



COMMENT

# Representative Institutions and Parliamentary Culture in the Portuguese and Spanish Empires (c. 1500–c. 1700)

Pedro Cardim 

History, Universidade Nova de Lisboa Faculdade de Ciencias Sociais e Humanas, Portugal

Email: [pedro.cardim@fcs.h.unl.pt](mailto:pedro.cardim@fcs.h.unl.pt)

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## Abstract

This article explores the role of representative assemblies in the diverse territories of the early modern Spanish and Portuguese empires spanning the Americas, parts of Asia, and Africa. It begins with a concise overview of the Portuguese and Spanish representative assemblies, commonly referred to as the *Cortes*. The second section raises some preliminary questions about how the parliamentary culture brought by the Spanish and Portuguese to their overseas possessions shaped, and was shaped by, local understandings of political participation in institutions with a representational character. The third section examines the complex debate over the integration of representatives from overseas municipalities into the Castilian and Portuguese *Cortes*. The fourth and final section analyses the interaction between Iberian parliamentary culture and a range of Asian, Indigenous American, and African perspectives on participation in representative gatherings. The principal argument is that representative assemblies, the debates they generated, and their varying degrees of prominence, reflect the fundamental changes observed in the political and legal structure of the Portuguese and Spanish empires.

**Keywords:** *Cortes*; parliamentary culture; estates assembly; political representation; Portugal; Spanish Monarchy; empire; colonialism

In the 1730s, a debate unfolded both in Lisbon and in colonial Brazil about the political rights vested in the inhabitants of Portuguese American territories. As new taxes on gold in the Minas region were being levied, many residents of this Brazilian mining district gathered in Vila Rica, its main urban centre, argued that any such measure ought first to be approved by a representative assembly held on American soil. The demand was conveyed to the Overseas Council in Lisbon in 1736. In a meeting held on 9 September, several Council members expressed fears that such a representative assembly, especially one convened in America, would foster insubordination. Manuel Galvão de Lacerda, a royal counsellor, opposed the idea outright. He declared that ‘the Peoples of the Conquests have no vote in *Cortes*’. A member of the royal council and

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avowed defender of royal sovereignty, Martinho de Mendonça advised the monarch against consenting to the request made by the people of Minas. '[N]o government', he stated, 'however dependent on the vote and consent of the people, grants the right to vote on public resolutions to its Colonies or Conquests, nor can the people of Minas be considered to have a vote in *Cortes*.' Not only did Mendonça indicate that the Portuguese American possessions ('colonies or conquests') lacked a seat in the representative assembly, but he also declared that they were forbidden from organising analogous bodies of their own.<sup>1</sup>

How are we to understand this eighteenth-century colonial Brazilian debate about the political rights of the population? Whence did the demand to participate in representative assemblies originate? What motivated such forceful repudiation of the right of the people of Minas to gather in an assembly, or be represented in the metropolitan representative assembly, to deliberate on taxes? To answer these questions is the central aim of this article. It begins with a brief overview of the Portuguese and Spanish representative assemblies, commonly known as the *Cortes*. A second section examines the debates surrounding assemblies convened in colonial settings and the integration of representatives from overseas municipalities into the *Cortes* held in Spain and Portugal. The final section poses some preliminary questions about the interaction between the parliamentary culture that the Iberians introduced in their overseas possessions, and the Asian, Indigenous American and African conceptions of representative institutions. It will be argued that the 1730s debate is part of a long series of discussions about the political and legal structure of the two Iberian monarchies, and bound up with discourses related to the rights enjoyed by the inhabitants of the overseas territories of Spain and Portugal. Chief among such rights was that of participating in representative assemblies in the metropolis and convening local counterparts.

### The *Cortes* across the Iberian Peninsula

The early modern Portuguese and Spanish *Cortes* brought together representatives of the body politic: the nobility, the clergy, and the third estate. Convened to allow the monarch to 'listen to the realm' and enact measures serving the so-called 'common good', the *Cortes* provided a forum to negotiate political liberties.<sup>2</sup> They had their origins in the Middle Ages and remained an active component of the early modern Portuguese and Spanish political framework.<sup>3</sup> *Cortes* (or *Corts* in Catalan) existed across the Iberian Peninsula, in Portugal, Castile, Aragon, Catalonia, Valencia, Mallorca and Navarre.<sup>4</sup> Meetings of the *Cortes* were occasional, had no predetermined duration, and

<sup>1</sup>Torre do Tombo Archives, Lisbon, Documentos respeitantes ao Brasil, II, fos. 98–107. Jaime Cortesão conducted a comprehensive analysis of this document in *Alexandre de Gusmão e o Tratado de Madrid* (São Paulo, 2006), 366–71. See also Kirsten Schultz, 'Learning to Obey: Education, Authority, and Governance in the Early Eighteenth-century Portuguese Empire', *Atlantic Studies*, 12 (2015), 1–22.

<sup>2</sup>Pedro Cardim, 'As *Cortes* e a representação política no Antigo Regime', in *O Parlamento Português: Antigo Regime e monarquia constitucional*, ed. Pedro Tavares de Almeida (Lisbon, 2023), 7–8.

<sup>3</sup>José Ignacio Fortea Pérez, 'Orto y ocaso de las *Cortes* de Castilla', in *Calderón de la Barca y la España del Barroco*, ed. José Alcalá-Zamora and Ernest Belenguer (Madrid, 2001), 779–803.

<sup>4</sup>Xavier Gil Pujol, 'Republican Politics in Early Modern Spain: the Castilian and Catalano-Aragonese Traditions', in *Republicanism: A Shared European Heritage*, 1: *Republicanism and Constitutionalism in Early Modern Europe*, ed. Martin Van Gelderen and Quentin Skinner (Cambridge, 2002), 263–84.

only the monarch had the authority to summon and dissolve them in a manner that was considered legitimate. Thus, any 'self-convened' session was synonymous with insubordination, or even rebellion. The same could be said of a refusal to obey the king's order to adjourn the assembly.

By the late fourteenth century, it became accepted that an assembly bearing the designation *Cortes* could only be held in territories enjoying the status of a 'kingdom'. This does not mean, however, that all kingdoms that were part of Spain held *Cortes*. Galicia, Murcia and Granada, for instance, did not have *Cortes*, but rather *Juntas* or *Congresos*. These were assemblies of lesser significance, convened or supervised by a royal representative, not the king.<sup>5</sup> We also find other types of representative assemblies across Iberia, notably the so-called *Cabildos Abiertos* (literally 'open town councils') in Castile and the Portuguese *Juntas do Povo* ('people's assemblies').<sup>6</sup> Aragon possessed a range of representative bodies, including *Parlamentos* and *Diputaciones*. Cities also held assemblies, and so did brotherhoods, especially in Catalonia and Valencia. Prominent Catalan examples are the *Junta dels Elets dels Estaments* and the *Junta de Braços*.<sup>7</sup>

In Portugal, the *Cortes* met nine times in both the sixteenth and the seventeenth centuries. The Catalanian *Corts* convened more regularly in the sixteenth century (fourteen times), but less so in the seventeenth (only three times). The *Cortes* of Aragon, Valencia and Mallorca assembled less often than their Portuguese counterpart.<sup>8</sup> The Castilian *Cortes* met much more frequently (thirty-three times in the sixteenth century, and thirteen in the seventeenth). Sessions of the Portuguese *Cortes* usually lasted from three to six months. This was similar to its Aragonese, Catalan and Valencian counterparts, but was significantly shorter than the *Cortes* of Castile, which sometimes remained in session for more than a year. In Catalonia, on the other hand, the infrequent summoning of the *Corts* was counterbalanced by the activity of local representative bodies, the *Junta de Braços*. The fact that the *Junta* maintained a tripartite structure, with representatives of the nobility, the clergy and the commons, ensured it a certain political prominence.<sup>9</sup>

The Portuguese *Cortes* similarly included representatives from the so-called 'three estates of the realm', namely the clergy, the nobility and the commons. This was unlike the position in Castile, where from the mid-1530s, the *Cortes* ceased to function as an assembly of the three estates and evolved into a unicameral institution representing only a select group of major Castilian cities.<sup>10</sup> It was the Castilian institutional framework, not the Aragonese one, that was transferred to the American territories

<sup>5</sup>Jon Arrieta Alberdi, 'Ubicación de los ordenamientos de los reinos de la corona de Aragón en la monarquía hispánica: concepciones y supuestos varios (siglos XVI–XVIII)', in *Il diritto patrio tra diritto comune e codificazione (secoli XVI–XIX)*, ed. Italo Birocchi and Antonello Mattone (Rome, 2006), 127–71.

<sup>6</sup>I. A. A. Thompson, 'El Concejo Abierto de Alfaro en 1602: la lucha por la democracia municipal en la Castilla seiscentista', *Berceo*, 100 (1981), 307–31; Jesús Bravo, 'Lenguaje Político de los Concejos Rurales – el Concejo Abierto', in *VII Reunión Científica de la Fundación Española de Historia Moderna*, ed. Francisco José Aranda (2 vols.; Ciudad Real, 2004), I, 1159–70.

<sup>7</sup>Xavier Gil Pujol, 'Parliamentary Life in the Crown of Aragon: Cortes, Juntas de Brazos, and other Corporate Bodies', *Journal of Early Modern History*, 6 (2002), 379.

<sup>8</sup>Pujol, 'Parliamentary Life in the Crown of Aragon', 365–6.

<sup>9</sup>*Ibid.*, 384.

<sup>10</sup>Pérez, 'Orto y ocase de las Cortes de Castilla'.

conquered by the Spaniards.<sup>11</sup> While members of the clergy and nobility were automatically entitled to participate in the *Cortes*, representatives of the third estate were selected locally by municipalities. A municipality usually elected two individuals to represent it in the *Cortes*, known as procurators, endowing them with the so-called 'imperative mandate'. This stipulated the matters on which the procurators could deliberate, and bound them to the specific interests of the local council that had selected them.<sup>12</sup> Opinions varied, however, regarding the scope of this commission. Some argued that the procurator could only speak to matters explicitly indicated in the proxy letter issued by the electing town council. Others viewed the proxy letter as granting the procurator wide-reaching autonomy to intervene in whatever matters arose in the *Cortes*, and to make binding commitments on behalf of his constituents. These competing interpretations had an impact on the functioning of the *Cortes*; at times, specific procurators would refuse to involve themselves in certain resolutions, claiming that their proxy letter did not permit them to tackle them.<sup>13</sup>

Both the way in which representatives were chosen and the extent of their powers were a fundamental aspect of a corporate paradigm of political participation, in which the *sanior pars*, the head of a corporate body – whether family, town, city or the entire kingdom – was sufficient to represent the whole.<sup>14</sup> The procurators were selected through a vote limited to members of the local elite. This radically limited, and delegitimised, any wider engagement in decision-making.<sup>15</sup> Artisan and trade guilds often objected to the lack of broader participation, for example in Torres Novas, a town in central Portugal, where, following tensions with the municipal council, in 1641, master craftsmen petitioned for representation in the *Cortes*, claiming unjust exclusion from local elections. The Crown swiftly denied their request, fearing the establishment of an undesirable precedent.<sup>16</sup> Procurators were often seen as failing to represent the broader interests of the community, and there were consistent complaints from broad sectors of society that the *Cortes* only dealt with affairs touching the elites of a given local community, and hardly gave a thought (to say nothing of a voice) to the non-privileged majority. Francisco Manuel de Melo, a well-known seventeenth-century Portuguese writer, bitterly criticised the representatives of the third estate. In one of his dialogues, titled *Visita das Fontes* (1657), he portrayed a procurator to the *Cortes* as someone easily corrupted by the Crown and entirely indifferent to local interests.<sup>17</sup> Not only were these representatives criticised for prioritising their

<sup>11</sup>Rafael D. García Pérez, 'Revisiting the America's Colonial Status under the Spanish Monarchy', in *New Horizons in Spanish Colonial Law: Contributions to Transnational Early Modern Legal History*, ed. T. Duve and H. Pihlajamäki (Frankfurt am Main, 2015), 29–74.

<sup>12</sup>José Ignacio Fortea Pérez, 'Las Ciudades, las Cortes y el Problema de la Representación Política en la Castilla Moderna', in *Imágenes de la diversidad: el mundo urbano en la Corona de Castilla* (s. XVI–XVIII), ed. J. I. Fortea Pérez (Santander, 1997), 421–45.

<sup>13</sup>José Ignacio Fortea Pérez, 'Corona de Castilla – Corona de Aragón: convergencias y divergencias de dos modelos de organización municipal en los siglos XVI y XVII', *Mélanges de la Casa de Velázquez*, 34 (2004), 17–57.

<sup>14</sup>Cardim, 'As Cortes e a representação política no Antigo Regime', 8–9.

<sup>15</sup>Xavier Gil Pujol, 'Ciudadanía, patria y humanismo cívico en el Aragón foral: Juan Costa', *Manuscripts*, 19 (2001), 81–101.

<sup>16</sup>Cardim, 'As Cortes e a representação política no Antigo Regime', 12–14.

<sup>17</sup>Francisco Manuel de Melo, *Visita das Fontes* (1657; Coimbra, 1962), 123–6.

own interests, but they also faced accusations of purposefully prolonging sessions to increase their allowances. Some constituents doubted the procurator's commitment to delivering their petitions to the *Cortes*.<sup>18</sup>

During the sixteenth and seventeenth centuries, the *Cortes* was primarily involved in two areas of the kingdom's governance. First, in matters of royal succession: it was customary for each new king to swear before the *Cortes* to uphold the liberties of the body politic, followed by the representatives' oath of loyalty to the new monarch. Second, the *Cortes* played a key role in fiscal affairs. It also had the capacity to address a wide range of issues, and petitions brought by procurators could – and often did – trigger extensive debates. This legal latitude enabled the *Cortes* to participate in a broad spectrum of governmental proceedings. Although legislation could be enacted independently of the *Cortes*, the assembly nonetheless played a role in shaping the kingdom's laws. What were generally referred to as 'laws of the *Cortes*' in Portugal and in Castile emerged from the assembly's responses to petitions presented by the three estates, although strictly speaking, they were considered to be the product of the monarch's will, exercised in conjunction with the representative assembly. There was, therefore, a prevailing notion of 'king-in-*Cortes*'. In Aragon, Catalonia and Valencia, the situation was somewhat different. The laws enacted in the *Cortes-Corts* were known as *leyes paccionadas* and were regarded as a hallmark of pactism – the claim that sovereign authority rested on a binding pact with representative bodies, limiting royal power through established laws, privileges and customs.<sup>19</sup>

Consensual decisions were preferred. When unanimity could not be achieved, however, voting was either by secret ballot (written votes) or *in voce* (orally). In the event of a tie, the king could cast the deciding vote.<sup>20</sup> Nevertheless, many representatives were often dissatisfied with the outcome of the vote, leading to prolonged debate, often marked by discord and trenchant criticism of the Crown. This is precisely what transpired in the Catalan *Corts* of 1626 and 1632, when many participants fiercely opposed the fiscal measures introduced by Philip IV, and launched scathing critiques of various aspects of royal policy orchestrated by the Count-Duke of Olivares, the king's powerful favourite.<sup>21</sup>

Summoning the *Cortes* was thus seen by many as risky, tending to facilitate more concerted forms of opposition against royal policies. This perception was borne out by instances where the assembly indeed became a platform for full-throated dissent, particularly within the third estate.<sup>22</sup> Disputes about taxes or royal succession sometimes crystallised into critiques of governance and protests against the privileges held by the nobility and the clergy. The Castilian *Cortes*, convened in May 1592 during a period of financial crisis for the Spanish Crown, serves as a key example of effective opposition, when coordinated resistance among the procurators ultimately compelled the Crown to withdraw its fiscal proposals.<sup>23</sup>

<sup>18</sup>Cardim, 'As *Cortes* e a representação política no Antigo Regime', 12–13.

<sup>19</sup>Pujol, 'Parliamentary Life in the Crown of Aragon', 372.

<sup>20</sup>Cardim, 'As *Cortes* e a representação política no Antigo Regime', 22–3.

<sup>21</sup>Pujol, 'Parliamentary Life in the Crown of Aragon', 385–6.

<sup>22</sup>I. A. A. Thompson, 'Oposición política y juicio del gobierno en las *Cortes* de 1592–98', *Studia Histórica: Historia Moderna*, 17 (1997), 37–62.

<sup>23</sup>José Ignacio Fortea Pérez, 'Entre dos servicios: la crisis de la Hacienda Real a fines del siglo XVI. Las alternativas fiscales de una opción política (1590–1601)', *Studia Histórica: Historia Moderna*, 17 (1997), 80.

One of the most contentious episodes in the history of the Portuguese representative assembly occurred in May 1674. King Alphonse VI had been removed from the throne by his younger brother, Peter, and placed under arrest. Two opposing factions emerged, one in favour of Alphonse's restoration, and the other supporting Peter. The *Cortes*, and especially the third estate, declared that Peter should assume the royal title. The royal officers present not only rejected this proposal but also denied that the *Cortes* had a role in determining the succession. Yet some of the representatives of the third estate stuck to their guns. Their vocal dissatisfaction led the Marquis of Marialva – a member of the high nobility closely aligned with royal interests – to command them to be silent. 'Your Excellencies, the Procurators, must understand', Marialva reportedly shouted, 'that you are not the Parliament of England, and that His Highness is the Sovereign and absolute Lord of this Kingdom and can do with it as he pleases, and sell it if he so wishes.'<sup>24</sup> The episode suggests that by the second half of the seventeenth century, many Portuguese considered the Parliament of England to be an assembly where royal authority could be challenged much more forcefully than in theirs.<sup>25</sup>

The process of dissolving the assembly often generated discontent, especially when representatives of the third estate disagreed with the resolutions adopted. There was no explicit rule governing the manner in which an assembly was to be concluded, nor was there a fixed time frame for its dissolution, although it was generally understood that only the king could legitimately dissolve it. The king's death while the *Cortes* was in session thus raised doubts about whether the assembly could continue to sit. This situation occurred in Portugal in January 1580. After the death of King Henry I, many representatives of the third estate defied the regency council's order to dissolve the *Cortes* and remained in session for several months. The ensuing succession crisis led to Philip II of Spain ascending the throne as Philip I of Portugal, his title affirmed by the *Cortes* in 1581.<sup>26</sup>

### Town council assemblies across the Spanish and Portuguese empires

Should the new colonies in the overseas lands of the Spanish kingdoms be incorporated into this system of representative assemblies, or establish their own, separate system? Parallel to the parliamentary activity in Spain and Portugal, the sixteenth and seventeenth centuries witnessed a significant debate over whether municipal councils could convene viable representative assemblies in overseas lands. These debates were particularly intense in Spanish America.

In the initial phase of colonisation, a few urban centres in Spanish America began holding assemblies.<sup>27</sup> These were councils representing individual towns or cities, or

<sup>24</sup>This episode was described by Juan Bautista Maserati, a Spanish diplomat in Lisbon, in a letter to the Council of State in Madrid, dated 7 May 1674, Archivo General de Simancas, Estado – Portugal, 2626.

<sup>25</sup>Cardim, 'As Cortes e a representação política no Antigo Regime', 26.

<sup>26</sup>Pedro Cardim, 'Élites, représentation et participation politique du peuple: les Cortes et le débat sur l'élection du roi dans la crise de Succession Portugaise de 1578–1581', in *Quand le peuple élit le roi*, ed. Yves Junot and J. J. Ruiz Ibáñez (Lille, forthcoming).

<sup>27</sup>Francisco Quijano Velasco, 'En nombre de esta dicha Nueva España: las Juntas de Ciudades en Nueva España durante el siglo XVI', in *Mediación política en las monarquías ibéricas: expansión, consolidación, conservación*, ed. Gibran Bautista (México and Lausanne, forthcoming). See also Guillermo Lohmann Villena, 'Las Cortes en Indias', *Anuario de historia del derecho español*, 18 (1947), 655–62.

assemblies that brought together multiple towns. In Spanish America, the first assembly was held in 1518 in Santiago de Cuba, and in the years that followed several other gatherings took place, summoned by the individual municipalities (*Cabildos*). Royal authorities promptly moved to regulate these gatherings. In September 1528, they granted Mexico City the first place in future gatherings of cities and towns in New Spain, specifying that such events would only be considered legitimate if called and presided over by a royal representative. Prior authorisation from the king would also be required for these assemblies. These regulations were first introduced in New Spain and later extended to the viceroyalty of Peru. By April 1540, royal authorities in Peru had identified several cities eligible to hold such assemblies. Crucially, these gatherings were not referred to as *Cortes*; instead, contemporaries termed them *juntas* or *Congresos*, denoting representative assemblies of a lower rank than the *Cortes* convoked in Castile by the king.<sup>28</sup>

Yet Spanish authorities did consider whether an assembly in the Americas might merit the status of being called *Cortes*, albeit convened not by the king but by a viceroy. This possibility was discussed (though not implemented) in 1559. The 'Instructions' issued to the Count of Nieva, viceroy of Peru, on 23 July 1559, mention the Crown's intention to convene *Cortes* in the Americas. So as to secure financial contributions from Peru, the Instructions envisioned an assembly of the key urban centres, presided over by the viceroy.<sup>29</sup> The issue resurfaced in the later 1560s, this time in New Spain. The viceroy, the Marquis of Falces, informed the city council of Mexico that the Crown was weighing the possibility of convening such an assembly in America. As with Peru, the objective was to augment the tax revenue derived from the cities of New Spain, and to pre-empt political discontent through prior consultation. The city council responded that Mexico would only engage in such an assembly if the monarch agreed to 'make this province [New Spain] a kingdom of its own' ('hacer esta provincia reino de por sí').<sup>30</sup> Essentially, the Mexican *Cabildo* was arguing that the viceroyalty of New Spain should be transformed into a distinct kingdom with its own legal identity and political autonomy, akin to those existing in the European part of the Spanish Monarchy, such as Naples or Sicily. As might be expected, royal authorities rejected the proposal.

Even so, the prospect of enhancing the political and legal status of Spanish American territories was discussed frequently from the late sixteenth century onwards. The right to convene a representative assembly was integral to the projects of political advancement put forward by colonial elites. Some royal representatives in the Americas were supportive of such ambitions; others were not. In New Spain in 1628, some members of the municipality of Mexico suggested summoning an assembly with the standing of a *Cortes* to discuss the fiscal contribution of the inhabitants. The viceroy, Marquis of Cerralvo, dismissed the petition.<sup>31</sup> In the late 1620s, the Count of Chinchón

<sup>28</sup> Villena, 'Las Cortes en Indias', 658–60.

<sup>29</sup> *Ibid.*, 659.

<sup>30</sup> Quijano Velasco, 'En nombre de esta dicha Nueva España'; Guillermo Lohmann Villena, 'Notas sobre la presencia de la Nueva España en las Cortes metropolitanas y de Cortes en la Nueva España en los siglos XVI y XVII', *Historia Mexicana*, 39 (1989), 33–40; Bernard Lavallé, *Las promesas ambiguas: ensayos sobre el criollismo colonial en los Andes* (Lima, 1993).

<sup>31</sup> Alejandro Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico* (2003).



was appointed viceroy of Peru and tasked with bolstering its contribution to royal finances. In his correspondence with the Council of the Indies, he conceded that the absence of an assembly in America equivalent to a royal parliament stemmed from the political inferiority of the two American viceroalties vis-à-vis the peninsular Spanish territories. He also acknowledged that this showed the king was 'more absolute' in the Americas.<sup>32</sup> Nevertheless, Chinchón favoured allowing major American cities to negotiate fiscal measures, on the model of European ones. In response, the Council of the Indies, in Madrid, reiterated that American territories did not possess representative assemblies, merely *juntas* or *Congresos*.<sup>33</sup> The authorities never convened a *Cortes* in New Spain or Peru. Doing so would imply a level of equality between Spanish American territories and the Spanish domains in Europe. Additionally, it would involve recognising each Spanish American vicerealty as a self-governing political unit, with its own legal framework and a heightened degree of political autonomy vis-à-vis metropolitan Castile.

By contrast, there were no comparable discussions in relation to the Portuguese overseas lands. Governing bodies never considered the option of summoning an assembly equivalent to the *Cortes* within any of the kingdom's possessions, be it in Asia, the Americas, or Africa. Nonetheless, a distinctive form of assembly did emerge in many Portuguese overseas territories: the gatherings of urban councils (*Câmaras*) of a particular region. These assemblies facilitated political communication between royal authorities and diverse sectors of society. Some were launched independently by town councils. Others were organised and supervised by royal representatives, including viceroys or governors-general, governors of captaincies or donatory-captains (officials with the title of captain granted the authority, rights and revenues associated with governing a specific territory, named 'captaincy'). Significantly, these local assemblies, while never aspiring to the name of *Cortes*, adopted terms akin to those of the peninsular *Cortes*, for instance the 'estates', to denote the groups summoned to attend.

In Brazil, these assemblies typically included town councils from a given captaincy and its neighbouring counterparts. Their purpose was to reach an agreement between the royal representative and the local governing bodies, primarily concerning the implementation of new fiscal measures. They included, for example, the meetings held in the 1660s between the Governor of Brazil and certain town councils to finalise the details of the financial contribution from the Portuguese in America to the dowry of Queen Catherine, the bride of Charles II of England.<sup>34</sup> Another notable instance occurred in Bahia in 1674, when the governor-general directed the Bahian town councils of Cairu, Camamú and Boipeba to designate an alderman each to go to Salvador da Bahia, the capital city of Brazil, and renegotiate their fiscal contributions. This assembly resulted in an agreement that was binding for both the governor-general

<sup>32</sup>Arrigo Amadori, *Negociando la obediencia: gestión y reforma de los virreinos americanos en tiempos del Conde-Duque de Olivares (1621-1643)* (Seville, 2013).

<sup>33</sup>Óscar Mazín, 'Leer la ausencia: las ciudades de Indias y las *Cortes* de Castilla: elementos para su estudio (siglos XVI y XVII)', *Historias*, 84 (2013), 106–7.

<sup>34</sup>Leticia Ferreira, *É pedido, não tributo: as negociações políticas para o pagamento do donativo do dote da princesa e a paz com a Holanda (Portugal e Brasil c.1660-c.1725)* (Rio de Janeiro, 2022).



and the four municipalities.<sup>35</sup> The Portuguese Crown came to view such assemblies convened and overseen by a royal representative – the viceroy or the governor-general or the governor of a captaincy – as particularly valuable to prevent unrest, and they continued to be summoned, if only sporadically. As in the Iberian Peninsula, local elites dominated these assemblies; most of the population was underrepresented or excluded. And as in the Iberian Peninsula, in both Portuguese and Spanish overseas territories only men were permitted to serve as representatives. Those of Indigenous American, Asian or African descent were initially excluded, although over time some mixed-race individuals managed to secure a seat.

In both the Spanish and Portuguese overseas territories, however, custom allowed for some moments of extensive participation of the population in deciding matters of special significance. These mirrored the peninsular assemblies known in Spain as *Cabildos Abiertos* ('open town councils') and in Portugal as *Juntas do Povo* ('people's assemblies'). There is evidence for such assemblies not only in major cities like Mexico, Lima and Manila, but also in smaller urban centres, such as Tunja, in the New Kingdom of Granada.<sup>36</sup> In the Portuguese context, good examples are the *Câmara Geral* (general municipal council) and the *Junta do Povo* (people's assembly), both held in Goa in 1633 and 1647, respectively, in which only the Christianised inhabitants had the right to participate.<sup>37</sup> Several *Juntas do Povo* were also held in various regions of colonial Brazil.

### Representatives of imperial territories in peninsular assemblies

The relationship between the local elites and royal government in peninsular Spain could largely be managed through these local assemblies. But in both Iberian empires there were attempts to incorporate these non-European lands into the peninsular framework of representative institutions. These were admired in Britain's empire. In his *The Groans of the Plantations* (1689), Edward Littleton, prominent planter and judge in late seventeenth-century Barbados, extolled the Portuguese authorities for inviting procurators from Goa to the *Cortes* in Lisbon.<sup>38</sup> He suggested that English authorities follow Portugal's example, by allowing colonial representatives to participate in fiscal policy decisions. Littleton was not the only Englishman to remark on the Portuguese practice. In his *British Empire in America* (1708), published a year after the Anglo-Scottish union, historian and pamphleteer John Oldmixon lauded the decision of Portuguese authorities to extend invitations to overseas procurators to attend the *Cortes*. Oldmixon similarly suggested that British authorities should follow Portugal's example in their

<sup>35</sup> Maria Fernanda Bicalho, José Damião Rodrigues and Pedro Cardim, 'Cortes, juntas e procuradores', in *Um reino e suas repúblicas no Atlântico: comunicações políticas entre Portugal, Brasil e Angola nos séculos XVII e XVIII*, ed. João Fragoso and Nuno Monteiro (Rio de Janeiro, 2017), 101–36.

<sup>36</sup> Max Deardorff, *A Tale of Two Granadas: Custom, Community, and Citizenship in the Spanish Empire, 1568–1668* (Cambridge, 2023), 155.

<sup>37</sup> Jorge Flores and Giuseppe Marocchi, 'Killing Images: Iconoclasm and the Art of Political Insult in Sixteenth and Seventeenth Century Portuguese India', *Itinerario: Journal of Imperial and Global Interactions*, 42 (2018), 461–89.

<sup>38</sup> Edward Littleton, *The Groans of the Plantations, or, A True Account of their Grievous and Extreme Sufferings by the Heavy Impositions upon Sugar and Other Hardships Relating More Particularly to the Island of Barbados* (1689) 23.

approach to their North American territories.<sup>39</sup> Such a step, he believed, would fortify the internal cohesion of Great Britain, especially given the recent creation of the British Parliament comprising English and Scottish MPs that would sit at Westminster.

It was in the Spanish context, however, that the possibility was first raised of summoning representatives from overseas municipalities to a *Cortes* in the Iberian Peninsula itself. The Spanish territories in the Americas, as we have seen, were legally linked to the Crown of Castile. Therefore, it was the Castilian political and legal apparatus, and not that of the other Spanish kingdoms, that was transferred to the Americas.<sup>40</sup> In the newly established colonial society, Spanish American elites soon began to seek enhanced political status. The Santo Domingo assembly of municipal councils that met in 1518 expressed its intention to send a representative from the island, known as a 'general procurator', to the *Cortes* of Castile. However, participation in the assembly needed royal consent, and the request was ultimately denied.<sup>41</sup>

At these early stages of colonial society formation, Spanish authorities did not entertain the idea of including overseas representatives in the metropolitan *Cortes*, in part because of the nascent nature of the European-style institutions that had been established in the American lands. At a time when Spanish institutions in America were still finding their footing, it was unclear what kind of body these procurators would be representing. Nor did the Spanish authorities appear to esteem the residents of these newly conquered lands in terms of their history, nobility or 'purity of blood'. In the Iberian political culture of that period, communities were deemed more honourable if they had a distinguished history, a noble ancestry and 'purity of blood' – the latter meaning a majority of the Catholic population had not intermarried with people of other religions or ethnic backgrounds. These were the criteria for granting more (or fewer) political rights. This assessment, it should be noted, applied not only to the local populations, but also to the people of European origin who had settled in America.<sup>42</sup>

During this time, Spanish and Portuguese settlers were unable to use their newly transplanted institutions as a nexus for their political and legal identity. They could not exercise the crucial political rights essential for any political body of that period, such as priority in choosing local officers over external individuals; they were not the exclusive beneficiaries of noble titles within these locales; and, most significantly for the subject of this article, they did not have the authority to grant their consent to

<sup>39</sup>John Oldmixon, *The British Empire in America, Containing the History of the Discovery, Settlement, Progress and Present State of All the British Colonies, on the Continent and Islands of America* (1708), I, xxxiv–xxxv. On Oldmixon, see Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France, c.1500–c.1800* (New Haven, 1995), 111.

<sup>40</sup>Francisco Quijano Velasco, "'De estas partes y nuevos reinos': la conformación de Nueva España y sus fronteras (1519–c.1550)", *Intus – Legere Historia*, 13 (2019), 85–110; José Luis Caño Ortigosa, 'Los cabildos indianos: estado de la cuestión, fuentes y archivos para un necesario avance historiográfico', *Revista Electrónica de Fuentes y Archivos*, 10 (2019) 15–37.

<sup>41</sup>Guillermo Lohmann Villena, 'Notas sobre la presencia de la Nueva España', 33–40; Demetrio Ramos Pérez, 'Las ciudades de Indias y su asiento en Cortes de Castilla', *Revista del Instituto de Historia del Derecho Ricardo Levene*, 18 (1967), 170–85.

<sup>42</sup>Bernard Lavallé, 'Peut-on parler d'un Projet Créole au XVII<sup>e</sup> siècle' in *L'Amérique en Projet: Utopies, Controverses et Réformes dans l'Empire espagnol, XVI<sup>e</sup>–XVIII<sup>e</sup> siècle*, ed. Nejma Kermele and Bernard Lavallé (Paris, 2008) 213–27; María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Palo Alto, CA, 2008).

actions undertaken by the king that affected them.<sup>43</sup> These nascent colonial societies were regarded as subordinate to the ‘main part’ (*parte principal*, in both Spanish and Portuguese) of the two Iberian territorial conglomerates: peninsular Spain and peninsular Portugal.<sup>44</sup> In the vocabulary of the time, the latter were frequently referred to as the ‘head of the political body of the monarchy’.

In September 1528, however, the *Cabildo* (municipality) of Mexico also petitioned for representation in the Castilian *Cortes*. In 1530, after some hesitation, royal authorities granted it the ‘first vote’, giving it precedence over other Spanish American cities in any future assembly. The granting of this privilege by the Crown indicates that it was beginning to recognise some ‘maturity’ in the local government institutions established in the Americas. In spite of this, no representative actually made the journey – there was little time left for the long trip to Europe, a protracted stay in Castile (the assembly usually lasted several months) was expensive, and, from the mid-sixteenth century onward, the *Cortes* were increasingly focused on taxation in peninsular Castile.<sup>45</sup> Moreover, Spanish American elites were concerned that participating in the assembly could lead to their being incorporated in fiscal commitments arising from the assembly. Instead of sending their own representatives to the *Cortes*, many overseas municipalities chose to rely on their more or less permanent envoys in Madrid.<sup>46</sup>

Given the difficulties of participating, and the anxieties about doing so, how are we to explain the efforts by newly established American municipalities to obtain the right of participation in the *Cortes*? On one level, their efforts aligned with broader strategies pursued by local elites from Spanish America. From the 1530s onwards, these elites began to portray themselves, more than the royal government, as the true agents responsible for the conquest and development of their territories. This was a way of advocating for political status, with the ultimate aim of establishing a distinct legal boundary within their spheres of influence. Such actions were intended to reinforce their control over local resources and local government positions, especially in relation to outsiders. It was a dynamic fuelled by the elites’ interest in self-governance and in the recognition of their status as leaders within these emerging communities.<sup>47</sup>

<sup>43</sup>Tamar Herzog, *Defining Nations. Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven, 2003); Maria Fernanda Bicalho, ‘Colônia ou Conquista, Loja ou engenho? Identidades e discursos identitários na América portuguesa nos séculos XVII e XVIII’, in *Repensar a identidade: o mundo ibérico nas margens da crise da consciência europeia*, ed. David Martín Marcos, Pedro Cardim and J. M. Iñurrategui (Lisbon, 2015), 205–22.

<sup>44</sup>Pedro Cardim, ‘Conquista, província, colônia e reino: o lugar do Brasil e dos seus habitantes na estrutura político-jurisdicional da monarquia portuguesa (c.1500–c.1820)’, in *Cultura política e artes de governar na Época Moderna, sécs. XVI–XVIII*, ed. Ana Paula Megiani and Marcella Miranda (Porto, 2002), 45–102.

<sup>45</sup>Woodrow Borah, ‘Representative Institutions in the Spanish Empire in the New World’, *The Americas*, 13 (1956), 246–57.

<sup>46</sup>Caroline Cunill and Francisco Quijano Velasco, ‘“Que nosotros quedemos en aquella figura como nuestra lealtad y servicios merecen”: cadenas de representación en el imperio hispánico’, *Nuevo Mundo Mundos Nuevos*, Débats (2020), 5.

<sup>47</sup>Jorge Díaz Ceballos, ‘From Castilla del Oro to the Royal Court and Back: Cities and Political Representation in the Spanish Atlantic, 1510–1573’, *Journal of Early American History*, 14 (2024), 29–57. For an analysis of this process at the scale of the Spanish Monarchy, see Xavier Gil Pujol, ‘Una cultura cortesana provincial: patria, comunicación y lenguaje en la monarquía hispánica de los Austrias’, in *Monarquía, imperio y pueblos en la España moderna*, ed. Pablo Fernández Albaladejo (Alicante, 1997), 225–57.

In the years that followed royal authorities were occasionally willing to summon representatives from specific American cities to the royal court or to the *Cortes* of Castile. Such a gesture was meant to reinforce the political ties between the Spanish monarchy and its American territories, and to pull them into any new fiscal measures being implemented.<sup>48</sup> In the early seventeenth century, and particularly within the scope of the reforms spearheaded by the Count-Duke of Olivares, King Philip IV's favourite, numerous proposals for the summons to the *Cortes* of representatives from select Spanish American cities circulated in the royal court. It is noteworthy that, despite Portugal and its empire having been under Spanish rule since 1580, none of these proposals considered the urban centres located in the Portuguese overseas territories.

A few prominent royal officers in Spanish America also argued for the inclusion of cities from New Spain and Peru in the Crown's peninsular assemblies. In a letter dated March 1633, the viceroy of Peru, the Count of Chinchón, proposed that the four cities holding the status of the head of the viceroyalty of Peru (Lima, Cuzco, Quito, and presumably La Plata) should have their representatives summoned to the Castilian *Cortes* whenever they were to swear allegiance to the heir apparent.<sup>49</sup> Similar opinions emerged in New Spain during the same period, but with respect to regions that housed the so-called *audiencias*, appellate courts with a very broad jurisdiction in legal and geographic terms (Mexico, Santo Domingo, Nueva Galicia and Manila). In 1635, Philip IV granted his consent in principle, not only for the main cities of the viceroyalty of New Spain, but also for those in Peru. The purpose was to incorporate the cities of the Indies into the fiscal plans of the Spanish monarchy.<sup>50</sup> Ultimately, however, no representative from a Spanish American city council ever participated in the Castilian *Cortes*.

The Spanish authorities never fully granted overseas representation in the *Cortes* – but the Portuguese did. Following Portugal's secession from the Spanish monarchy in 1640, the newly established Portuguese Braganza dynasty called the *Cortes* with greater frequency, seeking to solidify its political position. In 1642, representatives from the Azorean municipality (*Câmara*) of Angra joined the *Cortes* for the first time. Three years later, in 1645, two procurators from the municipality of Goa were granted seats in the front row, taking their place alongside prominent Portuguese cities, as part of the group of *definidores*, members of the third estate chosen to remain throughout the entire duration of the assembly – which could extend for months. They were vested with a substantial role in decision-making throughout all assembly sessions and given access to exclusive meetings with the king and the secretary of state.<sup>51</sup> The title of *definidor* was therefore a distinction, as it implied the recognition of the political weight of the locality that the procurator represented. The first representative from

<sup>48</sup>Mazín, 'Leer la ausencia', 103.

<sup>49</sup>Arrigo Amadori, *Negociando la obediencia* (Madrid, 2013). See also Fred Bronner, 'La unión de las armas en el Perú: aspectos político-legales', *Anuario de Estudios Americanos*, 24 (1967), 1133–76; Mazín, 'Leer la ausencia', 106.

<sup>50</sup>Mazín, 'Leer la ausencia', 107.

<sup>51</sup>Pedro Cardim, 'Political Status and Identity: Debating the Status of American Territories across the Sixteenth and Seventeenth Century Iberian World', *Rechtsgeschichte: Journal of the Max Planck Institute for European Legal History*, 24 (2016), 101–16.

Portuguese America attended the *Cortes* in 1653, a member of Salvador da Bahia's city council named Serrão de Paiva. Paiva was not only named 'procurator of Brazil', but was also granted the rank of *definidor*. In the years that followed, representatives of Goa and Salvador da Bahia continued to attend the *Cortes*, and in January 1674, the king extended the privilege to the municipality of São Luís do Maranhão, allowing it to appoint two procurators.<sup>52</sup> The decision to invite these representatives reflected the need to uphold and strengthen ties between these overseas territories and mainland Portugal, especially as European competitors took increasing interest in these regions. The choice of Goa, Salvador da Bahia and São Luís do Maranhão appears to have been influenced by their functions as administrative hubs of regional importance, capitals of the three primary Portuguese overseas territories: the *Estado da Índia*, the *Estado do Brasil* and the *Estado do Maranhão*. Another factor must have been the prevailing perception in Lisbon that these municipalities, together with their local elites, had achieved a sufficient level of respectability. The local elites of Goa, Salvador da Bahia and São Luís, in turn, valued this call to the *Cortes* as a sign that they and their local institutions were being recognised by the metropolitan authorities. As such, they sought to make the most of this status by claiming more freedoms and rights.

Nevertheless, incorporating representatives from three 'overseas' cities into an assembly that claimed to give voice to the 'three estates of the kingdom' posed several challenges. Firstly, in legal and political terms, 'kingdom' referred to peninsular Portugal and not to its 'overseas conquests' (*conquistas ultramarinas*). Installing representatives of recently established non-European cities alongside procurators of the ancestral cities of peninsular Portugal was controversial, especially given persistent biases against individuals from the so-called 'overseas' territories, and scepticism about their political competence.<sup>53</sup> Furthermore, the status of these overseas procurators was somewhat ambiguous. As has been mentioned, the representatives of the cities and towns with seats in the *Cortes* were not exactly 'deputies', but procurators of the urban centres that had chosen them. Thus, their foremost duty was to safeguard the interests of their urban corporation. They were not expected to raise the concerns of their region of origin (India, Brazil or Maranhão), nor to speak on behalf of the whole 'kingdom'.<sup>54</sup> Some argued that the overseas procurators simultaneously represented both the municipality that had chosen them, and the territory in which that municipality served as a capital city. Indeed, as has been stated, those elected by the city council of Salvador da Bahia were called 'procurators of Brazil'.<sup>55</sup> Those who took the broader view of their representative function contended that, in accordance with the contemporary ideas of representation, the city councils that were regarded as the 'heads' of India, Brazil and Maranhão were sufficient to stand in for the whole. However, perhaps predictably, the elites of other cities in Brazil – such as Rio de Janeiro

<sup>52</sup>Thiago Krause and Pedro Cardim, 'A comunicação entre a Câmara de Salvador e os seus procuradores em Lisboa durante a segunda metade do século XVII', in *Salvador da Bahia: retratos de uma cidade atlântica*, ed. Everton Sales Souza, Hugo Silva and Guida Marques (Salvador da Bahia, 2016), 59–110.

<sup>53</sup>Cardim, 'Conquista, província, colónia e reino', 49–50.

<sup>54</sup>Cardim, 'As Cortes e a representação política no Antigo Regime', 33–4.

<sup>55</sup>Krause and Cardim, 'A comunicação entre a Câmara de Salvador e os seus procuradores em Lisboa', 56.

– contested the authority of the procurators from Salvador da Bahia to speak on their behalf at the Lisbon *Cortes*.<sup>56</sup> Similar conflicts had occurred long before in New Spain, between Mexico and Puebla. The municipality of the latter opposed Mexico speaking on behalf of all New Spain.

In any case, the political weight of the three procurators of the overseas city councils at the *Cortes* was limited, since the assembly comprised representatives from over a hundred urban councils of peninsular Portugal. Moreover, minutes from the sessions reveal that not one of them actively engaged in the debates, much less participated in the voting.<sup>57</sup> A possible explanation for their silence is that discussions in these gatherings tended to revolve around matters concerning the European part of the Portuguese monarchy: the *Cortes* rarely served as the stage for debates about Portuguese overseas territories. It may be that they were not given an opportunity to speak, and that they and their respective municipalities were seen as subordinate in status, with fewer rights than their peninsular counterparts. Edward Littleton and John Oldmixon may not have been aware of these constraints on overseas representatives in the *Cortes* or else conveniently ignored them.

### Interaction among Iberian, African, Asian and Indigenous American assemblies

The Iberian traditions of representative assembly were of course alien imports in lands with their own traditions and practices. During the period under examination, both the Spanish and the Portuguese empires served as arenas for encounters between distinct perspectives on representative gatherings. The Iberian empires did not exercise uniform governance over their vast overseas territories, but worked within and through a wide variety of political formations and navigated complex local dynamics to maintain influence.<sup>58</sup> The Iberians engaged with communities that had their own traditions of assembly culture, collegial decision-making and specific notions of community representation.

Throughout the fifteenth century, while exploring coastal Sub-Saharan Africa, the Portuguese had the opportunity to witness ceremonies presided over by local kings, which often included gatherings displaying representative features.<sup>59</sup> A more structured form of interaction with Indigenous communities began in the sixteenth century. In Goa, for instance, from as early as 1526 Portuguese authorities incorporated the *Gaunkaris* – a collegial form of village administration – into the imperial framework

<sup>56</sup>Virginia Rau and Maria F. G. da Silva (eds.), *Os manuscritos do Arquivo da Casa de Cadaval respeitantes ao Brasil*, I (Coimbra, 1956), 31.

<sup>57</sup>Pedro Cardim, 'As *Cortes* de Portugal e o governo dos "Territórios Ultramarinos" (séculos XVI–XVII)', in *O governo dos outros: poder e diferença no império português*, ed. A. B. Xavier and C. N. Silva (Lisbon, 2016), 437–66.

<sup>58</sup>António M. Hespanha and Pedro Cardim, 'A estrutura territorial das monarquias ibéricas', in *Monarquias ibéricas em perspectiva comparada (sécs. XVI–XVIII)* (Lisbon, 2018), 51–96; Manuel Bastias Saavedra, 'Decentering Law and Empire: Law-Making, Local Normativities, and the Iberian Empires in Asia', in *Norms Beyond Empire: Law-Making and Local Normativities in Iberian Asia, 1500–1800*, ed. Manuel Bastias Saavedra (Leiden, 2022), 7.

<sup>59</sup>Herman Bennett, *African Kings and Black Slaves: Sovereignty and Dispossession in the Early Modern Atlantic* (Philadelphia, 2019), 143–4.



as a way to ensure the loyalty of local elites, although their incorporation meant a significant restructuring of these village assemblies.<sup>60</sup>

Comparable processes were taking place in Spanish America around the same time. In New Spain, the pre-Hispanic administrative system was overlaid with the Spanish municipal model.<sup>61</sup> Spanish authorities retained the institution of the so-called ‘natural lord’, the *principal* of an Indigenous community, and granted rights and privileges to several major Indigenous cities, such as Mexico-Tenochtitlan, Texcoco, Toluca, Tacuba, Tzintzuntzan and Xochimilco. In some regions without a lordship tradition, presumably the Mayan highlands of Chiapas and Guatemala, the Spanish introduced forms of *Cacique* authority,<sup>62</sup> whereas in others they sought to draw on selected aspects of local systems of governance – such as local assemblies and certain types of representative gatherings – when incorporating Indigenous communities into colonial rule. In contrast, in Oaxaca, the Indigenous lordship tradition maintained its influence over the structure of Indian towns during the second half of the sixteenth century.<sup>63</sup> In Chiapas and Atitlan (present-day Guatemala), the council of elders – a collegial body of Indigenous governance – continued to function under colonial rule.<sup>64</sup>

These changes did not arise solely from Spanish initiative. They also reflected the agency of Indigenous populations in their interactions with colonial authorities and other Indigenous communities under Spanish rule. Tlaxcala and Tepeaca, in present-day east-central Mexico, offer notable examples of local peoples adapting colonial institutions: in 1545, the Tlaxcalans adopted the Castilian *Cabildo* model while maintaining elements of pre-Hispanic collective decision-making. In Tepeaca, also in central Mexico, local ‘natural lords’ likewise merged the pre-Hispanic power structure with Castilian institutions, such as the *Cabildo* and the *Behetrías* (community assemblies). The Maya from the lowlands, in Yucatan, also adapted certain Spanish institutions to their political culture, resulting in a hybrid system.<sup>65</sup> Central to Maya governance were assemblies that not only made decisions but also defined roles for key participants, such as the *Principales* (leading figures of noble lineage who held significant influence in deliberations). According to Dominican friars, the Maya had their own conception of consent, believing that a fair decision emerged from the collective

<sup>60</sup>Ângela Xavier, ‘Village Normativities and the Portuguese Imperial Order: The Case of Early Modern Goa’, in *Norms Beyond Empire: Law-making and Local Normativities in Iberian Asia, 1500–1800*, ed. M. Bastias Saavedra (Leiden, 2022), 43–47.

<sup>61</sup>Margarita Menegus, *Del señorío indígena a la república de indios: el caso de Toluca:1500–1600* (Madrid, 1991), 41–70; Gudrun Lenkersdorf, ‘Caciques o concejos: dos concepciones de gobierno’, *Chiapas*, 11 (2001), 77–88.

<sup>62</sup>*Caciques* were the governing leaders of the Taíno people, who inhabited the Caribbean at the time of European contact. The term, derived from the Taíno word ‘kasike’, was later incorporated into Spanish to designate Indigenous rulers across the Americas. Martha Atzin Bahena Pérez, ‘Narrativas de éxito y fracaso: autoridades indígenas de frontera y usos sociales del pasado en Chiapa de la Real Corona (1571–1603)’, *Trashumante: Revista Americana De Historia Social*, 19 (2022), 1–22.

<sup>63</sup>Yanna Yannakakis, *The Art of Being In-between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca* (Durham, NC, 2008), 131–58.

<sup>64</sup>Margarita Menegus Bornemann, ‘El gobierno de los indios en la Nueva España, siglo XVI: señores o cabildo’, *Revista de Indias*, 59 (1999), 599–617.

<sup>65</sup>Caroline Cunill, ‘El pensamiento político maya en el Yucatán del siglo XVI: reflexiones sobre “can” y “than”, “la Plática”, “la Palabra”’, *Estudios de la Cultura Maya*, 52 (2018), 117–37.



deliberation of multiple voices.<sup>66</sup> Maya gatherings also involved symbolic exchanges of gifts and meals, which helped reinforce interpersonal bonds. Spanish authorities identified these gatherings with the *Cabildo*. The Mayans strategically acknowledged the advantages of integrating elements of the Spanish municipal framework. By accepting the framing of their practices in European terms, they were able to incorporate their concerns about land, tribute, labour, natural resources, and familial, corporate or town interests into a formalised framework for negotiation.

Borderland regions were the most likely to see interactions between local and Iberian forms of decision-making gatherings. That was especially true in lands south of Chile, controlled by the Reche, the Indigenous peoples who came to be known as the Mapuche from the eighteenth century onward. Among the Reche, the *Koyagtun* was a gathering intended to make decisions about government and war. The Spanish, particularly the Jesuits, eventually came to accept participation in these gatherings, referring to them as 'Parlas'.<sup>67</sup> The first of these took place in the early seventeenth century. They were used by the Jesuits, notably Luis de Valdivia, to approach the Reche, end conflicts and evangelise the Indigenous. On 6 January 1641, one such 'Parla' was held in Quillín, in present-day Cautín, Chile. This gathering had an ambitious objective: to assemble all *Lonkos* (Reche political leaders, literally 'heads') and *Ulmen* (wealthy men or 'big men') to ensure no group or faction remained outside the negotiation framework and the resulting agreement. From this point onward, the Spanish began calling these events *Parlamentos*, which became important arenas of negotiation with Indigenous groups, particularly as a means to forge alliances. The choice of the word 'Parliament' was reportedly based on the Spanish belief that the Mapuche required extensive deliberation before reaching any decision affecting the community.<sup>68</sup>

*Parlamentos* took place from the second half of the seventeenth century until the end of the colonial period. They were initially held in Indigenous lands. This practice was generally followed in the seventeenth century, though in the eighteenth century some *Parlamentos* came to be held in areas under Spanish control. They can thus be seen as institutions rooted in both Reche-Mapuche and Spanish traditions. The Indigenous had long-standing systems of negotiation, which their interaction with the Spanish placed into a new context for development.<sup>69</sup> The end result was hybrid frontier institutions, employed by both the Spanish and the Mapuche to serve their own interests, with each actor interpreting and engaging with them according to their own perceptions and expectations.

<sup>66</sup>Caroline Cunill, 'Translating Native Consent in the Spanish Empire: Maya Words and Agency in Sixteenth-Century Yucatan', *Ler História*, 84 (2024), 1–17.

<sup>67</sup>Guillaume Boccara, *Los vencedores: historia del pueblo Mapuche en la época colonial* (San Pedro de Atacama, 2007), 99–118, 189–224; José Manuel Zavala, 'Los parlamentos hispano-mapuches como espacio de mediación', in *La mediación lingüístico-cultural en tiempos de guerra: cruce de miradas desde España y América*, ed. Gertrudis Payàs Puigarnau and José Manuel Zavala (Temuco, 2012), 151–62.

<sup>68</sup>Guillaume Boccara, 'Colonización, resistencia y etnogénesis en las fronteras americanas', in *Colonización, resistencia y mestizaje en las Américas (siglos XVI–XX)*, ed. Guillaume Boccara (Quito, 2002), 64–7.

<sup>69</sup>Margarita Gascón, 'Quillín: rito araucano y paz interétnica en el contexto de una crisis ambiental', *Tefros*, 11 (2013), 1–18; José Manuel Zavala, Tom Dillehay and Gertrudis Payàs (eds.), *The Hispanic-Mapuche Parlamentos: Interethnic Geo-politics and Concessionary Spaces in Colonial America* (Cham, 2020); Matthias Gloël, 'Los elementos de vasallaje en las actas de los parlamentos hispano-mapuches del siglo XVII', *Revista de Indias*, 84 (2024), 1–22.

In parallel with the *Parlamentos*, other forms of gathering were taking place in Chile, above all in regions only tenuously controlled by the Spanish. In the Valdivia region, the Spanish term *Junta* was used for a different type of assembly involving Mapuche leaders, although they were probably also called *Koyag* in the Mapundungun language. Unlike the grand and ceremonious *Parlamentos*, which were attended by high-ranking Spanish officials and large audiences, *Juntas* in Valdivia were modest and informal. They were primarily used to negotiate agreements and formalise commitments. For the Spanish, these gatherings were a practical tool for securing the cooperation of Indigenous leaders in the building of forts, the establishment of missions and the consolidation of territorial control.<sup>70</sup>

This kind of interplay, even cross-pollination, between Spanish and Indigenous customs was rooted in the personal ties some Spanish figures cultivated with native leaders. The same was true in Portugal. In colonial Brazil, sources refer to the occasional involvement of Portuguese dignitaries at Indigenous assemblies. Particularly noteworthy were the ones convened by members of the Indigenous population who had been relocated to the mission villages that were established inside the colonised areas.<sup>71</sup> When circumstances allowed and no threat to the colonial order was perceived, Portuguese authorities upheld collegial decision-making processes and consulted Indigenous assemblies to gauge the collective sentiment. Broadly speaking, these interactions sought to secure a semblance of local consent to measures desired by colonial authorities. At the same time, and by making use of the Portuguese and Spanish resources, locals could occasionally gain the upper hand in their dealings with rival local political formations.

Such dynamics were also at play in sixteenth-century Ceylon. King Dharmapala of Kotte, one of the island's pre-eminent rulers, agreed to become a vassal of the king of Portugal. Around 1557, he converted to Catholicism, adopting the name Dom João. Subsequently, in the midst of one of the worst sieges of Colombo by rival local polities, Dharmapala bequeathed his kingdom to the king of Portugal. After Dharmapala's death in 1597, the Iberian authorities decided that the incorporation should be formalised in cooperation with the Kotte elites, which in turn decided to deepen the relationship with the Portuguese. Their representatives gathered in Malwana, near Colombo, and, in line with local customs, swore loyalty to the Portuguese in return for assurances that their laws and rights would be upheld. It is difficult to say whether the Portuguese fully understood what took place in that gathering. In any case, some compared the event to a *Cortes*, in which each new king swore to uphold the liberties of the body politic, followed by the representatives' oath of loyalty to the new monarch.<sup>72</sup>

Yet it remains unclear whether all parties involved fully grasped the significance of these gatherings. Like their Spanish counterparts, the Portuguese often struggled to

<sup>70</sup>Manuel Bastias Saavedra, 'The Lived Space: Possession, Ownership, and Land Sales on the Chilean Frontier (Valdivia, 1790–1830)', *Historia Crítica*, 67 (2018), 3–21.

<sup>71</sup>Fabricio Lyrio Santos, *Da catequese à civilização: colonização e povos indígenas na Bahia* (Cruz das Almas, 2014).

<sup>72</sup>Zoltán Biedermann, 'The "Malwana Convention" Revisited: Notes on the Lankan Transition to Iberian Rule', in *The Portuguese in the Orient*, ed. G. Perera (Colombo, 2010), 29–48. For a thorough analysis of this episode see Zoltán Biedermann, *(Dis)connected Empires: Imperial Portugal, Sri Lankan Diplomacy, and the Making of a Habsburg Conquest in Asia* (Oxford, 2018).

comprehend local forms of decision-making. In some instances, they came to see these practices as incompatible with the colonial legal and religious order. When that happened, the response was typically violent. In the 1540s, Portuguese authorities in Goa intensified efforts to impose Christianity through forced conversions, the destruction of Hindu temples and deities, and the suppression of gatherings through which local Goan elites made collective decisions.<sup>73</sup>

There is no doubt that both Spanish and Portuguese integrated components of Native American, African and Asian collegial institutions into the imperial framework. Yet rather than the transposition of European institutions to the non-European world, it was a process of ‘overload’, that is, the entanglement between local institutions and the apparatus coming from Europe.<sup>74</sup> It remains uncertain whether this consistently resulted in the formation of a cross-cultural parliamentary culture or, for that matter, a state of legal or political pluralism.<sup>75</sup>

## Conclusion

The parliamentary culture of the early modern Iberian Peninsula manifested itself not only in the *Cortes* but also beyond it, being valued by royal authorities as a means of securing consent, especially in fiscal matters. This culture of political engagement was primarily limited to the elite, and imposed various restrictions on the free expression of political opinions. Nevertheless, it endured, because those who sent their representatives to such assemblies believed they could assert and even expand their liberties through their involvement.

The interaction between this form of political participation and non-European realities led to a series of suggestive developments. First and foremost, populations of European descent living in the Americas took steps to organise their own representative assemblies. These initiatives were closely monitored by royal representatives to prevent them from becoming focal points for criticism of the political status quo. In both Spanish and Portuguese overseas territories, authorities made deliberate efforts to control and oversee every stage of these assemblies. Even when they proposed establishing assemblies in colonial regions, they proceeded with caution to prevent these bodies from gaining excessive power.

Concurrently, in the Americas and Asia, populations of Spanish and Portuguese descent sought political representation through the metropolitan *Cortes*. This occurred as local elites of European descent pursued recognition of their legal and political influence. In the case of Spanish America, this happened in the first decades after the conquest, while in Brazil it took considerably longer. However, the involvement of Spanish American elites in the metropolitan *Cortes* also arose through the initiative of some royal representatives in the Americas, aimed at securing their consent for tax demands. It was in Portugal, however, that the *Cortes* officially admitted representatives from overseas municipalities.

<sup>73</sup>Ângela Barreto Xavier, *Religion and Empire in Portuguese India: Conversion, Resistance, and the Making of Goa* (Albany, 2022), 103–40.

<sup>74</sup>Saavedra, ‘Decentering Law and Empire’, 19.

<sup>75</sup>Tamar Herzog, ‘A Civil Law for a Religious Society’, in *The Cambridge History of Latin American Law in Global Perspective*, ed. Thomas Duve and Tamar Herzog (Cambridge, 2024), 148.

Finally, some Asian, Indigenous American and African collegial institutions were incorporated into the imperial framework. This was primarily at the initiative of the Spanish and Portuguese authorities but involved the active participation of the locals. It served to secure a certain level of influence in the colonial societies then taking shape. Local representative institutions underwent significant transformations in the process. This, though, did not mean that Spanish or Portuguese rule became any less repressive; quite the opposite. Whenever colonial authorities perceived a threat to their interests, they frequently constrained or outright suppressed Indigenous practices.<sup>76</sup>

Meanwhile, from the late seventeenth century to the eighteenth, representative institutions in the Iberian Peninsula were undergoing significant changes. Starting in the late 1660s, the cities of Castile were represented not in the *Cortes*, but by procurators sent to the royal court in Madrid by each of the cities, whenever they deemed it convenient. Each of them spoke on behalf of the city they represented and sought to safeguard the interests of the urban elites who had chosen them. Since these procurators almost never communicated with each other, there was no longer any coordination of positions, which led to a certain fragmentation of urban representation.<sup>77</sup> Following the War of the Spanish Succession (1702–14), all the *Cortes* from the Aragonese Crown territories were suppressed. The only remaining *Cortes* were those of Castile and Navarre. Throughout the eighteenth century, representatives from Aragon, Catalonia, Valencia and Mallorca were instead admitted to the Castilian *Cortes*. However, the representative assembly was stripped of much of its political power and converted into an essentially ceremonial event.<sup>78</sup>

As for Portugal, once it became involved in the War of the Spanish Succession (1703), new taxes were imposed without convening the *Cortes*. In the post-war years, the absence of *Cortes* meetings contributed to the erosion of its political relevance. The taxation it approved represented an increasingly smaller portion of the financial needs of the Crown. At the same time, calls for a more ‘absolute’ conception of royal authority gained momentum, together with assertions that new taxes could be levied legitimately without the approval of the *Cortes*. Consequently, the assembly remained dormant until the early nineteenth century.

Nevertheless, some sectors of the Portuguese American population still saw involvement in the *Cortes* as a valuable tool for influencing and securing consent for the Crown’s fiscal initiatives. In 1727, a collective of merchants from Salvador da Bahia requested a convening of the *Cortes* to deliberate on a newly proposed customs tax that the king intended to impose on Portuguese America. The Crown rather harshly denied the merchants’ petition, labelling it ‘indecorous’ and incommensurate with the

<sup>76</sup>Saavedra, ‘Decentering Law and Empire’, 24–5.

<sup>77</sup>I. A. A. Thompson, “‘La voz del reyno’ en el hueco de las cortes las ciudades de voto y las cortes en el reinado de Carlos II”, in *Ciudades y Corona: fiscalidad, representación y gobierno en la monarquía hispánica en la edad moderna*, ed. Ramón Lanza García and Roberto López Vela (Santander, 2023), 343–61.

<sup>78</sup>I. A. A. Thompson, ‘El final de las Cortes de Castilla’, *Revista de las Cortes Generales*, 8 (1986), 43–60; José Ignacio Fortea Pérez, ‘Las Cortes de Castilla y su diputación en el reinado de Carlos II: historia de un largo sueño’, *Actas de las Juntas del Reino de Galicia*, XII: 1701–1704 (2003), 63–98; Juan Luís Castellano, *Las Cortes de Castilla y su diputación (1621–1789): entre pactismo y absolutismo* (Madrid, 1990).

‘sovereignty’ of the king of Portugal.<sup>79</sup> Analogous cases are also documented in Spanish America.<sup>80</sup>

It was precisely in this context that the episode mentioned at the beginning of this article – the 1736 debate about the political rights of the residents of the Brazilian district of Minas – took place. As we have seen, the right to discuss governmental measures in the *Cortes* was initially denied to the population of Brazil, because the territory was considered a ‘colony’ or a ‘conquest’. But after protracted debate, the king did authorise the convening of local assemblies in Minas and other parts of Brazil. There was a key caveat, however: royal officers always had to be present at these assemblies. Such gatherings, if unsupervised and unchecked, the Crown feared, could readily morph into a space to express radical opposition to the king’s authority.

In the second half of the eighteenth century, the trajectory of the two Iberian monarchies sharply diverged from the path followed by the British monarchy.<sup>81</sup> In Iberia and its colonies, parliamentary culture struggled to flourish. The political potential of the parliament only became fully evident, both in the Iberian Peninsula and in Spanish and Portuguese America, in a profoundly different historical moment: during an age of revolutions, in which Latin America and Brazil became independent, and when both Iberia and the Americas witnessed the rise of constitutional regimes.<sup>82</sup>

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<sup>79</sup>Luciano Figueiredo, ‘Pombal cordial: reformas, fiscalidade e distensão política no Brasil: 1750–1777’, in *A ‘Época Pombalina’ no mundo luso-brasileiro*, ed. Francisco Falcon and Claudia Rodrigues (Rio de Janeiro, 2015), 145–7.

<sup>80</sup>Carlos Garriga, ‘Patrias criollas, plazas militares: sobre la América de Carlos IV’, in *La América de Carlos IV*, ed. Eduardo Martiré (Buenos Aires, 2006), 35–130.

<sup>81</sup>I. A. A. Thompson and Pauline Croft, ‘Aristocracy and Representative Government in Unicameral and Bicameral Institutions: The Role of the Peers in the Castilian *Cortes* and the English Parliament, 1529–1664’, in *Bicameralisme: tweekamerstelsel vroeger en nu: Handelingen van de Internationale Conferentie ter Gelegenheid van het 175-jarig bestaan van de Eerste Kamer der Staten-Generaal in de Nederlanden*, ed. H. W. Blom, W. P. Blockmans and Hugo de Schepper (The Hague, 1992), 63–86.

<sup>82</sup>Eduardo Posada-Carbó, Joanna Innes, and Mark Philp (eds.), *Re-imagining Democracy in Latin America and the Caribbean, 1780–1870* (Oxford, 2023); José María Portillo and António M. Hespanha, ‘Portugal and Spain under the Newly Established Liberal Regimes’ in *The Iberian World, 1450–1820*, ed. F. Bouza, Pedro Cardim, and A. Feros (2019), 656–71.

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