

The Donatary Captaincy in Perspective: Portuguese Backgrounds to the Settlement of Brazil

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I

LUSO-BRAZILIAN HISTORIOGRAPHY has never managed to achieve a very satisfactory understanding of the donatary captaincy, the institution above all others that provided the framework for the initial settlement of Brazil. Certainly Carlos Malheiro Dias contributed little, back in 1924, by expounding at some length on the "feudal" nature of the grants made to the donataries.¹ That nothing in his description remotely conformed to any viable definition of feudalism, or that medieval Portugal never experienced an identifiable "feudal" tradition, seems not to have perturbed him at all.²

Roberto Simonsen further built on Dias' misinterpretation when he cast the question in terms of capitalism vs. feudalism.³ This pervasive interpretative dichotomy, from which few subsequent commentators have been able to escape, makes little sense except in a Marxist framework. Only for historians of the latter persuasion do feudalism and capitalism describe the same order of things—social systems based upon a certain type of economic exploitation. But Simonsen, whose inspiration seems to have derived from Gustav Schmoeller, not Marx, failed to give feudalism an economic definition; and when Alexander Mar-

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1. Carlos Malheiro Dias (ed.), *História da colonização portuguesa do Brasil* (Porto, 1921-1924), III, 219-256.

2. On feudalism in Portugal see Alexandre Herculano, "Da existência ou não existência do feudalismo nos reinos de Leão, Castella, e Portugal," *Opúsculos*, V (5th ed. Lisbon, n.d.), 187-309; M. Paulo Merêa, *Introdução ao problema do feudalismo em Portugal* (Lisbon, 1912); Henrique de Gama Barros, *História da administração pública em Portugal* (2nd ed. by Torquato de Sousa Soares, Lisbon, 1945-1954), I, 165 ff; and, now, Luis García de Valdeavellano, *Curso de historia de las instituciones españolas de los orígenes al final de la Edad Media* (Madrid, 1968), pp. 378-393.

3. Roberto C. Simonsen, *História econômica do Brasil (1500/1820)* (4th ed., São Paulo, 1962), pp. 80-83.

chant following in Simonsen's footsteps adopted a radically juridical definition of feudalism, he failed to note that this step makes any further attempt at comparison or contrast with capitalism entirely pointless. To continue along these lines was simply to confuse the issue further.⁴

Indeed, such arguments continued as long as they did due to the failure of these pioneers to see the essentially emotional roots underlying the feudal-vs.-capitalism dichotomy. For these thinkers feudalism implied backwardness and capitalism progress; and the real question they were so insatiably posing was "under what star was Brazil born?" Did it begin its life history with a headstart or under a handicap? Only in the light of such strong emotive significances can one explain the obsessive fixation of historians with the question in spite of the fact that no satisfactory answer in these terms is or ever was possible. As long as the socio-psychological roots of the problem went unperceived, however, historiography was fated compulsively to repeat it.

The only way off this interpretative treadmill was for someone knowledgeable but emotionally uninvolved to step off and point the way to an approach both more objective and less charged with unspoken, half-unconscious wishes. That historian was Charles Verlinden, who, in 1954, threw out the comment (almost as a parenthetical aside) that the proper way to understand the donatary captaincy would be to gain a better insight into the late medieval Portuguese seignory, or *senhorio*.⁵ But aside from his article sketching out the captaincy system

4. Alexander Marchant, "Feudal and Capitalistic Elements in the Portuguese Settlement of Brazil," *HAHR*, 22:3 (August, 1942), 500-502. In addition, it might be pointed out that the search for profit on the part of landlords was far from uncommon during the later medieval period. Not only did many a noble pursue his advantage through investments in overseas trading ventures (Prince Henry is a good example of this), but wherever possible lords who were owners of *banal* monopolies attempted to exploit them to the hilt (Richard Konetzke, "Entrepreneurial Activities of Spanish and Portuguese Noblemen in Medieval Times," *Explorations in Entrepreneurial History*, 6 [1953], 115-118). Commercial agriculture as practiced during the "sugar phase" of the Madeiran economy, viewed institutionally, was based on the expansion and exploitation for profit of a medieval *banal* right (the monopoly on "mills") by landlords, a practice that clearly carried over into early colonial Brazil. On this see Virginia Rau, "The Settlement of Madeira and the Sugar Cane Plantations," *Afdelung Agrarische Geschiedinis Bijdragen*, 11 (1964), 3-12. But this is not what those who like to think in stereotyped categories have in mind when they speak of capitalism; and, in themselves, these ambiguous entrepreneurial noblemen are insufficient to resolve the misunderstandings created around the socio-economic "nature" of the donatary captaincy.

5. Charles Verlinden, *Précédents médiévaux de la colonisation en Amérique* (México, 1954), pp. 32-45.

in the Atlantic islands,⁶ he left it for others to work out his suggestion. To date, no one seems to have made the attempt.

II

Possibly the stumbling block here has been that so few Brazilianists (even colonial Brazilianists) are well acquainted with the society and institutions of late medieval Portugal. There are not, in fact, many secondary works to go on; and many of the problems of interest to Brazilianists are either untreated or dealt with fleetingly in obscure articles published in little-known journals.⁷ Nevertheless, drawing upon some published collections of documents, as well as material that is still unpublished, it should be possible to gain something of an idea of the late medieval Portuguese *senhorio*, as well as its continuities with the Brazilian donatary captaincy of the early sixteenth century.⁸

First, we shall examine a royal grant of *senhorio* made at the end of the fourteenth century to Martin Vasquez da Cunha, a Portuguese noble; second, a grant of *senhorio* in the Azores made early in the sixteenth century that carried with it the title of captain;⁹ and finally, we shall compare these two with the well-known grant made to Duarte Coelho in 1534 that has traditionally marked the beginning of settlement along the northeastern coast of Brazil. The first charter will in-

6. Charles Verlinden, "Formes féodales et domaniales de la colonisation Portugaise dans la Zone Atlantique aux XIV^e et XV^e siècles et spécialement sous Henri le Navigateur," *Revista Portuguesa de História*, 9 (1960) 1-44.

7. The best—indeed the only—general guide to the historiography of medieval Portugal is A. H. de Oliveira Marques, *Guia do estudante da história medieval portuguesa* (Lisbon, 1964).

8. João Martins da Silva Marques (ed.), *Descobrimientos portugueses—documentos para a sua história* (Lisbon, 1944-1945). Lest it be thought that the charters selected for study are in any way unusual, a quick examination of published and unpublished documents will show that they are, on the contrary, typical in all essentials. For a sampling of late medieval *doações*, one may consult, inter alia, the Arquivo Nacional da Torre do Tombo (Lisbon) (hereafter ANTT), Chancelaria de D. João I: Livro 2, ff. 96 and 122; ANTT, Leitura Nova: Livro 1 de Beira, f. 69; Livro 1 de Místicos, f. 45; and Livro 2 de Místicos, ff. 72v-73r. For early *capitanias* or *capitanias donatárias* see ANTT, Chancelaria de D. João III: Livro 60, f. 121v; Livro 69, f. 109; ANTT, Leitura Nova, Livro das Ilhas, ff. 48, 74, 76, 104, 106, 111, 146v, and 156. In addition there are the published charters in Silva Marques, *Descobrimientos*, I: 1, documents numbers 385, 429, 438, 447. For a sampling of *sesmarias* (discussed later in the paper) see ANTT, Chancelaria de D. Fernando, Livro 1, f. 77; Chancelaria de D. Afonso V, Livro 15, f. 15; Livro 16, f. 63; Livro 18, ff. 30 and 113; Livro 24, ff. 40 and 43; Livro 32, f. 5v; Livro 33, ff. 65v and 132; Livro 35, f. 12v; and Livro 37, f. 125v; in addition to those printed in the appendix of Virginia Rau, *Sesmarias medievais portuguesas* (Lisbon, 1946).

9. ANTT, Chancelaria de D. João I, Livro 2, ff. 94v-95r, and ANTT, Leitura Nova, Livro das Ilhas, f. 130r and v.

dicating what a royal grant of *senhorio* entailed in its essentials; the second will take this structure mid-way, both geographically and institutionally, from Portugal to Brazil; and finally, in discussing the third, we shall attempt to indicate the essential continuities among these grants to show how far back this tradition goes into Portuguese constitutional history.

In this fashion, it should be possible better to see what is old and what is new in the institution, and to assess, in somewhat longer perspective, the nature of the regime established in Brazil. Certainly this approach should provide a more sophisticated basis for judgment than to attempt to deal with the problem through the imposition—brutally and unhistorically—of some abstract straight-jackets upon materials which have not even yet been properly understood.

The first grant dates from 1386 and involves the gift of certain rights from king Dom João I to Martim Vasquez, whom he calls “our vassal.” In this charter, the king makes, not a feudal grant in return for specified services, but rather a “pure and free” gift, *inter vivos*, “valid in perpetuity” to the recipient or donatary. The grant is to be heritable in the legitimate male line, and consists of various specified *senhorios* scattered about the map of Portugal. In these geographically delimited areas, Martim Vasquez was to have all jurisdiction, rights, and revenues that heretofore had pertained to the king, (including import and export dues or dues of trespass), with the exception of certain criminal jurisdictions that were reserved for the royal courts. Vasquez also received rights of patronage (i.e., the appointment of public notaries, judges, and other officials) as well as the right to levy “such fines and penalties as he wishes.” Further he was to be permitted to act in these areas as if they were “his own personal possession without impediment”—except for the restrictions specified in the grant. If his legitimate succession should die out, the lands and jurisdictions would revert to the crown.

There we have, in outline, the essence of the late medieval Portuguese *senhorio*. It does not necessarily involve direct ownership of land (though this is always possible);¹⁰ rather, it consists in the devolution, by gift, of royal powers of government (that is to say, the right to tax, to appoint officials, to judge, to monopolize certain activities, and so forth) into the hands of a noble or *fidalgo*. But this devolution is made subject to certain general conditions and includes certain powers reserved by the king as indicative of his “greater lordship” (*maior*

10. Valdeavellano, *Curso de historia*, pp. 519-520.

senhorio).¹¹ The donatary (as the recipient of royal largess was called, since he was given a "gift" or *doação*) was to enjoy these rights "forever" and they are transmissible, under certain conditions, to his heirs. Unlike the classical fief, the grant was not dependent upon service, military or otherwise, but rather was given in *reward* for services, past, present, and future. The donatary could, of course, own property within his *senhorio*, but this was not a necessary part of the grant. That was limited to the gift of certain royal powers of governance including fiscal privileges, over the inhabitants of a certain delimited area, i.e. his *senhorio*.¹²

The second charter in the conspectus was granted in 1507 by king Dom Manuel, called the Fortunate, to Dom Fernando Coutinho, member of "our council," and marshal of the realm. Like the charter given by Dom João I, this grant was a pure gift made in return for services, past, present, and future. The grant was hereditary in the eldest legitimate male descendant, "just as is the case with the captains of Madeira in their charters and grants."¹³ If the heir was not of age to rule, the king reserved the right of wardship and could place someone else in his stead until he came of age. The grant evidently reverted to the crown if the legitimate male line died out.

Since the territory given was an island (Graciosa) in the Azores group, certain new characteristics appeared here which serve to link the territorial grants already made in Portugal with those which are to come in Brazil. Aside from the usual grant of judicial authority (exception here was made of cases involving death or dismemberment, which must be appealed to the royal courts), the lord's right to monopolize capital improvements (banalities) was emphasized and

11. On the development of the concept of *maior senhorio* in the peninsula see Alfonso García Gallo, *Manual de historia del derecho español* (2 vols., Madrid, 1959), I, 758-759.

12. It would be of interest to compare this structure with the better known *encomienda*, since many of the original resemblances between the two institutions (both were developments of late medieval Iberian lordship) have been overlooked. Certainly, much of the confusion over the question of whether the *encomienda* in Spanish America was "landed" or not might have been avoided had its peninsular origins been better understood; awareness of the distinction between late medieval "señorios jurisdiccionales" and "señorios territoriales," for example, would have been helpful: see note 10 above. Cf. James Lockhart, "Encomienda and Hacienda: The Evolution of the Great Estate in the Spanish Indies," *HAHR*, 49:3 (August, 1969), 411-429.

13. The "Madeiran stage" in the evolution of the system is not dealt with here since it has already been the object of a thorough study by Verlinden, "Formes féodales . . .," pp. 4-17. Nonetheless, he has not attempted to tie his exegesis either to peninsular origins nor to the later Brazilian elaborations.

elaborated. The captain was to have all the grain or grist mills on the island (aside from handmills for domestic use) as well as all the water-driven sawmills constructed there.¹⁴ Likewise, he was to have a monopoly of all non-domestic bakeovens, as well as of the sale of salt. The king further granted him a tenth part of the royal tenths, levied on all trade.

This grant is also significant for its provision regarding settlement on the island. The captain had the right to confer deeds with full title "to whomsoever he may wish, under the condition that the person to whom the land is granted shall improve it within five years, if he does not, the captain may regrant it to someone else." This is the Portuguese *sesmaria* system, of which more will be said later. The grantees had the right to sell their property freely to whomever they chose.

Finally, in the more familiar grant made to Duarte Coelho, the king, as in previous charters, ceded by an irrevocable gift, *inter vivos*, an unusually large number of seigniorial rights in the new territory of Brazil. The express object of the grant here was development (so that "my coast and land of Brazil be better populated") in a far-off place, and consequently unusually lucrative rights were transmitted: e.g., the right to enslave natives and to sell them on the Lisbon market, to create towns and nominate their magistrates, a fifth of the profits on the brazilwood sold in Portugal, as well as the *banal* rights already stressed in the grant of 1507. In addition other rights were included that do not require mention.¹⁵

Thus all the grants may—indeed must—be viewed as so many species

14. The *serras de agua* mentioned in the charters were not irrigation conduits, as Verlinden wrongly supposes ("Formes féodales . . .," p. 8) but rather water-driven sawmills that cut planks from the logs harvested in the forests of Madeira. That is why the *serras* may elect to pay two planks a week as rent instead of the preferred silver mark, a provision that makes little sense if one presumes them to be irrigation channels! My interpretation is confirmed by a clause in the charter that Prince Henry granted to Zargo in November of 1450 and which Verlinden evidently overlooked: ". . . Jtem me praz que aja de todallas serras d'agua que sse hi fezerem de cada hũu marco de prata em cada hũu ano o sseu certo vallor ou duas tauoas cada ssonana das que acustumarem de serrar nas serras . . ." (Silva Marques, *Descobrimentos*, I, 484). In the "Livro das Ilhas," from which the document I am discussing was taken, there is a marginal note explaining that the Azores have no forests, thus demonstrating that the *form* of the charter was copied from a Madeiran prototype. On medieval sawmills see Lynn White, *Medieval Technology and Social Change* (Oxford, 1962), pp. 82-83; 116; 118.

15. A full listing of the rights granted can be had in Francisco A. de Varnhagen, *História geral do Brasil* (São Paulo, 1962), I, 151-152, or by reading the original charter published in Malheiro Dias, *História da colonização*, III, 309-313.

within the same genus. Depending upon circumstances, certain aspects are emphasized, modified, or eliminated. In the case of Brazil, where new territory is involved, numerous provisions regarding succession, rents granted the donatary, and monopolies were enlarged to attract takers and to meet a new situation. Nevertheless the continuity of type, the unity of the genus is clear. The seignorial tradition of medieval Portugal runs unbroken throughout.

III

The next to the last document in point of time, the charter granted to Coutinho, was the first in the series to mention a *foral*.¹⁶ Since numerous grants of *senhorio* in medieval Portugal presumed the prior existence of a *foral*, it was seldom expressly mentioned. As in other respects, the settled condition of the homeland meant that certain things could be taken for granted. In the newer areas of the islands and later in Brazil, however, such matters had to be spelled out. This was true, especially, of the *foral* which had to be created to meet the new situation in Pernambuco. The *foral* seems to have been particularly troublesome to commentators. E. Bradford Burns, in his preface to the translation of the Pernambuco *foral*, says: "In general, the land grants were set forth in a *carta de doação* and the obligations of the donee to the monarch in an accompanying *foral*." Nevertheless, Portuguese medievalists know full well that it was traditionally the *doação* which regulated the relationship of the king vis-à-vis the donatary, while the *foral* dealt with the obligations of the inhabitants of the *senhorio* toward their lord, and was usually issued by him as a kind of gracious gift or mini-constitution.¹⁷ Why, then, was the *foral* for Pernambuco not issued by Duarte Coelho?

In approaching this question we enter the unexplored field of Portuguese constitutional history at the moment of the establishment of the "New Monarchy" in Portugal in the persons of João II and Manuel "the Fortunate." It was the former who began, but the latter who completed, the reformation of the *foral* charters of the realm, an essential part of the institutional reforms upon which the "New

16. On the *foral* in medieval Portugal see Joel Serrão (ed.), *Dicionário de história de Portugal*, II, 279-281, and the bibliography cited there.

17. E. Bradford Burns (ed.), *A Documentary History of Brazil* (New York, 1966), pp. 33-34. Actually the genealogy of this misinterpretation is not hard to trace. Burns would appear to have taken it from Marchant who, in turn, got it from Malheiro Dias. Dias appears to have derived it either from an encounter with the original texts or possibly second-hand from his understanding of the passage in Varnhagen, *História geral do Brasil*, I, 152.

Monarchy” was based.¹⁸ By royal letter (November 22, 1497), the existing *forais* were called in from the towns and villages to which they had been granted in order to be inspected and then rewritten by a royal commission. Ostensibly this was done because of generalized complaints from the citizenry about the “oppressions” and “disputes” which the multiplicity and complexity of non-royal *forais* had inflicted upon them. In actuality, we may well suspect that the Crown encouraged such “complaints” for its own purposes. However that may be, the recall of the *forais* permitted it to review, revise, and finally reissue them, and in the process they underwent a number of significant alterations. Inhabitants of the various lordships were not, in the future, to do “body service” for their lords (i.e., no private armies were to be recruited from among the inhabitants of the *senhorio*)¹⁹ nor were the latter ever to be “subtracted” from the crown’s authority, nor “given over” to their lord. Various other changes were also made, but all of them with the cumulative effect of reducing the independent power of the nobility by loosening its control over its dependent populations. The shift was symbolized—and this is the crucial point here—by the initial phrase used to preface each “new” *foral* charter. This now read: “Dom Manuel, etc. To all those who may see this *our* foral charter, given to . . .” (italics mine), thus emphasizing that the charter was granted, no longer by the lord of the territory, but directly by the Crown.²⁰

Thus by the time the donatary captaincy was carried to Brazil, it was an established constitutional principle in Portugal that the *forais*, although traditionally issued by the lord to regulate his relations with the dependents of his *senhorios*, were henceforth to be issued only by royal authority. The latter thus symbolized its supreme jurisdiction over all the territory of the kingdom. The *foral* does *not* regulate “the obligations of the donee to the monarch,” but rather the

18. On the reform of the *forais* see F. A. da Silva Ferrão, *Repertório comentado sobre forais e doações régias* (2 vols., Lisbon, 1848), I, 155-160; as well as João Pedro Ribeiro, “Novos aditamentos,” in *Reflexões históricas* (Coimbra, 1835), II, 194-196; and Alberto Carlos de Menezes, *Plano da reforma de forais e direitos bannaes* (Lisbon, 1825), pp. 25-64. The legal differences between *forais* issued by the king and those issued by a lord are discussed in Gama Barros, *História da administração*, VIII, 133-135. On royal reaction to complaints about lords’ abuse of power in their *doações* see *ibid.*, II, 496-475.

19. It may be recalled that at the battle of Alfarrobeira (1449), most of the troops led by the ex-regent, Dom Pedro, were drawn from his own duchy of Coimbra. Cf. J. P. Oliveira Martins, *O filhos de D. João I* (7th ed., Lisbon, 1947), pp. 282-285.

20. Menezes, *Plano da reforma*, pp. 41-43.

mutual obligations of the donatary captain to the settlers of his captaincy and vice versa, as well as the overriding obligations of both to the king, whose powers in the *doações* were much greater after the reform than had been traditionally the case in medieval Portugal.

So far attention has been concentrated on the juridical structure of the captaincy and its antecedents. Nevertheless we should not forget that the establishment of donatary captaincies in Brazil was directed toward one overriding purpose: the settlement and development of vacant territory. The tradition of frontier settlement, of course, had a long history in Portugal as a result of the centuries of Reconquest (ca. 800-1250).²¹ From as early as the tenth century, lords were issuing so-called "settlement charters" (*cartas de povoação*) which set down in writing the terms by which newcomers were to hold land from them.²² The *forais* were, in a sense, merely an enlargement and extension of this juridical figure, charters issued collectively to a group of settlers. When a town or a village was established and granted a *foral*, often it was (especially if it were on the frontier) also granted a certain amount of land as its territory (*termo*), part of which was usually retained as community property while the rest was given out to individual settlers with the idea of attracting them to take root in the township. The person charged with the division of these lots among the newcomers was called the *sesmeiro* after the lots (*sesmos*) which he distributed. Not only was the *sesmaria* system used during the reconquest to populate newly conquered lands, but during the fourteenth and fifteenth centuries, long after the end of the struggle with Islam, it continued to be employed both to repopulate lands which had been abandoned for various reasons, as well as to settle the various newly discovered islands in the Atlantic.²³ A good understanding of the practice, in fact, can be had from a rather late charter of repopulation (August 23, 1513) published by Virgínia Rau in the appendix to her classic study of the Portuguese *sesmarias*:²⁴

21. Julio González, *Repartimiento de Sevilla* (2 vols., Madrid, 1951); *La Reconquista y la repoblación del país* (Zaragoza, 1951); and Valdeavellano, *Curso de historia*, pp. 242-243. For Portugal see Virgínia Rau, *Sesmarias medievais portuguesas* (Lisbon, 1946).

22. Silva Ferrão, *Repertório*, I, 145-148; Valdeavellano, *Curso de historia*, pp. 237-242; Guilherme Braga da Cruz, *História do direito português* (Coimbra, 1960), pp. 282-283.

23. Virgínia Rau, *Sesmarias*, *passim*.

24. *Ibid.*, 155: Dom Joham pela graça de deus Rey de portugal. A quantos esta carta uirem fazemos saber que porquanto o lugar de terena se despouorou nas guerras passadas porque nam era cercada hos moradores della nam tijnam como se deffender e guardar o seu. Nos a mandamos cercar emtendendo o por nosso

Dom John, by the grace of God, king of Portugal. To those who shall see this charter, we make known that since the place called Terena has become depopulated in the past wars, since it was not walled and the dwellers there were unable to defend themselves and guard their possessions, we now order that it be walled both in regard to our service and to the better defense of the realm, as well as with the intention of its soon being better populated . . . [if previous owners do not return to claim their property] we order that their lands be given as *sesmarias* to those who may come to live there with the intention of working and improving them . . . And therefore, trusting in Martim Afonso de Mello, our *guardamor* and member of our council to do it well and in accordance with the requirements of our service and so that the place can be better peopled . . . we give him charge and we order him to give as *sesmarias* and divide among the tillers and farmers who dwell in the said place of Terena . . . the properties which are in the territory of the said place which are neither worked nor populated nor manured by their owners as he may see fit, depending upon the merit and need of each, giving the recipient deeds signed with his hand . . . they and their heirs and descendants who shall follow them shall have forever the said properties free and without impediment and may do with them whatsoever they would do with their own properties, as long as their heirs dwell and makes homes in the aforesaid place.

Here are illustrated several of the essential characteristics of the *sesmaria* system. The lands granted must be empty or unclaimed, they are usually located in the territory of some specific town, and a special person is given authority to grant out these lands, with the understanding that the recipient shall work and improve them; he also has the right freely to sell or transmit them by inheritance. Finally it is

seruico e milhor deffensam de nossa terra. e com emttemcam de seer milhor e mais em breue pouorado . . . nos hos mandariamos dar de sesmarias aos que sse uiessem morar ao dito lugar pera hos laurarem e aproueitarem . . . E porem fiando nos de martim afonso de mello nosso guarda moor e do nosso conselho que o fara bem e como compre a nosso seruico. e por o dito lugar seer milhor pouohado . . . damos lhe emcargos e lhe mandamos que ele desse de sesmaria e Reparta aos lauradores e moradores que morarem no dito lugar de terena . . . todos os outros beens de Rajz que sam no termo do dito lugar que nam sam laurados nem pouorados nem adubados per seus donos. segundo elle uir que as cada huu merece e deve dauer; dando lhe dello cartas assignadas per sua maaom . . . que elles e seus herdeiros e descendentes que depos elles ujerem. aJam pera sempre hos ditos beens liure e desembargadamente. E possam deles fazer ho que fariam de sua herenca propia. Com tamto que eles e seus herdeiros morem e pouoem em o dito lugar . . .

up to the *sesmeiro* to decide who shall receive the lands, depending principally upon fitness and need.

Thus the powers to act as *sesmeiro* which were granted to Duarte Coelho and other captains who undertook the settlement of Brazil were prefigured in nearly all their essentials in the long tradition of medieval charters of repopulation and settlement, as well as in the *forais*, especially those that implied the granting of *sesmarias*. This system—held, so to speak, in the Portuguese constitutional repertoire—was ready for transplantation, first to the Atlantic islands, as Verlinden has shown, and thence to Brazil. Thus in contradiction to Gilberto Freyre who emphasizes Portugal's fitness for tropical colonization because of its special climate,²⁵ one might better stress Portugal's unique experience in repopulating empty spaces during the centuries of Reconquest as the prime factor which fitted it to undertake the colonization of Brazil. It had been doing this very thing for centuries at home; and when the necessity arose for colonizing vast territories overseas, it was institutionally prepared.

IV

Put in the perspective of the medieval Portuguese *senhorio*, then, the donatary captaincy can be viewed as drawing upon and incorporating a number of institutions to produce a unique result. From this viewpoint, that is to say a genetic one, the question as to whether it is "feudal" or "capitalistic" seems rather crude, if not irrelevant. A Marxist might find it legitimate to say that the donatary captaincy was "feudal" in character because it was based upon the structures of the late medieval Portuguese *senhorio*; for him the legal distinctions between seigneurialism and feudalism are insignificant. But what then would he make of the fact that the crown evidently established the institution in Brazil, as Celso Furtado has pointed out, with previously formed intentions to engage in commercial agriculture?²⁶ Most of the land in the areas that were colonized was granted out to sugar planters, often financed by Flemish or Genoese capital. Here the captain had the advantage of having not only the largest parcel of land for his own use, but also a monopoly of what might be called the capital improvements: the "engines" used to process the sugar cane that became so important in the economy of the sixteenth and seventeenth centuries.²⁷

25. See Gilberto Freyre, *The Masters and the Slaves*, trans. by Samuel Putnam (New York, 1964), pp. 21-27.

26. Celso Furtado, *Formação econômica do Brasil* (São Paulo, 1959), p. 55.

27. On royal tax exemptions to encourage investments in "engines" see the interesting remarks of Frédéric Mauro, "O Papel Econômico do Fiscalismo no

By the time sugar planting came to be based on a slave labor force there can be no doubt that the situation was one of latifundia capitalism that calls to mind, more than anything else in the European past, the society of the early Roman Empire. So, to those who are still worried about the definition of the social system under which Brazil began its historical career, one might be tempted to reply that it was conceived in classical slavery, a state even prior to “feudalism” in the Marxist *cursus honorum*. But this, if nothing else, should prove again how little such precipitate labelization contributes to our understanding. Rather than resorting to general synchronic categories, which lead, almost inevitably, to arid squabbles over definitions, it would be preferable to opt for a genuinely historical, that is, a diachronic exegesis of the problem. For only after the fundamental institutional continuities between late medieval Iberia and early sixteenth century America have been spelled out as carefully and accurately as possible, can we begin to measure and evaluate the countercurrents of innovation—all toward the end of a fuller comprehension of the problem of continuity and change in the migration of cultures.

Brasil Colonial (1500-1800),” *Nova História e Novo Mundo* (São Paulo, 1969), p. 197.