



REPRESENTATIVE FORMS OF GOVERNMENT AND PORTUGUESE OVERSEAS: COLONIAL DEPUTIES AND THE ROLE OF THE PARLIAMENT UNDER PORTUGUESE EMPIRE (1822-1910)

Formas de governo representativas e o Ultramar: deputados coloniais e o papel do Parlamento no Império Português (1822-1910)

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ABSTRACT

The political representation of the overseas provinces in the metropolitan Parliament was, since the beginning of the liberal period and its first constitution (1822) till the end of Portuguese empire, presented as one of the main features of Portuguese colonial administration. During the first half of the nineteenth century, that feature was almost unanimously envisaged as a positive one. Political representation in Lisbon Parliament was seen as a sign of justice and equality in what concerned the relationship between both metropolitan and Overseas parts of the unified territory of the Nation. Nevertheless, questions related with how to rule the political representation of colonies as well as the extension of the powers of the Parliament in legislating to the Overseas were discussed all

over that century. Should political representation of the Overseas be ruled by special rules, in order to guarantee that? Should electoral legislation be special, in order to prevent the “electoral preponderance of the indigenous people”, an argument that gained strength during the last years of the nineteenth century? Should colonies be governed by the metropolitan legislation or should they be submitted by special legislation? Should the special legislation observe constitutional principles or was it possible not to apply the constitution in the colonies? Finally, should legislative powers in what concerned the Overseas be concentrated on the Parliament or should they be “decentralized”, and in what extent? Should legislative powers be delegated in the central government and the local governors or should they also be shared with “local bodies” in the Overseas territories? These were the questions Portuguese politicians and colonists faced with when discussing the issue of political representation of the Ultramar territories. This text is a part of an ongoing research aiming at the description of the several contexts in which these questions were discussed during the nineteenth century and the first years of the twentieth. It is also our aim to get a picture of the group of the overseas deputies during these times, as well as their positions within these discussions.

KEYWORDS

Political representation; History of Portuguese Public Law; Portuguese Empire; Imperial citizenship

RESUMO

A representação parlamentar das “províncias ultramarinas” desempenhou, um papel central mas também ambíguo nas discussões oitocentistas sobre as formas de administração do “Ultramar” português. Por um lado, ela sinalizou uma relação de igualdade entre a metrópole e aquelas províncias, unidas numa “Nação única”, representada num só parlamento. De acordo com esta leitura, podia dizer-se que Portugal “não tinha colónias”, que existia uma relação de igualdade absoluta entre os territórios metropolitanos e ultramarinos da Nação. Por outro lado, constitui-se em argumento para afastar outras formas de relacionamento entre a metrópole e as “províncias ultramarinas”. Fossem as formas federais, como sugeriram alguns deputados eleitos na América antes

da independência do Brasil. Fossem as formas politicamente desconcentradas ou descentralizadas, que foram discutidas, depois da independência do Brasil, em relação às províncias africanas e asiáticas. Um dos objectivos deste paper será o de descrever a natureza e significado da representação política dos territórios ultramarinos Portugueses no século XIX e dar exemplos de alguns dos momentos em que estas discussões ocorreram. Outro objectivo, a mais longo prazo, será o de caracterizar o grupo dos deputados eleitos no Ultramar durante o século XIX e primeiros anos do século XX, as discussões em que estiveram envolvidos e a natureza da sua participação no Parlamento. Este objetivo foi parcialmente prosseguido no âmbito do projecto “O Governo dos Outros”, e igualmente por meio da submissão de candidatura ao concurso Prémio de Investigação colaborativa Santander Totta-Universidade Nova de Lisboa, ed. 2013-2014, com o título “O Império português no Parlamento (1834-1926). Formas de participação política dos “povos do Ultramar”.

PALAVRAS CHAVE

Representação política; história do Direito Público Português; Império português; cidadania imperial

Meaning and weight of the political representation

The first Portuguese modern Constitution, approved at 1822, cannot be well understood unless we recall its transatlantic nature. The aim of the MPs who first assembled (1821-1822) to approve this text was, at least during the inner months, to build a bi-hemispheric nation, spread along Europe, America, Africa and Asia. The constitution approved would be an “imperial constitution”, giving rise to an “imperial parliament” (Fradera, 2015).

The political representation of the Portuguese overseas provinces in the metropolitan Parliament, in Lisbon, was seen by the MPs who discussed this first Portuguese Constitution, in 1820-1822, as an important mean to guarantee the existence of the Portuguese Nation as it was conceived by them. Portuguese Nation was then defined as the “union of all the Portuguese people living in both hemispheres”, its territory

being described as a unified one, the *United Kingdom of Portugal, Brazil and the Algarves*. Confronted with this great Nation, spread over the four parts of the world (Europe, America, Asia and Africa), the MPs concluded that the best way to strengthen its union and to promote the equality among its territories, was by the means of an Unitarian political representation in just one Parliament. As part of the national territory, those territories that they called the “old colonies” – now meaningfully named as *Províncias Ultramarinas* (overseas provinces), equal to metropolitan ones -, should be integrated, they argued, into the national representation. This was the reason why the constitutional recognition of specific constitutional rules regarding overseas parliamentary representation became an important topic of the constitutional debate, a debate attended by 100 MPs who had been elected in continental Portugal, 66 MPs elected in America and 7 MPs elected in other parts of the Empire (India, Angola and Cape Verde (Santa Rita, 1945, 157-165)).

It was within this context that the assembly discussed the possibility of including specific constitutional rules regarding the effective presence of the MPs from the overseas, mainly those from America, as the central issue at stake was to avoid Brazilian independence or a federal solution. The presence of a minimum number of overseas MPs required as a condition for the Parliament to meet was one of the proposals made. It was also proposed that the representatives elected by the overseas territories would necessary be born, or at least be domiciled, in the constituencies which elected them. Only by assuring to overseas rooted citizens, who were aware of overseas specificities, could Parliament have sufficient qualifications to weight overseas interests and to legislate accordingly, the MPs argued. Otherwise, it was claimed, the disruptive elements, connatural to the previous colonial situation, would cause the eventual disintegration of the national unity. The separation of the former British North-American colonies, as well as the recent independence of previous Spanish-American colonies, which a group of MPs linked to the lack of such measures, constituted examples to be feared. Another dreadful consequence could also be the evolution towards a loose federation of states.

Most of these proposals were approved in the final version of the Constitution, which not only contained special norms regulating the political representation of the Overseas, but also adopted a number of general provisions related with these issues. Article 35, for instance, stated that at least five years of residence was needed to become

a representative of a province, both in the Overseans or in mainland Portugal; and article 89 laid down that, in the event of a delay in the arrival of MPs, the previous MPs should remain in place, until those unable to take up their seats arrived in Lisbon. In spite of these articles, the first Portuguese written constitution was not signed by most of the MPs elected in Portuguese America. Against this possibility, the São Paulo MPs, who proposed an assumed federal constitution, with Brazilian legislative assemblies having solely the legitimacy to enact internal Brazilian legislation,¹ gained strength among other Brazilian MPs. These ideas, the metropolitan MPs argued, were not compatible with the Unitarian representation of the Nation. Even a moderate Portuguese MP like Castelo Branco could then exclaim: “Being the American Portuguese nothing else than a constitutive part of the Portuguese Great Nation spread over the four parts of the Globe, how can we conceive the absurd project of two national representations, one in America and the other in Europe?” (*Diário das Cortes Gerais Extraordinárias e Constituintes da Nação Portuguesa* (DCGENP), session of 4.7.1822, p.688).

These debate and the events that were occurring in the meanwhile, culminated in the secession of Brazil. The fact is that Brazil not only had never been a “colony” but was also, at the time of the Portuguese first liberal revolution, the political centre of the Portuguese Monarchy, the residence of the Portuguese king being Rio de Janeiro since 1808, when the French invasions obliged D. João VI to run away from the European part of the Empire. Moreover, in 1815 a decree had created the “Kingdom of Brazil”, an event that culminated a previous process of political equalization that was in process since the later decades of the eighteenth century (Paquette, 2013, 17“(…) the late eighteenth century was characterized by rigorous and sustained attempts to integrate the empire’s various territorial components). As a consequence, the rejection of a political union centred in Lisbon (Europe) was expectable, although not initially wished (Valentim Alexandre, 1993, 477-486).

¹ According to Brazilian proposals, there should be a Federal assembly, composed by an equal number of Brazilian and Portuguese deputies and entitled to enact external (or federal) legislation, along with Brazilian local assemblies, with absolute legislative powers, concerning internal legislation.

Were the Overseas underrepresented?

After the independence of Brazil, the remaining provinces retained their political representation in the Parliament and its symbolic meaning: Portuguese overseas provinces were “equal”, their inhabitants being all Portuguese citizens. However, the number of representatives elected suffered a radical reduction. None of these provinces could be compared with Brazil in what concerned their territories and population. In 1821-22 the electoral base which has been considered to calculate the number of representatives had included “the entire free negro and mulatto population”, in America as in Africa or Asia. It happens that in Portuguese America lived the largest free population of African origin in all the American continent, which explains the relevant number of MPs that had been elected in Brazil. Moreover, as two metropolitan MPs noted, this number would grow in the future, the result being that the number of overseas MPs would surpass the number of metropolitan ones². If we recall that article 21 of the Portuguese Constitution had granted Portuguese citizenship to all freed slaves, we realize that these two MPs premonitions were accurate, for in 1872, the year of the publication of the first demographic census of independent Brazil, a population of 4.2 million of free persons of colour lived in Brazil, along with 1.5 million of slaves and 3.8 million of “whites”. They represented, alone, 43 % of the 10 million Brazilian people (S. Klein, Luna, 2010, 253-54; the reasons for this are systematically exposed in Silva, 2013).

On the contrary, Portuguese presence in other continents was not considerable. In Asia, only a few territories of its old Empire still remained – the State of India, the settlement of Macao, in China, and Timor. In Africa, Portugal held a string of tiny “possessions” in the coasts of Mozambique and Angola, Guinea, and the Islands of São Tomé and Príncipe, and Cape Verde. Here, the decisive criterion to calculate the number of representatives wasn’t that of population, as was the case in general. Due to the fact that the African population was a tiny one (even though liberated slaves were given political rights), other criteria were called upon, such as the territorial extension or the economical and historical weight of those territories. As was claimed, “[in order to assure

² “Agora sim a balança pesa para os europeus, mas estou persuadido que antes de muito poucos anos teremos mais Deputados do ultramar do que da Europa”, v. DCGECNP, sessão de 14 de Novembro de 1821, p. 3073, Dep. Castelo Branco Manoel; “presentemente está nas Cortes maior número de Deputados de Portugal, do que do ultramar; talvez algum dia venham a ser mais os do ultramar em razão da população da América, Ásia e África”, DCGECNP, session of 14-11-1821, p. 3077, Dep. Borges Carneiro.

the plenitude of parliamentary representation], we don't have to look at the population, but at the interests of these wealthy possessions, to what they are today, to what they may become, to the glorious memories of their incorporation in Portuguese territory" (Deputy Castelo Branco, *DCGECNP*, session of 18.6.1822, p. 474)³.

Therefore, after the independence of Brazil, the number of MPs elected for each of the overseas territories turned to be determined under a procedure which took no account of the size of their respective populations, in most cases unknown by the deputies or indeterminate, with few changes to the number of MPs over the course of the century, except in the case of India, with a number of MPs which oscillated between 1 and 4, due to the strong militant political attitude of the catholic native elite, that could elect his own deputies in the Portuguese Parliament and had influence in the Portuguese political cycles (Lobo, 2016; Oliveira, 2015). The contingent of overseas MPs was at its largest – fourteen – under the law of 9 April 1838, in the sequence of the “Revolução de Setembro”, but from then on the tendency was for a smaller number (falling to a minimum of six, in a 1895 decree). And this continued to be the case under the Republican regime inaugurated in 1910, which not only maintained roughly the same number of MPs (between 7 and 11), but also failed to conduct any major reform of the rules on the political representation of the overseas territories⁴.

In addition to the smaller number of deputies, after the independence of Brazil the issue of overseas political representation had also lost its weight. Two main reasons explain this lost of importance. In the first place, Dom Pedro's Constitutional Charter of 1826 retained political representation of the overseas territories, but without any provisions to favour the presence of deputies or to assure that they were born or resident in the overseas territories. The overseas provinces were subjected to the same law as the metropolitan ones, the way deputies were elected in the overseas becoming (formally) similar to the one carried out in mainland Portugal, although some special decrees were enacted to facilitate the elections in the overseas. This option gave rise to the feeling that the representation of the overseas territories was in some respects useless. Most of the deputies elected for those territories were unacquainted with their constituencies, as was

³ See also *Diário das Cortes gerais Extraordinárias e Constituintes da Nação Portuguesa (DCGECNP)*, session of de 18 -06-1822, p. 474. Dep. Borges Carneiro.

⁴ Vide the number of overseas deputies envisaged in legislation under the constitutional monarchy and under the Republic (ALMEIDA 1998).

repeatedly denounced in the parliamentary debates and in the literature of the century, without anything being done to change the situation. Another consequence of this situation was the fact that it undermined any chance of MPs being drawn from amongst the local elites of the overseas territories, namely the native ones (Silva, 2009).

In addition to this, a specific system of legislative production, specially conceived to colonial legislation, was created in 1838 and then, definitively, in 1852. As a result of a constitutional revision, the *Constitutional Additional Act of 1852* stated that special laws could rule colonies. The next article allowed the government to enact provisional legislative acts, during legislature's gaps, in case of urgency⁵. The same power was bestowed to colonial governors. All these acts should be evaluated by the parliament in the next session but, by giving the executive and the local governor large powers to govern colonies, these new rules weakened even more the relevance of political representation of overseas in Parliament. Or, at least, this was the feeling of a number of MPs elected in non-European territories, especially in India.

Who were the MPs from the colonies and what was the nature of their intervention

The “overseas citizens” who, in 1821-22, could represent overseas territories included, unambiguously, the Portuguese born in the kingdom and residing in the territories (the *reinóis*), as well as the “Portuguese descendants” born in the overseas provinces, in particular the “Portuguese from America”, “brothers in blood and history” of the metropolitan Portuguese with whom they largely shared their identity (Pimenta, 2006, Monteiro, s.d.). All these were the “sons of Portuguese parents”, the prime criterion in the Constitution for deciding who was a Portuguese citizen (Article 21). They belonged to the group of the Portuguese who “wherever in the world they might be”, as the deputies in the 1820's believed, were “always imbued with the same spirit, and national character, and alike in their language, customs, religion, governance and patriotism”⁶. This group also included the Christianized native populations in India who, in Goa, competed with the minority of Portuguese descendants for office in the overseas civil service. This group

⁵ In both cases, they should first hear non-representative consultative organs (*Conselho de Estado, Conselho de Governo*).

⁶ V. *DCGECNP*, session of 3 Julho 1822, p. 661-62, Dep. Arriaga.

could claim two of the three MPs elected by India in 1822, and it also sent representatives to the Constituent Assembly of 1837-38 and to the discussion of the Additional Act of 1852⁷. Also represented were the “Luso-African” “Creole” elites, whose local social, economic and political importance was considerable, largely due to their participation in the trade, especially in the slave trade⁸. These groups could also elect deputies to the Parliament, but had not the influence of Indian native elites. One of these “sons of the country”, Joaquim António Carvalho e Menezes, descended from a slave woman, was elected for Angola in the early 1840’s, but it was a single case (Corrado, 2008, 108-113). Much more problematic was the inclusion of the non-Catholic population, in spite of the efforts to include, against the will of the native catholic elites, the Hindu population from Índia (Lobo, 2016).

What did they discuss (some topics)

As expected, the MPs elected in the Overseas provinces had relevant interventions in the debates concerning the weight of the Overseas in the political representation. One of the topics which emerged in these debates was on the number of representatives that should be elected in each province. Manuel Patrício Correia de Castro, the MP from Angola in the constitutional debate of 1821-1822, claimed that his province should have elected six representatives, instead of the only one attributed to Angola by the electoral law (V. DCGECNP, session 2-09-1822, p. 322). The rule according to which the overseas provinces should elect at least one MP, no matter the number of its free population, should not function, he argued, as an argument to prevent those which had population enough to elect more deputies from having them elected. That was the case of Angola and Benguela, he argued. If, according to the Constitution, each 30.000 souls should correspond to one MP, then to Angola should be granted six MPs. To demonstrate it, Manuel Castro made up a Map of Angola’s population, where he discriminated 2 068 white men; 4 611 coloured men and 195 981 freed black men (*Arquivo Histórico Parlamentar*, Secção I-II, Cx. 50, Doc. 1). Nevertheless, he was not well succeeded, although the demographic data that he indicated was rigorous, as was recently confirmed by the study

⁷ On this group *vide* also Ernestina Carreira (CARREIRA 1998: 687 et seq.) and, for earlier periods, Ângela Barreto Xavier (XAVIER 2008).

⁸ On this group *vide*, among many others, Dias, 1981.

of the local demographic maps within the context of a recent research project on colonial population⁹. This same situation did not change during the period of the Constitutional Chart, even if it stated that Portuguese citizens were all those born or having residence in Portuguese territories and its “Dominions” (art. 7). Not even the abolition of the slavery in 1869, which granted Portuguese citizenship to the freed slave, had a positive effect in the number of MPs recognized in the electoral legislation. When, in this same year, another MP elected in Angola, A. J. de Seixas, a former slave trader, claimed for a greater number of MPs from Angola, he did not evoke the demographic argument, nor the number of freed Africans. Instead, he preferred to make use of a civilizational criteria. Angola, he stated, was much more important than other Portuguese districts which sent 6 and 8 MPs, while Angola had just one. Its capital, Luanda, was, in his words, the fourth Portuguese city in importance, after Lisbon, Porto and Ponta Delgada. Due to its commercial relations and its civilization, Angola was, within the Empire, just comparable to other imperial cities like Goa and Macau (DCD, session 12-07-1869, p. 734). Nevertheless, in spite of his insistence, Angola never got more than 2 MPs.

In 1826 an MP from India, Lima Leitão, a *reinól*, also claimed for 11 or 12 MPs granted to India, supporting this proposal on demographic data, the “three hundred thousand souls, all of them Portuguese citizens according to the Constitutional Chart” (Arquivo Histórico Parlamentar, Secção I-II, Cx. 87, Doc. 134). Some years later another MP from India, this time a native one, António Caetano Pacheco, stressed once again how unjust was the circumstance of Goa having just 4 deputies. Moved by the will to change things, António Pacheco even presented a law project. But this one, just like many other proposed by Goan MPs, was not approved (Diário da Câmara dos Deputados, session 21-02-1845, p. 13)¹⁰.

Another question that caught the attention of some overseas MPs was the place of birth of the MPs. Some of them regretted that those articles requiring the MPs to be born or have residence in their constituency had vanished from the Constitutional Chart. Realizing that this fact had weakened the possibility of people of native origin to be

⁹ Projeto *Counting Colonial Population. Demography and the use of statistics in the Portuguese Empire, 1776-1875*, where 207.277 free persons (<http://colonialpopulations.fcsh.unl.pt/Angola/Populacao.php>). On these statistics *vide* Matis, 2013 and Matos, Sousa, 2015.

¹⁰ In the same direction were the words used by another deputy, in 1869, *vide* DCD, session 12-07-1869, p. 728, dep. Bernardo Francisco da Costa.

elected, another Indian MP, Jeremias Estêvão Mascarenhas, a catholic of Indian origin, made a proposal according to which colonial MPs should always be born and/or resident in their constituencies (DCD, session 24-03-1852, p. 311). As happened before, this proposal was rejected. Against Jeremias Mascarenhas's arguments, other MPs convoked the principle of electoral liberty and called the attention to the small number of "illustrated people" living in the Overseas.

This same MP opposed, unsuccessfully, to the approval of art. 15 the *Constitutional Additional Act of 1852*, which gave special normative powers to the central and local governments to change the legislation or create special norms. According to his view, once the parliament bypassed in its legislative attributions, the parliamentary representation of overseas would become useless, without gaining any local counter parties.

In fact, this political option and the way the governments actually used its legislative powers, without respecting the legal restrictions imposed on it by the Act of 1852 – an attitude not only denounced by the MPs and in colonial literature but also attested by the dictatorial nature of the most important ultramarine legislative acts - allow us to conclude that the political representation of the overseas functioned like a symbol, more than as an effective instrument of political participation. Its main target was to prove how egalitarian Portuguese people were in what concerned its colonies, to show to the "brothers from the overseas" that they were treated as equals. Curiously, this was exactly the kind of argument used when the task was to refuse local consultative or legislative councils to the colonies. What those who were against this possibility argued was that Portuguese colonies didn't need them, because, having the same rights as the metropolis, they could send their representatives to the Parliament. This argument, however, did not convince a part of the MPs from the Overseas. Not without irony, Jeremias Mascarenhas recognized that mainland Portugal was generous while giving colonies the opportunity of political participation in the Parliament. This was what he called a sign of "Portuguese generosity" (*Jornal O Nacional*, nº 751, 9 Junho 1837, sessão de 8 Junho 1837). Nevertheless, as he noted with irony, Portuguese generosity would be much more liberal if local councils with legislative attributions were created in the Overseas¹¹. Once again, this has been a

¹¹ A.J. de Seixas, the deputy from Angola, also supported the institution of that kind of local legislative assemblies (v. DCD, session 12-07-1869, p. 731).

proposal always rejected in Portuguese Parliament, during the Monarchy as well as during the Republican regime. As happened some years before, with Brazil, this was the kind of decentralization that was not compatible with Portuguese option for a Unitarian state with European and non-European provinces spread all over the world. Only the dictatorship would change this comprehension of the Nation and the relationship between the European and non-European territories. Not by giving more political power to Ultramarine provinces and their “citizens”, but by assuming that Portugal was an Imperial Nation whose special vocation was to govern “colonial” territories and their “indigenous” people.

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