciques or curacas frequently occupied posts of governor, magistrate, and alderman, and for that they learned and adapted to Spanish law and custom for their benefit (Stern 1982; Rojas 2010).

In the judicial sphere there existed 12 high court districts. As courts of third instance after hearings by locally elected judges and corregidores, high courts’ sentences were final, except in the rare cases appealed to Spain’s Council of Indies. There were three classes of high courts, determined by the powers of the official who presided over them. Viceroys presided over viceregal high courts (in Lima and Mexico City), and provincial governors over provincial high courts (in Panama, Santo Domingo, Guatemala, Manila, and Santa Fé). Subordinate high courts (in Guadalajara, Quito, Charcas, Chile, and Buenos Aires, from 1661 to 1673), for lack of another, more proximate high official, depended on the viceroy in matters of government.

The crown also created royal treasury boards in Lima, Mexico City, and Santa Fé de Bogotá to oversee fiscal affairs. These bodies supervised the legion of fiscal officials, including treasurers and accountants, of royal treasuries in the principal cities, ports and mining centres across Spanish America. There were also fiscal offices that administered specific royal incomes, like the alcabala tax, indigenous tribute, and royal monopolies. Holders of these offices did not need any specific training beyond basic accounting experience (Bertrand 2011, 78, 173).

Defence was one of the most important preoccupations of Iberian overseas administration. Nevertheless, throughout most of both Spanish and Portuguese America there did not exist a true military organisation. The viceroys’ armed guards were often the only military units with social prestige and formal training. The crowns established a certain number of modest professional military garrisons in ports and coastal areas of high strategic value, as well as in Spanish presidio military posts in frontier zones. In practice, however, most defence forces consisted of troops raised in moments of danger and directed by leading members of local society who were granted honorary military titles, like “captain” or “field-master” (Marchena 1992, 47). This circumstance explains the near ubiquitous practice of appointing professional soldiers as governors, captains, and corregidores throughout the Iberian world.

The organisation of spiritual government was structured around 27 bishoprics and five archbishoprics (in Mexico, Santo Domingo, Santa Fe, Lima, and La Plata). From both an administrative and pastoral point of view, however, the most important units were the Spanish and mestizo parishes, directed by the secular clergy, and the Amerindian doctrinas, administered by the regular clergy. The history of relations between the Catholic Church and Spanish monarchy abounds in confrontations between bishops and royal authorities over the treatment of native
peoples, ecclesiastical autonomy and immunity, the competencies of tribunals, and, especially, the right to present candidates for ecclesiastical posts, including everything from *doctrina* priests to bishops (García Añoveros 1990, 83–99).

**PORTUGUESE OVERSEAS ADMINISTRATION**

Although the institutional framework governing Portugal’s possessions in Brazil eventually came to resemble that in Spanish America and Portuguese Asia, it followed a distinct trajectory. Despite basic formal similarities, Portuguese royal administration in Brazil never achieved the reach and complexity of its Spanish American counterpart. Whereas Brazil languished initially as a backwater, providing only modest commercial promise for much of the early sixteenth century, Portugal’s burgeoning commercial empire in the east yielded windfall profits almost immediately. As a result, soon after da Gama’s voyage to India in 1498, the crown placed a viceroy there with broad jurisdiction over the political, military, judicial, and fiscal administration of the still modest collection of Portuguese footholds across the circum-Indian Ocean. As expansion continued, the crown established governorships in East Africa, the Persian Gulf, and Southeast Asia, headed by autonomous governors and captains responsible for political and military administration. The crown also created provincial judgeships and a high court in Goa in 1544 to hear appeals from across Portuguese Asia, as well as a similarly structured fiscal administration that reached from the viceregal capital down to the myriad customs houses and trade posts (Miranda 2009).

Treasury officials managed crown revenues and spending, monopoly contracts, and customs duties and taxation for the entire viceregency. In addition, they supervised the *cartaz* system through which Portugal sought to enforce its monopoly on navigation and trade by regulating the inter-Asian commerce of Hindu, Muslim, and Malay merchants across the Indian Ocean. Beyond these civil institutions the crown also created a system of bishoprics to care for the spiritual welfare of its overseas subjects, a Goan office of the Inquisition (1560) to ensure purity of faith, and a branch of the Lisbon-based Board of Conscience (1570), also in Goa, to provide moral theological guidance to the viceregal administration (Marcocci 2012, 2014).

Despite Cabral reaching Brazil just two years after da Gama’s landing in Calicut, the Portuguese Crown waited half a century before establishing direct rule in the New World. Bereft of the spices of the great Asian emporia and the silver of Mexico and Peru, the crown nonetheless recognised Brazil’s strategic importance with the rise of French incursions. In 1534, it delegated Brazil’s early occupation to 15 “donatory-captains” who, in return for financing and executing the conquest, settlement, and defence of their assigned territories, enjoyed wide political, military, and judicial authority there and a major portion of the profits from all economic production and trade. After 15 years, however, only two of the original captaincies had become profitable. Several remained as undeveloped as when Europeans first set eyes on them.

One contemporary observer warned in a letter to the king: “If Your Majesty does not succour these captaincies soon, not only will we lose our lives and goods but Your Majesty will lose the land” (Goés 1924 [1548], 259). To reinforce Portugal’s sovereign claim to the territory the king sent the first governor-general to Bahia in 1549 to found a capital and implement royal authority throughout Brazil (Cardim and Miranda 2012; Bicalho 2012). Given their relative success, Pernambuco and
São Vicente were the only captaincies to remain hereditary and governed by their original donatories. The rest were converted to royal captaincies, subject in theory to viceregal rule from Bahia. Although the Portuguese king did not appoint corregidores to oversee Brazil’s municipal councils, as Spain had in its dominions, he did send a single superior magistrate to oversee the locally elected judges (Schwartz 1973). He also sent a royal treasurer with broad authorities in fiscal administration.

Local institutions including the Misericórdia confraternities, municipal councils, craft guilds, and even families, the base unit of colonial society, all had their own rules, customs, and leaders. This integrated network of smaller powers was fundamental in determining the legal and normative frameworks governing everyday life in colonial society. The Misericórdias, for instance, confraternities devoted to charitable works, although protected by the king, were local in origin. In addition to facilitating social cohesion among Brazil’s settler elite, they also served an important administrative function in processing and executing wills (Bethencourt 2007, 200). The other key pillar of local society, the municipal council, enjoyed similar powers to its Spanish counterpart (Bethencourt 2007, 200; Boxer 1965; Bicalho 2001). The lack of corregidores to supervise their activities, however, gave Brazilian municipal councils even more independence with respect to royal authority than those in Spanish America and peninsular Portugal. And their right to correspond directly with Lisbon gave them a degree of autonomy from the crown’s central colonial institutions. Unlike in Spanish America there existed no Portuguese equivalent to the Republic of Indians in Brazil and therefore no separate indigenous municipal councils. The Portuguese Crown did promote the conversion, and at
Figure 14.3  Portuguese Administration in the Estado da Índia
least in theory the protection, of indigenous communities through the creation of Jesuit-run settlements. But since the indigenous populations surrounding Portuguese settlements in Brazil were smaller, less centralised and sedentary, and relatively less integral to Brazil’s export economy (soon dominated by African slave labour), the Portuguese never created a separate juridical-political body for the native population as Spaniards had.

Only in the early seventeenth century, under Spanish Habsburg rule, did Brazil see a further expansion of the colonial bureaucracy (Cardim 2004). This process extended crown rule throughout the territory while simultaneously diffusing the governor-general’s power by creating new levels of judicial and fiscal administration that reported directly to Lisbon (and Madrid from 1581 to 1640) rather than to Bahia. Above all, it was an attempt to transform the colony’s government and administration from an operation led by individuals into a more robust and effective hierarchical bureaucracy. To alleviate the judicial demands on Brazil’s sole superior magistrate, the crown created its first and only Brazilian high court, in Bahia in 1609, roughly a century after Madrid had established its first of many in Spanish America (Bethencourt 2007, 239). Bahia’s high court was subject only to the oversight of the king and his supreme court in Lisbon, rather than to the governor-general. At roughly the same time the crown established a network of provincial judges as an intermediary level between the locally elected judges of municipal councils and the high court. The crown also finally opened a central Bahia office of the royal treasury in 1614. Its officials supported the royal treasurer and oversaw an expanded bureaucracy of intermediate and lower level treasury officers of the captaincies and municipalities (Mukerjee 2009).

If Brazil’s political, judicial, and fiscal institutions were limited in their development and reach, royal military and ecclesiastical powers were even more so. As in Spanish America, Brazil had no regular, centralised military organisation. Although a royal defence fleet plied the long Brazilian coast intermittently and modest retinues of trained soldiers guarded the governor-general and certain coastal fortifications, the ground forces protecting the colony were, for the most part, irregular, untrained militias of private settlers raised by municipal councils or provincial governors. Finally, in the late seventeenth century, the crown created permanent garrisons in Bahia, Pernambuco, and eventually throughout the other captaincies to repel encroachments of imperial competitors on Brazilian territory.

Although Bahia was named a bishopric in 1551, it was the only one in Brazil for over a century. It was not until the 1670s that Bahia was raised to an archbishopric, that new bishoprics were created in Pernambuco, Rio de Janeiro, and Maranhão, and that the first convent opened in Brazil. Unlike Spanish America and Portuguese Asia, Brazil never had its own Holy Office of the Inquisition. Another distinction was that in Brazil the Jesuits, rather than the secular church, dominated religious life in the sixteenth and seventeenth centuries.

INSTITUTIONAL FRAMEWORKS AND THEIR INTERNAL DYNAMICS

The institutional and administrative frameworks governing Spain, Portugal, and their overseas possessions were not strongly centralised. They were defined by a plurality of powers and jurisdictions (high courts, municipal councils, bishoprics,
regular religious orders, etc.) united symbolically by the king, yet each of which acted with a large measure of autonomy (Hespanha and Santos 1993). Logically, there existed points of articulation and conflict between those powers. The function of the king and the central organs of government was not to eliminate the capacity for autonomous action of the various components of the body politic, but rather to represent its unity and maintain harmony between its constituent parts (Tau 2000, 113; Cañequé 2013, 283).

The exercise of power was based on complex systems of pacts, reciprocities and negotiations, which functioned in multiple directions and intensities, and which encompassed the diverse interests of the crown and the various nuclei of power overseas, including the church, royal officials, and, above all, powerful local elites. The systems in both the Spanish and Portuguese realms were based on the understanding that, while the exercise of power could be debated and critiqued, the fundamental authority of the monarch was beyond question. Yet the monarchs’ power to determine basic decision-making was not absolute, nor was it expected to be. In Spanish realms in particular, high crown officials, including viceroys and high court justices, had wide power to interpret royal decrees as they saw fit and were not always required to execute them to the letter. The famous legal device captured in the phrase obedezco pero no cumplo (“I obey but do not comply”) permitted officials to refuse to implement certain decrees while still affirming their obedience to the monarch’s supreme authority (MacLachlan 1988). According to the Compilation of Laws of the Indies, “Ministers and judges should obey, but not comply with our decrees and orders” if given local circumstances they seemed imprudent (Book 2, Title 2, Law 22). Loyalty to the king and the maintenance of social peace took precedence over strict compliance with royal order (Pérez Herrero 2002, 95, 133, 134; Berthe and Calvo 2011, 39).

Despite the autonomy afforded to their various overseas institutions, the Iberian Crowns did nonetheless develop similar means, based on peninsular precedent, to ensure a degree of obedience, accountability, and good governance among their officials. These means included residencia evaluations, a broad typology of investigations called visitas, pesquisas, and devassas, the sending of magistrates with supervisory powers, the obligation in Spanish realms to complete inventories of an office’s patrimony before entering into one’s duties, the social isolation of crown agents, the ban of debtors of fines from receiving new royal appointments, and the right of any subject to denounce a crime or abuse of office. Every single individual in the political, military, judicial, and fiscal administration, including the viceroy or governor-general, was submitted to a mandatory residencia evaluation, for instance. These evaluations were conducted at the end of an official’s term and typically entailed an investigation conducted by the successor to that post. The evaluator interviewed individuals familiar with the outgoing official’s performance in office and inspected all relevant documents before submitting a report that often had the power to make or break careers. Even if such supervisory mechanisms were ineffective in detecting most abuses and fraud, they did nonetheless provide a legal means for individuals to denounce bad government and eventually, in some cases, to punish the guilty through loss of office, fines, and, in rare circumstances, prison. While relatively systematic in Spanish America, such evaluations were applied infrequently in Brazil, however, especially beyond Bahia (Schwartz 1973, 154–170).
The Iberian monarchs sought to consolidate crown rule through jurisdictional layering as well. Within the political, judicial, and fiscal institutions there existed more or less clear orders of hierarchy, and all were subject to the ultimate authority of the king. But between them, relations of hierarchy were not always clear. Jurisdictional disputes erupted frequently between the viceroy/governor-general and high court, for instance, since both reported directly to Lisbon or Madrid. Even municipal councils could appeal directly to the king through his advisory boards if they felt the governor-general, viceroy, or another authority had violated their local rights or privileges. Rather than provoking anarchy, however, this organisational structure produced a degree of cohesion while at same time affording local institutions substantial autonomy. Factors like jurisdictional layering, physical distance and communication lags, and respect for local custom and privilege all converged to diffuse the monarch’s effective power and ability to influence everyday decision-making. But the checking of certain institutions by the power of others also aimed to ensure that ultimate authority always remained in the hands of the king.

Beyond the fact that the political, judicial, and fiscal authorities of colonial administration all eventually reported directly to Madrid or Lisbon rather than to each other, there also existed several key linkages between them which institutionalised their mutual regulation and overlapping competencies. For instance, by the mid-seventeenth century Brazil’s fiscal and judicial authority had been enmeshed to a degree, at least at the highest level. The royal factor, although not a judge, adjudicated minor financial disputes, and the high court’s chief justice presided over more serious cases involving fiscal issues throughout Brazil (Lang 1979, 42). In addition, a royal treasury council, consisting of four high court judges, was created in 1652 to help oversee the colony’s fiscal administration. Judges of the high court and provinces also provided regular counsel to the governor-general and provincial governors and reviewed their legal action. In turn, the governor-general evaluated judges’ performance and could suspend them if he deemed their conduct unsatisfactory.

Through a process of continuous negotiation, the king, his overseas officials, and local elites all assented at certain moments to sacrifice some of their own pretensions in order to preserve the essential equilibrium of forces that maintained the social and political order. Royal appointments and, in Spanish realms, the selling of offices were the main currencies of exchange. Through them, American elites expanded their power, although not without considerable effort (Berthe and Calvo 2011, 109). American-born Spaniards, for instance, known as *criollos*, developed a rich tradition of treatise writing, which peaked between 1620 and 1670, devoted expressly to their exclusion from the royal bureaucracy (Ponce Leiva 1997; Garriga 2003). Paradoxically, although there were several universities in sixteenth-century Spanish America, Spanish American graduates found it far more difficult to gain positions in the upper levels of Spain’s colonial bureaucracy than Brazilians did in Portuguese administration (Camarinhas 2009). Since Brazil had no university until the nineteenth century, Brazilians of means completed their studies in Portugal and found administrative positions throughout the Lusophone world, especially in judicial posts. This fact, along with the almost constant migration between Portugal and its overseas territories (Camarinhas and Ponce Leiva 2019), helps explain why there was less conflict in Brazil than in Spanish America between local born settlers (*criollos*) and those arriving from the peninsula (*peninsulares*).
American-born Spaniards, on the other hand, only entered the civil administration in significant numbers when offices came up for sale. Positions as scribes and secretaries were sold from the mid-sixteenth century, municipal council posts from 1591, royal treasury posts from the 1630s, and judicial and political positions, including corregidores, governors, and judges, from 1674. Competing with peninsular born candidates who also resorted to purchase when it became the predominant means of access, Spanish Americans only became the majority among municipal councils and subordinate positions in the judiciary. Importantly, Spanish American criollos did not acquire power by entering into the administration. Rather, they entered the administration by leveraging the social and economic resources they already possessed.

CONCLUSION

Spain and Portugal were pioneers in the process of overseas colonisation. From the late fifteenth century, the two monarchies expanded roughly in parallel, extending their rule over complex mosaics of heterogeneous peoples and territories. The major challenge each monarchy faced was that of organising and regulating social and geographic realities totally foreign to those they had previously known and doing so according to their own cultural parameters. A common set of core principles guided the extension of Iberian Crown rule overseas. These principles defined the political and jurisdictional status of newly incorporated territories and determined the contours of the institutional frameworks developed to manage them. In implanting royal administration overseas, the Iberian Crowns copied some pre-existing institutions from the peninsula, occasionally imitated each other’s structures of colonial government, and sometimes improvised, creating altogether new institutions. All this led to the consolidation of institutional frameworks that were highly adaptable to the distinct realities of the American territories. The frameworks matured and persisted precisely through their capacity to redefine and adjust themselves to the specific conditions and contingencies of those territories.

Despite the separation of Spanish possessions from Portuguese ones, with very little communication between them, influences in administration were mutual. The influence of Portugal’s House of India on Spain’s House of Trade, and Spain’s Council of Indies on Portugal’s Council of India were key examples of this. This was especially evident during the period of the union of the Iberian Crowns from 1581 to 1640, when the reform of Portuguese overseas administration was strongly influenced by the Spanish model.

If the political-administrative models were similar, Spain developed a much more complex system of administrative institutions in America than did Portugal, and it did so much earlier. Spain created its first American high court in 1511, in Santo Domingo, while Portugal only created its first in 1609, in Bahia. Although in both monarchies spiritual government was exercised through the Royal Patronage, it was more fully developed in Spanish realms. In the late sixteenth century Brazil had only one bishopric while in Spanish America and the Philippines there were a total of 27, along with five archbishoprics. This distinction was linked to the demographic situation in the peninsula. But it was also due to the fact that Brazil did not become the economic centre of Portugal’s multi-continental monarchy until the second half of
the seventeenth century. Mexico and Peru, on the other hand, had already emerged as the economic centres of the Spain’s overseas territories with the discovery of silver mines there in the mid-sixteenth century.

Both monarchies integrated their overseas possessions as annexed territories, not as colonies, even if Spain developed a separate compilation of law for the Indies. In both Spanish America and Brazil, permanent armed forces were small and scattered, and militias had little formal training. Although the fiscal system in colonial Brazil was more or less centralised through Bahia, merchants in each captaincy could travel to and trade directly with Lisbon, whereas in Spanish America such trade and communication was centralised through a handful of ports.

A notable difference between the two Iberian spaces was the importance of *criollismo* as a cultural and political phenomenon in Spanish America versus Brazil. The inexistence of universities in Brazil, in contrast to the multitude of them in Spanish America, meant that Luso-Brazilians went to Coimbra for training and came to form part of the monarchy’s administration both in Portugal and overseas. Moreover, throughout the Portuguese world Luso-Brazilians gained office through royal appointment, whereas Spanish Americans did so increasingly through the purchase of offices. The constant migration of Portuguese to Brazil made the proportion there of Luso-Brazilians to peninsular Portuguese more balanced than that in Spanish America where *criollos* came to steadily outnumber Spanish-born *peninsulares*.

The autonomous powers enjoyed by overseas officials, central institutions, and municipal and other local bodies should not be viewed simply as indicative of the monarchies’ impotence and inefficiency, a view predominant in scholarship of the 1970s and 1980s. Rather, to a certain degree such diffusion of power was integral to very nature of Iberian monarchical rule, both in Europe and overseas. Even if the presence of central power was more intense and evident in Spanish America than Brazil, the exercise of government in both realms was based fundamentally on negotiation, administrative decentralisation, and on the equilibrium and autonomy of several different institutions and jurisdictions. It was precisely this complex, fluid balance of central, regional, and local powers that enabled the Iberian Crowns to adapt to constantly evolving circumstances, to integrate diverse territories and peoples within their extended imperium, and to maintain ultimate sovereignty from afar despite the vast distances separating their numerous dominions across Africa, Asia, and America.

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