

Corruption in pre-modern societies

CHALLENGES FOR HISTORICAL
INTERPRETATIONS

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Título Corruption in pre-modern societies: challenges for historical interpretations

Coleção Coleção Medioevum

Local Brasília

Editor Selo Calianra

Ano 2024

Parecerista Marcelo Cândido da Silva

Capa e diagramação Geovane Cardoso Dias Sousa

Revisora Eloiza Frederico

Dados Internacionais de Catalogação na Publicação (CIP)
(Biblioteca Central da Universidade de Brasília - BCE/UNB)

C825 Corruption in pre-modern societies [recurso eletrônico] : challenges for historical interpretations / edited by Maria Filomena Coelho, Leandro Duarte Rust. - Brasília : Universidade de Brasília, Instituto de Ciências Humanas, 2024.
166 p. - (Coleção Medioevum)

Inclui bibliografia.
Modo de acesso: World Wide Web.
ISBN 978-85-93776-05-2.

1. Corrupção na política - Aspectos históricos.
I. Coelho, Maria Filomena (ed.). II. Rust, Leandro Duarte (ed.). III. Série.

CDU 328.185(09)

Heloiza dos Santos - CRB 1/1913

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Vices and virtues, money, and the execution of public office in Portuguese domains

ROBERTA STUMPF¹

The topic of political corruption is frequently reprised in Portuguese, Brazilian and international news, and newspapers. This “proximity” can often make it difficult to understand this subject when casting our gaze back to earlier times. The problem of anachronism has long been known to historians who study political corruption and, despite being aware of the problem, they are not always able to avoid it. Therefore, best practice is to ask the question we broach at the outset of this text: Were ‘corrupt’ individuals operating in the political sphere always known for engaging in the same type of activity that we associate with them today?

The answer is obviously no. The period between the early modern era and the contemporary setting witnessed the advent of the liberal, secular state, and ideas emerged in favour of a more egalitarian, free society in opposition to maintaining legal privileges. The pace of transformation has been slower than that promised by the revolutions of the end of the 18th century, but liberalism has been consolidated in the West and the privileges enshrined in a broad set of legal rules have come to be abolished by law.² These and other changes have led to a profoundly negative perception of some political practices that, before the liberal state, were not seen as corrupt – quite the opposite; some even had legal grounds.

In the 19th century, the denunciation of corruption was certainly associated with the manipulation of elections and vote buying, for example, which constituted a

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² See, for example, the 1822 liberal Constitutions of the Portuguese monarchy and the 1824 Brazilian Constitution. *Constituição política da monarquia portuguesa*. Lisbon: Imprensa nacional, 1822. Available at: CRP-1822.pdf (parlamento.pt); *Constituição Política do Império do Brasil*, drawn up by state counsel and appointed by Emperor Pedro I, 25.03.1824. Available at: Constituição24 (planalto.gov.br)

highly recurrent theme in advertising and the press in states with liberal political systems. Although recurrent, such practices had absolutely no basis in legitimacy, as they went against the idea of individual independence associated with the new notion of political citizenship. Corruption was therefore a political theme that went hand in hand with contemporary political history in many ways. The greatest development was that it now became easier to define what was or was not legitimate. Naturally, this 19th-century indignation was heightened by the fact that there were practices in evidence which were presumed to have been associated with the previous political regime, in which they would have been widely safeguarded and accepted: clientelism, nepotism, venality and patrimonialization of offices, for example.

Let us thus return to the starting point and address the above question to the chronological and spatial scope of this study: regardless of its designation, what was considered political-administrative corruption in Portugal and Portuguese America in the 18th and early 19th centuries? In the strict sense, it was seen as the immoral, rather than illegal, conduct of those who held a royal appointment. However, as suggested by Adriana Romeiro, the term “corruption” was used to refer to the effects of these practices, and not the actions themselves,³ which is why, according to Romeiro, “corruption of the Republic” was referred to, rather than “corrupt practices.” The Republic was considered a political body and the word “corruption” was associated with what degraded the essential nature of this body, so its meaning could very generic and inexact.

For this reason, the focus in the first part of this chapter will be on an analysis of what most commonly appears as *abuse* or *misuse of power* in the sources.⁴ The intention is also to ascertain which men were deemed best qualified to serve the monarchy and resist such deviations, and, finally, role which was attributed to money when referring to the vices and virtues of these officials.

As for the two above expressions, the idea that there were limits that governors should not exceed, a straight path from which one was encouraged not to deviate,

³ ROMEIRO, Adriana. *Corrupção e poder no Brasil: Uma história, séculos XVI a XVIII*. Belo Horizonte: Autêntica, 2017.

⁴ In recent years, we have focused on the study of means of controlling the actions of officials of the Portuguese monarchy and the complaints received by the Overseas Council by subjects residing in the Americas in the 18th century. Most of these sources come from the collections of the Arquivo Histórico Ultramarino [AHU] and the Arquivo Nacional da Torre do Tombo [ANTT]. The term corruption (*corrupção*) is rarely used in this documentation, and when it appears, it is mostly associated with the idea of degradation of nature or physical degeneration, its original meanings.

seems evident. Knowing what these limits were and where the border lay that separated righteousness from illegality is at the root of the complexity of this object of study.⁵ On one hand, answers can be sought by analysing specific contexts, as case studies provide an understanding of what constituted abuse of power. On the other hand, one must not succumb to extreme relativism, which is often fruitless; this is why it should be recognized that there was a common conception of what good government was – a collectively shared ideal that obliged authorities to base their conduct on satisfying royal interests and the achieving the common good (*bem comum*).⁶

The offices were uniquely specific in their duties and respective privileges, but governors were assessed according to parameters which applied to all the monarch's representatives. However, this commitment on the part of officials could be subject to corruption by acting for their own benefit and taking advantage of the autonomy granted to them to govern, essential in an empire of immeasurable distances. Against this breach of trust,⁷ affecting order as a whole, it was crucial for the monarch to employ of men of virtue who would guarantee proper governance in Portuguese territories, as well as using strategies to control the officialdom, among which there were complaints presented by his subjects.

The dynamic of gift and counter-gift certainly contributed to a portion of the officialdom striving to act in a meritorious fashion, in the hope that their virtuous behaviour would be rewarded by the monarch, while other officials acted according to with their own interests and sought to accrue gains elsewhere. Regardless of their conduct, the model of virtue of man and servant, as well as its reverse, was known and served a disciplinary purpose in many contexts. It was disseminated in many forms, ranging from the reading of legal, treaty and normative texts, to the local, formal inspection of officials. The magistrate responsible for conducting these was

⁵ COELHO, Maria Filomena. Corruption in the Middle Ages..., this volume.

⁶ ORELLANA SÁNCHEZ, Juan Carlos; VELASCO PEDRAZA, Julián Andrei de. Editorial Historia de la corrupción en el imperio español. *Historia y Memoria*. Nº. 19. 2019, p. 11- 22.

⁷ 'The definition of both corruption and office was influenced by the notion of trust—and its inverse, distrust. Trust, as the fiduciary concept of entrusting power to an agent, became a keyway of thinking about office, from the mid-seventeenth century onwards. (...) When an officer was entrusted with certain duties and powers, he was expected to perform well, in the interests of the entrusted and the public. (...) Entrusted power, with its level of discretionary action and reliance on an agent who certainly had his own interests, was always open to abuse at both the institutional and personal level. Whilst the trust implied a confidence that abuse of the entrusted power would not happen, it could not guarantee this. Moreover, although social, interpersonal trust between officers and the wider world was often consolidated by practices of friendship, gifts giving, and patronage, these were highly vulnerable to allegations of corruption'. KNIGHTS, Mark. *Trust and distrust. Corruption in Office in Britain and its Empire, 1600–1850*. Oxford: Oxford University Press, 2021, p. 8.

equipped with a list of questions (pre-prepared or otherwise) that once again made explicit what the monarchy expected from its representatives.

In the Portuguese Americas, for example, subjects could register a complaint in the *residências* (scrutiny undertaken by the Portuguese monarchy on the magistrates and governors of the captaincies at the end of their terms), as well as in the inspection visit (*correição*) that ombudsmen (*ouvidores*)⁸ made in the districts under their jurisdiction, which also included inspections by municipal officials. However, while there was an opportunity to present complaints against agents of different *status*, grievances were preferentially presented in other ways, especially through (complainant) petitions to the Overseas Council (*Conselho Ultramarino*),⁹ which could require opening of inquiries (*devassas*) to establish whether there was any basis of truth. There is no space here to expand upon the debate over the efficiency of these means of combating abuses of power. In any case, we do not share the theory that the monarchy systematically turned a blind eye or was lenient with those who strayed outside the desired parameters, as if convinced that governance could not be done any other way.¹⁰ The demands projected today for pre-modern states prevent us from seeing that their performance depended on many factors, including the very idea of what good government was and how it evolved, as well as the conception of a diligent officer. In both cases, despite the existence of a common reference at the time, it was perfectly legitimate for judgments to be subject to geographic and chronological variation. The lack of a consistent assessment for agents' conduct was not a flaw, but the capacity for adaptation and flexibility in the face of plural circumstances. The law of the time, up to *pombalismo*,¹¹ considered that a considerable amount of casuistry and adaptation to local customs was acceptable.¹²

⁸ The *ouvidores* were crown magistrates whose area of authority was the districts — *comarcas* — or second instance courts of justice).

⁹ On the right to petition complaints about abuse of power, see Fernandes, Renata. 'O Conselho Ultramarino e as queixas e agravos do ultramar português (Minas Gerais, 1750-1808)', *Revista de História*. São Paulo, n. 181, a04321, 2022. <http://dx.doi.org/10.11606/issn.2316-9141.rh.2022.183693>. See also *Dossier Circuitos oceânicos: as petições ultramarinas e comunicação política* (Iberian America, 18th & 19th centuries) with text by Andrea Slemian, Roberta Stumpf and Renata Fernandes. *Almanack*, n. 34, 2023. <https://periodicos.unifesp.br/index.php/alm>

¹⁰ As Myrup seems to argue: MYRUP, Erik Lars. *Power and Corruption in the Early Modern Portuguese World*. LSU Press, 2015.

¹¹ I.e., until the reign of King José (1750-1777)

¹² HESPANHA, António M. *Como os juristas viam o mundo*. Direitos, estados, pessoas, coisas, ações e crimes. 1500-1750. 2015, p. 181 (e-book) p. 42.

The qualities of men and their propensity for vice

The high judge of *Relação do Porto*, Diogo Guerreiro Camacho de Aboim (1658–1709), when listing the desirable virtues for men in administrative service, in his work *Escola Moral, política, cristã e jurídica* (end of the 17th century), highlighted the importance of *resourcefulness*. This was described as “a more extended and expanded understanding in the knowledge of ordinary things: it is a stronger light that more accurately distinguishes the just from the unjust”.¹³ Resourceful ministers, according to Camacho de Aboim, resolved difficulties and found a solution for everything with no loss of consistency in their thinking and values: “Nothing requires more skill and experienced resourcefulness than matters of government; because mishaps can arise in a moment and require immediate remedy”.¹⁴ However, he continues, there is no “resourcefulness so bad that it cannot be subject to some reason; nor so good that it does not degenerate into vice, if it lacks the culture of virtue”.¹⁵ The range of contexts, the validity of a law with multiple sources and the relative autonomy granted to officials required them to act with constancy, prudence and discernment (resourcefulness), all qualities essential for a good governor.

The Crown had its own strategies for achieving this objective, some of which were deployed before an official's assessment was carried out, or which would take place after the period of their mandate. There was a system for the process of selecting and appointing royal representatives in which the monarch, or the authorities representing him, chose these according to broadly varying criteria and according to the nature of the position to be filled, but which were, in general, highly consistent.

To occupy certain positions, such as the judiciary, an academic background was necessary, while others required specific skills, such as literacy, or, as in the government of a captaincy, military capacity, experience, and quality of lineage. For this reason, given the diversity of criteria and institutional procedures, in this foray we will set aside the governors/captains-general of the captaincies, as well as the honourable local elected positions (council members, local judges, and attorney) and/or officers of the *ordenanças* (local militia reserves). We will thus turn our attention to salaried posts, those in justice and the treasury.

¹³ ABOIM, Diogo Guerreiro Camacho de. *Escola Moral, política, cristã e jurídica* [The Moral, Political, Christian and Legal School]. 3rd edition, Coimbra: Oficina de Bernardo António de Oliveira, 1754 [1ª edição 1747], p. 245.

¹⁴ Idem, p. 246.

¹⁵ Idem, p. 245.

However, most requirements were related to aspects that determined the ability to behave with virtue. In the then current view, of a society that was also hierarchized according to ethnic and religious parameters,¹⁶ the screening of future officeholders should be able to pinpoint the existence of ‘flaws’ which could be considered an impediment to the exercise of power, excluding those who were considered ‘poor’ candidates for a job even when it was a lower position in the hierarchy of offices.

A pure lineage was a universal attribute that also indicated Old Christians as superior servants of the monarch, as they possessed intrinsic virtues.¹⁷ Thus, in Lesson IV of the virtues which Diogo Guerreiro advised for the exercise of government, he refers to a pure lineage as the most valued characteristic because

although there can be purity without honour, there can be no honour without purity. *Nobility* is a moral opinion which each one of us has, and there can be no good opinion when there are known flaws in one’s bloodline.

Jews, New Christians and Moors, due to the “vice in their blood” or being of “flawed stock” were disqualified from service because, according to the author of the treatise, “a good building cannot be built from bad materials”.¹⁸ This derogatory assessment, which only slackened in the Pombaline period, theoretically excluded them from military posts, administrative positions and indeed any and all occupations, as these were services that had to be carried out by those who demonstrated that they could act based on loyalty and trust,¹⁹ as well, it should be added, as many ecclesiastical benefits.²⁰

In addition to the cleanliness or purity of lineage were other characteristics that attested to virtue, such as those that were derived not from their birth but from occupations or deeds throughout their life. The most common were associated with the nature of the activities they performed as well as by their ancestors up to the

¹⁶ The qualities to be screened were not limited to so-called flaws of lineage and profession [*“de sangue e de ofício”*], but also other impediments to service, such as being under 25 years of age or not being married (in some specific cases). Also, in the case of ‘hereditary’ properties’ offices, being the presumptive heir, having the best service record (official certificates), or a royal document with a promise of appointment, etc.... They did not always carry the same weight. The ‘rules of the game’ dictated by the monarchy also varied according to royal intent.

¹⁷ FIGUEIROA-RÊGO, João de; OLIVAL, Fernanda. Cor da pele, distinções e cargos: Portugal e espaços atlânticos portugueses (séculos XVI a XVIII). *Tempo*, Vol.XVI, nº 30, 2011, p. 115-145.

¹⁸ ABOIM, Diogo Guerreiro Camacho de. Lição (IV) Sobre a limpeza de sangue. *Op. cit.*, p. 211.

¹⁹ Law of 25 May 1773 which abolished the distinction between New and Old Christians. Available at: O Marquês de Pombal e os Cristãos Novos (arlindo-correia.com)

²⁰ On the demand for the “purity of blood” and the appointment of Holy Office: cf. FERNANDES, Alécio Nunes. Corruption for whom?, p. 126, this volume.

fourth generation. The slightest hint of impurity in a trade, that is, in the performance of some manual work, was enough to disqualify any claim to gain temporary offices (*serventias*) or granted in property offices²¹ (perpetual and transmissible offices with royal permission). Innumerable children and grandchildren of tailors, olive oil workers, bricklayers, or shoemakers, for example, or of mothers and grandmothers and those of ‘secondary status’²² were disqualified and passed over for positions, even if of lower rank. It is worth remembering that those who “lived from their income” (“*viviam de suas fazendas*”) did not belong to this group, that is, those who worked for themselves “living off their own assets, without any manual endeavours”.²³ Hence, such a stain was not attributed to all manual workers, but only to those who needed to work for others to earn their livelihood. Underlying this is the appreciation of those who had assets to support themselves and their families even if they did not belong to the nobility. Here it should be noted that, in addition to reinforcing the inferiority of those who, as they could not give orders, had to follow them, men who had little or no financial means to support themselves could not be trusted. Freedom, which “mechanical” officers lacked, was also a virtuous asset. Referencing a phrase by Horace, Villas Boas e Sampayo said, in his *Nobiliarchia portuguesa*, dated 1676: “He who has money will have what he wants”.²⁴ Raphael Bluteau, around half a century later, in the entry “money” in his *Vocabulario portuguez e latino*, among the many Portuguese adages cited, took up this phrase, with a slight twist: “He who has money will do as much as he wants”.²⁵

The virtues associated with money

It must be said that being in possession of means, if not associated with another formally or tacitly valued social quality, was not sufficient in itself to guarantee an appointment to a position in the Portuguese administration.²⁶ However, wealth could tip the scale in the assessment of those who applied for a vacant position or who

²¹ They are offices given in perpetual ownership, which can be passed on hereditarily if there is royal consent.

²² STUMPF, Roberta Giannubilo. *Os Cavaleiros do Ouro e outras trajetórias nobilitantes nas Minas Setecentistas*. Belo Horizonte: Editora Fino Traço, 2014.

²³ Ibidem, p. 306–308.

²⁴ SAMPAYO, Antonio de Villas Boas. *Nobiliarchia portuguesa*. Tratado da nobreza hereditária, e política. 1ª edição. Lisboa: Oficina de Francisco Villela, 1679, p. 25.

²⁵ BLUTEAU, Raphael. ‘Dinheiro’. In: *Vocabulario portuguez e latino*. Volume 3. Coimbra, 1712-1728, p. 2036.

²⁶ “With virtues, one can acquire riches, but with riches one cannot buy virtues; whereby he who is virtuous may well be rich, but it does not follow that he who is rich is virtuous.” ABOIM, Diogo Camacho. *Op.cit.* p. 54.

required some Crown donation, including a “public” office, whether temporary or property.²⁷ Likewise, without presenting a petition, it could contribute to being chosen to serve by the monarch himself or some royal representative, or even to being elected by *homens-bons* (the main men of each municipality) to one of the council offices. In addition to innate qualities or those determined by lifestyle, there are common references to the view that men of means were less prone to bribery, a vice recurrently identified in the political culture of the Portuguese *Ancien Régime* as being the very essence of political corruption. In other words, men of possessions or money were held at that time to be more inclined to be “clean-handed” (*limpeza de mãos*), complete and impartial in their service than those who found themselves in financial and material difficulties, because they would quickly let themselves be bribed. However, the illegality of bribery was particularly exacerbated if judges or graduated in law were to indulge in it.²⁸ When this practice involved magistrates, they allowed not only themselves to be corrupted, but justice, which was their responsibility, ensuring that the social order was maintained. This is why, for Raphael Bluteau, having “clean-hands” was the main “virtue of a judge, who takes no bribes and will not allow himself to be corrupted by money”.²⁹ The image of the “perfect judge” was upheld by impartiality and disinterest because (just as we metaphorically associate justice with a blindfolded woman), he would thus not allow himself to be influenced by something that diverted his eye from what was fair, right and true. According to António Manuel Hespanha,³⁰ “the free nature of justice prevented judges from receiving offers from parties, as their services were provided to the republic and not to others. If the parties paid, this would privatize the judicial function and the judge would sell his mission, taking for his own that which that belonged to everyone (*facere*

²⁷ On the modes of provision in the Portuguese monarchy of the modern age, see: STUMPF, Roberta. Os provimentos de ofícios: a questão da propriedade no Antigo Regime português. *Topoi. Revista de História*. Volume 15, nº 29, Jul./Dec, 2014, 612–634. Available at: <https://www.revistatopoi.org>. Accessed: June 20, 2024.

²⁸ As you can see in legal treaties, in administrative documentation controlling the conduct of officials (including reports and complaints sent to the Overseas Council).

²⁹ BLUTEAU, Raphael. ‘Limpeza de mãos’. In: *Vocabulário português e latino*. Volume 5. Coimbra, 1712-1728, p. 3677.

³⁰ HESPANHA, António M. *Como os juristas viam o mundo*. Direitos, estados, pessoas, coisas, ações e crimes. 1500-1750. 2015, p. 181 (e-book). However, according to the author: “The principle of free provision of justice in relation to parties did not, however, exclude the possibility of receiving something directly from the hands of those parties, as long as there was neither a pact of favouritism nor a public scandal”. About simony: cf. WEST, Charles. “Corruption in the Middle Ages and the problem of simony”, this volume. Of particular interest to thinking the bribery, in the *Ancien Régime* is the author’s observation about: “what matters is how simony is serving in this late antique or early medieval text as a platform for consideration of what office, entrusted power, actually is, and how it should properly be acquired”. Idem, p. 86.

litem suam). This “sale” of public functions would be close to simony, or the sale of sacred duties.”

Detachment, a paradigm of how a good magistrate should act, was reinforced in *residência* (which were obligatorily removed after the end of their term of office so that they could serve again). Checks were made on whether they had been impartial to parties and whether they had incurred favouritism. This is a recurring image in the *Ancien Régime*, and it was to be revived with great force in the political speeches of the liberal revolution in Portugal in 1820, but to discredit the previous regime. In these speeches, they denounced

the grave accusations that include corruption of the old regime and of the enemies of the fatherland in general: 'there is no individual of any class whatsoever who is not convinced of the venality of the courts, the corruptibility of litigation and the suffering of the nation' (G.C., 49-27/XI/20).³¹

As in liberal discourse, but more than a century earlier, for Diogo Camacho Aboim, there were three types of gifts which “compromise the justice of the kingdom”: “praise, favour and bestowals”, the last being the worst for him “because riches and self-interest capture the heart and force the loss of loyalty”.³² Money was the origin of this addiction, as it bought illicit favours from those who acted out of self-interest or to benefit a third party. “Self-seeking” magistrates could distort “the sentiment of truth and justice with the passions of gratitude or greed”.³³

Eighteenth-century documentation is rich in examples that provide us with important items, as occurs whenever we turn to specific cases. The ombudsman of the *Comarca* of Rio de Janeiro, Fernando Leite Lobo, was appointed in the 1730s to “investigate the cases in which the ombudsman of Vila Rica, Sebastião de Sousa Machado, was accused”, and to arrest him and seize his assets if it was found due to “extrajudicial information (...) that he had committed the said excesses”. Yet little could be found other than that he received “excess salaries”, of which other ombudsmen from Minas were no “less culpable”.³⁴ However, this magistrate,

³¹ *Jornal Gênio Constitucional* *apud* VERDELHO, Telmo dos Santos. *As palavras e as ideias na Revolução Liberal de 1820*. Coimbra: Instituto Nacional de Investigação Científica, 1981, p. 322.

³² ABOIM, Diogo Camanho. *Op.cit.*, pp. 277, 275 and 274, respectively.

³³ HESPANHA, António M. *Como os juristas viam o mundo*. *Op.cit.* p. 671.

³⁴ The ombudsman was referring to the excess collection of fees (*emolumentos*), and not to the wages paid by the Royal Treasury, a recurring problem that the Crown sought to control. In 1721, the governor of Minas Gerais, Dom Lourenço de Almeida, tried to regulate the collection of fees charged to the population for certain services provided by ombudsmen and clerks, but without success.

appointed to replace Sebastião Machado in the ombudsman's office in Vila Rica, decided to take up his predecessor's *residência* in order to remove him from that land and investigate the suspicions against him (without his pernicious presence).³⁵ According to Fernando Leite Lobo, I immediately found from the first twenty-one witnesses [in the *residência* inquiries], that in addition to many things that he was accused of in the complaints presented to Your Majesty, the checked ombudsman had committed very serious crimes of barratry, in comparison with which the guilt of those excesses seemed little.

Bribery, when proven, was an unforgivable abuse. In the same letter written by Fernando Leite Lobo addressed to the monarch John V on September 12, 1734 via the Overseas Council,³⁶ we see that he ordered the arrest and sequester of the assets of his predecessor, who was sent from the capital of Minas to Limoeiro Prison, in Lisbon, where he died.³⁷

The majority of *residências*, however, do not appear to have ended with 'corrupt' magistrates being punished. They were more commonly used for listing supposed virtues, sometimes in quite exalted language. In the *residência* to investigate the actions of Bachelor Manuel Joaquim Pedroso in May 1783, during the period in which he was ombudsman of this *Comarca* of Minas, the judge in charge (Francisco Gregório Pires Monteiro Bandeira, superintendent of the Vila Rica Foundry) was eloquent in his praise:

And there being quite a hundred and twenty witnesses, I could not spare myself from taking much more, who voluntarily and uniformly came to swear that this checked ombudsman was an excellent official, wise, prudent, clean-handed, disinterested, affable towards parties, dealing equally the poor and the rich, very expeditious, and an active caretaker of the Royal Treasury, in which he notably distinguished himself and finally regulating his actions in

³⁴ In 1754, a new regulation was created just for Minas to avoid similar abuse, with the amounts updated, although they were still higher than for other captaincies. Permit for the Regulation of Salaries and Emoluments of Ministers and Justice Officers of Minas, Brazil, October 10, 1754. Available at ICS (ul.pt). On the issue of salaries and corruption, see ROMEIRO, Adriana. *Ladrões da república: corrupção, moral e cobiça no Brasil, séculos XVI a XVIII*. Belo Horizonte: Fino Traço, 2023, p. 120-123.

³⁵ To begin the *residência* inquiries, the checked judge was suspended from his position and removed to a town, city, or place 'which will be at least six leagues from the location of the *residência*.' *Directório para os Sindicantes tirarem Residência* (August 29, 1722) In: *Systema, ou Collecção dos Regimentos Reaes*, t. 5: Lisbon: Officina Patriarcal Francisco Luiz Ameno, 1789, p. 509. Available at ICS (ul.pt) (O governo dos outros (The government of others)).

³⁶ Vila Rica, 12 September 1734. Letter from Fernando Leite Lobo, ombudsman of Ouro Preto, relating the *residência* and inquiry that, by royal order, he made into his predecessor, Sebastião de Sousa Machado. AHU, Minas Gerais, Cx.27 Doc.20. Available at: http://resgate.bn.br/docreader/DocReader.aspx?bib=011_MG&pagfis=12549

³⁷ SÃO BENTO, Luís de; SOARES, António. *Memorial de ministros: Catálogo alfabético dos ministros de Letras (Estudo e transcrição Nuno Camarinhas)*, Vol.2 J-Z, Lisbon: Biblioteca Nacional; São Paulo: Colégio Permanente de diretores de escolas estaduais de Magistratura, 2017, p. 1583.

such a way that they served as an example and an object of admiration for all.

The list of adjectives that describe the conduct of this former ombudsman from Minas Gerais perfectly summarizes the understanding of a “minister who does honour to His Majesty’s services,” focused on the idea of impartiality and “clean handedness”, qualities constantly mentioned for avoiding bribery. In this case, whether the description of excellence is true,³⁸ it is these qualities which stand out to the point that we might start to suspect whether, ironically, the judge in charge himself had received a bribe to praise such checked ombudsman. These cases in which checked judges were unblemished were recurrent and may also indicate “solidarity” between the magistrates, whether reinforced by money or not. This might reduce the reliability of the *residências* as a source for studies of the behaviour of Portuguese officialdom in the kingdom or anywhere in the Empire, despite the Crown's attempts to combat corporatism.³⁹ In any case, the monarchy provided an opportunity to make complaints against bad officials by other means, an extraordinary resource which suffered less interference from the networks established by the magistrates, and was therefore more reliable for studying abuses of power by Portuguese officialdom.⁴⁰

If bribery was considered especially serious among judges because it corrupted justice, it was a moral deviation that could affect all officials. The scope of royal officialdom was such that it could indulge in this vice that was determined in the Manueline Ordinances (Book V, titles LVI and LVII):

All judges and high judges, and any other officials, whether of justice, or of our Treasury, or of Our House, and of whatever sort and quality they may be, as well as of the governance of cities, towns, places and others whatever they may be, shall not receive for themselves, nor for their children, nor for anyone under their power or governance, any donations or gifts from any person whatsoever, even though they do not bring with them any request for any order.⁴¹

³⁸ Vila Rica, 17 May 1783. Letter from Francisco Gregório Pires Monteiro Bandeira, intendant of the Vila Rica Foundry, to D. Maria-I, recounting the *residência* of Manuel Joaquim Pedroso, who held the post of ombudsman of the *comarca* in that town. AHU, Minas Gerais, Cx.119 Doc. 33. Available at: http://resgate.bn.br/docreader/DocReader.aspx?bib=011_MG&pagfis=59401. Accessed: June 20, 2024.

³⁹ In the Charter (*Alvará*) of February 8, 1775, “Regulating the appointment of Ministers to carry out the *residências* and giving a new form to *residência*”, there are two pages on corporatism. Available at ICS (ul.pt) O governo dos outros (The government of others).

⁴⁰ STUMPF, Roberta. ‘Recorrer aos soberanos. Notas sobre as denúncias dos vassallos das capitanias auríferas’. *Almanack*. Revista eletrônica, 2023. FERNANDES, Renata. O Conselho Ultramarino e as queixas e agravos...*Op. cit*

⁴¹ *Ordenações manuelinas* (Livro V). Lisbon: Fundação Calouste Gulbenkian, 1984, p.185-194.

With Treasury appointments, the care that was taken when appointing officeholders is indisputable, always recommending that they be wealthy. To deal with the money of the Royal Treasury, whether in collecting taxes, auctioning (*arrematação*) rights and contracts, smelting gold, paying wages, or even monitoring the money and assets of orphans, the deceased and absentees (*ausentes*), among the many duties they performed, it was essential to ensure that they were also ‘clean handed’ in their governance. To this end, it was recommended that those chosen be men of virtue, thus choosing reputable⁴² and wealthy men because having means, as we have seen, helped them avoid malicious behaviour.

When the position of collector of royal taxes (*almoxarife*) at the Royal Treasury of Rio de Janeiro became vacant in 1712, the Overseas Council published a notice for one month for interested parties to send their current documents to the Council secretary. Three candidates applied, all experienced in financial services, in positions of greater or lesser importance. To choose the best candidate, a consultation with the Overseas Council was carried out, by which means it can be ascertained who the candidates were and how the councillors praised the services provided. The first, João da Costa de Matos, had served as clerk of the royal fifths and purchases of gold of the Mint in Rio de Janeiro “with great satisfaction, ability, zeal, and intelligence, in which he did excellent work.” João Mendes Mexia, in turn, was a general accounting officer for the army and troops of Catalonia, for around eight years, “with good conduct,” while António Rodrigues de Sá held the position of clerk in the warehouses (*almoxarifado*) of Sacavém, Portugal, “with good opinion”. Called on to give his position, the Treasury attorney responded

that in the jobs of collector of royal taxes warehouseman, not only should candidates have intelligence and truthfulness, but they must be possessed of goods (...) and the supplicants lack their intelligence, truth and zeal; however, none of the candidates declares what their abilities are and that they therefore lacked the security that was the most important and that is why they do not seem capable.

It should be noted that for the attorney, the fact that none of the candidates mentioned his economic status was extremely serious because for him, wealth was the

⁴² In the trials (*provações*) of Brás Valentim de Oliveira, to qualify for the habit of knight of the Order of Christ, completed in 1770, one of the witnesses recalled that ‘he was of such renown that he served in occupations in the collections of the Royal Treasury’. Very frequent association. ANTT, *Habilitação da Ordem de Cristo*, Letra B, Maço 08, nº 3.

most important criterion for service in this office. According to this important authority, “the person who enters it must give safe and well-paid bonds, so that His Majesty's Treasury will have something to pay with in the event of any deviation or poor collection.” However, the prudence expressed by the attorney did not change the vote of the deputies of the Overseas Council who chose the first candidate, João da Costa de Matos, with no reason given. Perhaps, being the only one living in the city of Rio de Janeiro and thus being able to assume the position quickly was explanation enough. Although this tender had been ongoing for years, it was not advisable for the position to remain vacant or for it to be filled by an “interim” chosen by a local authority, in accordance with legal instructions.⁴³

Around ten years later, in 1724, a new notice was issued for the position of collector of royal taxes at the Royal Treasury in Rio de Janeiro and this time, taking into account the status of the offices already occupied by the candidates, they cannot be said to have had a suitable profile for this service.⁴⁴ The Treasury attorney once again showed caution, asking the judge of *India e Mina* to examine “the capacity, capabilities and good conduct of the said candidates”, in the certainty that men who did not have all these qualities should not be nominated for Treasury posts. However, of the four candidates, only two “gave witnesses as proof of the requirements presented”: Luís Alves Ramos and Simão Vieira Brochado. The former, according to the summary of the witnesses, was born in Tarouca, Portugal, was married and resident in Colónia do Sacramento where he was a collector of royal taxes at the Royal Treasury. Furthermore, as the Treasury attorney seemed aware, he had very “good conduct.”

As for his means, witnesses say that he had a farm in Colónia with many cattle, slaves and horses, and that in the mines of Rio de Janeiro he has some potteries with many slaves, and that in the town of Tarouca, where he is from, he also has some real estate that was left to him from his parents.

The judge asserted about the last candidate, Simão Vieira Brochado, that

⁴³ The monarch agreed with the opinion of the Overseas Council and appointed João da Costa de Matos on February 16, 1714. Lisbon, February 14, 1714. Overseas Council to fill the office of collector of royal taxes (*almoxarife*) at the Royal Treasury in Rio de Janeiro. AHU, Rio de Janeiro – Eduardo de Costa Almeida, Cx. 16 Doc. 3340. Available at: http://resgate.bn.br/docreader/DocReader.aspx?bib=017-1_RJ&hf=resgate.bn.br&pagfis=8340. Accessed: June 20, 2024.

⁴⁴ Lisbon, March 30, 1724. Overseas Council to fill the office of collector of royal taxes (*almoxarife*) at the Royal Treasury in Rio de Janeiro. AHU, Rio de Janeiro- Eduardo de Costa Almeida, Cx. 20 Doc. 4435. Available at: http://resgate.bn.br/docreader/DocReader.aspx?bib=017-1_RJ&hf=resgate.bn.br&pagfis=10725. Accessed: June 20, 2024.

he conducts himself well, and that he has good skills and was a clerk in a process that was carried out in Maranhão, by order of His Majesty, an occupation in which he gave good account (...) as for his means, the witness José Francisco Padrão says that the suppliant has few and he is certain that it is the truth.

The Crown attorney voted in favour of Luís Alves Ramos, whose background was more notable in relation to his opponent. The choice is not surprising given the frequent notion that to ensure that treasury positions were served with “clean hands” this was the most important criterion to consider. However, by royal resolution, the appointment fell to Simão Vieira Brochado, with the exception that this should only be the final decision if “the Council does not have another more suitable person.” The counsellors reinforced their choice, arguing that

Simões Vieira is said and believed to be a man of great novelty and good conscience, which are the essential qualities that must coincide in one who is to take charge of the role of collecting for the Royal Treasury.

This was not a game in which each of the decision-makers chose their criteria of trust and suitability. It seems indisputable that Vieira Brochado's lack of expertise, even though it did not prevent his appointment, interfered in his evaluation as no one was convinced that he was the right choice for such a position. As for Almeida Ramos, there is a lack information to explain why he was not considered for the nomination, despite his wealth. One hypothesis is that it seems that his wealth raised suspicions about his true interests, since it highlighted his important (and dangerous) local influence in two territories which were crucial to the monarchy (Rio de Janeiro and Colônia do Sacramento).⁴⁵ A year before the Council's decision, in July 1723, Almeida Ramos held the office of “attorney of Colônia and its inhabitants” and it was in this capacity that he presented two petitions to the monarch that displeased the governor of that town. The first request was for provision for the construction of “a hospital and a brotherhood” and the second to send “boats to combat the landing of ships from foreign nations.” Two years later, still annoyed, the governor of Colônia do

⁴⁵ There are many laws preventing the occupation of Royal Treasury posts by those who had social importance in the place where they would serve. An example is the royal order of April 13, 1745, which ‘prohibited officers of the Chamber of Rio de Janeiro from appointing merchants who owned farm stores to the role of storehouse guardian at the Royal Treasury of that captaincy’, ‘whenever possible’. Rio de Janeiro, August 7, 1745. Letter from the governor of Rio de Janeiro [and Minas Gerais], Gomes Freire de Andrade, to the king [John V], reporting compliance with the royal order which prohibited officers of the Rio de Janeiro Council from appointing merchants who owned farm stores to the role of storehouse guardian at the Royal Treasury in that captaincy. AHU, Rio de Janeiro, Cx. 38, D. 3935. Available at: http://resgate.bn.br/docreader/DocReader.aspx?bib=017_RJ_AV&hf=resgate.bn.br&pagfis=26897. Accessed: June 20, 2024.

Sacramento explained to the Overseas Council that some of Ramos' requests were no longer necessary, as "Colônia is so different today from the time when the prosecutor, a robust man in perfect health, left it to a leper".⁴⁶

If the exigency for wealth was understood as a resource to avoid bribery, this was not the only diversion that Treasury officials could indulge in. In complaints against them, or in sources concerning the evaluation of their conduct, other offences were referred to, such as theft, smuggling, forgery, and diversion of funds, among others. Even though it is impossible to measure the amounts involved, it is certain that they caused great damage to the Royal Treasury.⁴⁷ Similar abuses could be committed due to officials' greed and/or because of some material need, which is why it was also believed that the wealth of means could help prevent deviations from the rules dictating good conduct. The requirement of a guarantor at the time of appointment, especially when it came to more important finance positions, was also a measure of security that mitigated the risks of embezzlement. However, the Crown had other strategies to avoid similar practices, including paying good salaries to officeholders. While a considerable portion of the men who entered financial administration were property owners, in order to serve the monarchy, they usually needed to move away from activities that provided them with good income, particularly if they were carried out on lands that were many leagues away from the location where they would perform their offices.

On October 21, 1700, the governor of Rio de Janeiro, Artur de Sá e Meneses, expressed his favour of this strategy in a letter to the king [Pedro II], that is, he argued for an increase in the wages of the ombudsman and other officials (treasurer, clerk and foundryman) of the workshops in the royal fifths of São Paulo, Taubaté and

46 Nova Colônia do Sacramento, 11 May, 1725. Letter from the governor of Colonia do Sacramento, António Pedro de Vasconcelos, to the king [John V], on the provision requested by the attorney of Colônia, Luís de Almeida Ramos, for the construction of a hospital and a brotherhood in Colônia. AHU, Colônia de Sacramento, Cx. 2 Doc. 135. Available at: resgate.bn.br/docreader/DocReader.aspx?bib=012_CSRP&hf=resgate.bn.br&pagfis=1063, Nova Colônia do Sacramento, 12 May, 1725. Letter from the governor of Colonia do Sacramento, António Pedro de Vasconcelos, to the king [John V], on the provision requested by the attorney of Colônia, Luís de Almeida Ramos, requesting the dispatch of boats to repel landings by ships from foreign nations. AHU, Colônia de Sacramento, Cx. 2 Doc.136 (1). Available at: resgate.bn.br/docreader/DocReader.aspx?bib=012_CSRP&pagfis=3365. Accessed: June 20, 2024.

⁴⁷ 'Contrary to what the legal-political texts posited about the public dimension of the Royal Treasury, the complaints presented no abuses against these resources as an attack on the community of vassals, that is, on the republic, but only on the royal person.' The difference between public goods and assets of the Crown (or Royal Treasury), for the author, is decisive in the subjects' assessment of what was or was not an abuse of power. It is not possible to address this issue in this essay, but Romeiro, Adriana. *Ladrões da república. Op.cit.*, p. 141 is recommended reading.

Rio de Janeiro. In his letter, he justified his proposal by recalling that the works in that context were much larger than in previous periods and that it was still ‘convenient for the Royal Treasury to add them so as not to give them the opportunity to make mistakes’.⁴⁸ It could be said at the time that ‘necessity makes the thief’.

Embezzlement was rarely mentioned as being a behaviour which derived from proximity to it. More often, moral deviation or lack of financial conditions were the reasons attributed for counterfeiting currency, evading tax, or many other misdemeanours that the Crown tried, not always successfully, to control.

Social and political authority

Whenever possible, the aim was to sanction the idea that a man with some wealth were more likely to serve (within the established parameters of good government) and avoid misconduct that might compromise the common good. However, the profile of men who lived lives of distinction, whether from a moral or social point of view, was also valued because it was understood that the social importance, they held reinforced the political authority of the position to which they had been appointed.

With these formal requirements being considered in the context of appointments and provisions, as they were in many cases, future civil servants should have a way of proving that they belonged to the ‘nobility of the land’, identified above all by their lifestyle. Those who ‘lived by the law of nobility,’ as it were, could be recognized as being good, God-fearing subjects of the monarchy and morally virtuous. But not only this – according to the pages of testimonies in the trial (*provanças*) carried out to ascertain the attributes of those applicants for the habits of knighthood in the military orders or the position of family member of the Holy Office, for example, other criteria distinguished individuals of this status, within which their assets had a high profile.

The example of Francisco de Abreu Guimarães perfectly illustrates how men who held this local dignity were recognized. Born in the town of Guimarães in Portugal, he arrived in Minas Gerais at the age of twelve to learn the trade of merchant from his uncle. Years later, he requested the habit of the Order of Christ for having brought

⁴⁸ Rio de Janeiro, June 6, 1701. Letter from the governor and [captain-general] of Rio de Janeiro, Artur de Sá e Meneses, to the king [Pedro II], proposing increased salaries for the attorney and other officials of the workshop of the fifths of gold (*quintos*). AHU, Rio de Janeiro, Cx. 7 Doc. 743. Available at: http://resgate.bn.br/docreader/DocReader.aspx?bib=017_RJ_AV&hf=resgate.bn.br&pagfis=4998. Accessed: June 20, 2024.

more than nine *arrobas* of gold to the Sabará Foundry⁴⁹ between August 1767 and August 1768, after having obtained the title of family of the Holy Office. In his trials he was identified as a man who “lives a clean and ordered life from the profits from the administration he has in the diamond contract, and will have 12 thousand *cruzados*, he knows how to read and write, is single...”.⁵⁰ In the inquiry carried out by the *Mesa da Consciência e Ordem* (Board of Conscience and Order) to assess whether he could become a knight of the Order of Christ, one of the witnesses recognized him as being ‘of good repute among good men. (...) Bearing himself with distinction and gravity, having several mills and mines of his own, in which he has many slaves’.⁵¹ As for his father and paternal grandparents, in the interview held in the Parish of São Vicente de Mascotelos, where they were all born, the witness Manoel de Abreu, a 72-year-old master weaver, added further information:

...always treating themselves well, and the beasts on which they rode, because they were rich in real goods and money, they never committed a crime against the divine or human Majesty, nor were they known for it, as I knew from seeing this, and knowing them and being their neighbour...⁵²

Being recognised as one of the main people in the town, Francisco de Abreu Guimarães was enabled to serve in local positions and eventually ascend to other higher positions in administration. All those who had the attributes that distinguished them as ‘good men’ and men of goods/possessions were identified with this primacy and were recognized as thus. The fame and honour achieved through the externalization of virtuous and expensive behaviours needed, however, to be preserved and perpetuated for their descendants, but this was only within the reach of those who could continue to bear the costs of an analogous way of life.

Money was ambiguous of character. It could pervert the authorities who gave in

⁴⁹ 1 arroba of gold is equivalent to around 15 kilos of gold. AHU, Minas Gerais, Cx.96 Doc.31 f.3 (Anterior a 1769). No place, 28 November, before 1769.

⁴⁹ Request from Francisco de Abreu Guimarães, resident in the village of Sabará, asking the king to reward him for the services provided at the Foundry in that village. Available at: http://resgate.bn.br/docreader/DocReader.aspx?bib=011_MG&pagfis=47821. Accessed: June 20, 2024.

⁵⁰ Process of habilitation for Francisco de Abreu Guimarães. ANTT, *Tribunal do Santo Ofício*, Francisco, mc.101, doc. 1629 f. 1. On the path de Francisco de Abreu Guimarães and his uncle, see: FRANCO, Renato. Fortuna e ressentimento: o incrível caso dos Abreu Guimarães (c.1740–1807), *Revista Portuguesa de História*. Volume 47, 2016. Available at: https://impactum-journals.uc.pt/rph/article/view/0870-4147_47_12. Accessed: June 20, 2024.

⁵¹ The inquiry started in 1780. This statement was given by the first witness, Father Manuel Dias da Costa Lana(?), presbyter of the habit of Saint Peter, aged 32, born in Vila de Sabará. ANTT, *Habilitação da Ordem de Cristo*, Letra F Maço 24 n. 5

⁵² ANTT, *Habilitação da Ordem de Cristo*. Letra F Maço 24 n. 5 f. 14.

to bribery, but it ‘protected’ from this vice those of means who would be less inclined to give in to it. To combat the greed and covetousness of Justice and Treasury officials, the monarchy sought to appoint virtuous men, with morally impeccable conduct and procedures, and preferably of some means, qualities common to most individuals who belonged to social groups of distinction, noble by royal favour or even more ennobled by divine election. But the government of the empire also had to make use of men with lower social status, because the most numerous positions of an intermediate level in the Portuguese administration were not filled by nobles. Even so, they were formally required to meet social requirements that proved them suitable, without which they would not be able to give credibility to their political authority or honour the trust that the monarch had placed in them.

The virtues of wealth

This is not an attempt to deny that *Ancien Régime* society put honour before money,⁵³ but rather to emphasize the determining role that the Crown, its representatives and its subjects attributed to wealth in assessing individuals’ social and political importance. In a society of orders, the monarch was primarily responsible for social order and must preserve acquired privileges and reward men who stood out for the common good even when their “actions in the Royal Service have been above their birth”.⁵⁴ This recognition resulted in the granting of different types of favours, such as positions in the royal administration, titles and honours, many of which were ennobling in nature. In this process, as we have seen, the individual and family requirements of the subjects were assessed, as well as the services they had provided. In the first case, wealth was important because it conferred social dignity and allowed it to be externalized. In the second, the importance of having means in carrying out many actions of service, especially useful in contexts in which the Crown could not bear certain costs, should be highlighted. These pecuniary services, as we prefer to call them, were even more honoured because they were carried out on the person’s own initiative; they supported requests for favours because the expenditure of money, or the “sacrifice of the treasury”,

⁵³ LÓPEZ-SALAZAR, Ana Isabel; OLIVAL, Fernanda Olival; FIGUERÔA-REGO, João (coord). *Honra e sociedade no mundo ibérico ultramarino: Inquisição e ordens militares - séculos XVI-XIX*. Lisboa: Caleidoscópio, 2013.

⁵⁴ ANTT, *Habilitação da Ordem de Cristo*. Letra F Maço 3 n.6 f.6 *apud* STUMPF, Roberta. *Cavaleiros do ouro*. *Op.cit*, p. 266.

deserved to be seen meritoriously as it brought losses to the family of the supplicant and his future descendants.

These demonstrations of loyalty, in which money played a prime role, constituted the antithesis of what was said to be the best example of corruption, in that private interests were overlooked in favour of a greater good.⁵⁵ The “sacrifice”, in this sense, expressed the difficulty of those who, even without greater resources, desire to be virtuous subjects. This convenient, accepted rhetoric was used by many men who were, for this reason, in an opportune position to petition. Sometimes it was the Crown itself that legislated to attract vassals to contribute services of a pecuniary nature in exchange for favours. In the difficult context of the beginning of the 19th century, João Egídio de Siqueira benefited from the decree of August 31, 1809, which promised a captain's post (of an ennobling nature) to anyone who organized military companies.⁵⁶ João Egídio, having raised a cavalry company at his own expense for the Royal Police Guard Corps, obtained the rank of captain and the right to appoint lieutenants and ensigns.⁵⁷ Fortunate were monarchs that could count on brave, courageous and relatively wealthy men like these. Rewarding them was doing justice to them and to society because their actions were beneficial for all.

From 1750 onwards, with the law establishing foundries, mentioned earlier in the case of Francisco de Abreu Guimarães, the Portuguese monarchy made it possible for loyalty, expressed in *arrobas* of gold, to earn subjects residing in Minas Gerais a habit of military orders, which was no small feat in a region where blood nobility and lineage were rare. In the regulations, it was not stated that the royal favour they could request was the title of knight (of the Order of Christ), but this was the award that most supplicants chose. This once again demonstrates the existing possibilities to elevate oneself socially by means of economic goods (although here it was still necessary to go through trials to evaluate their individual and family qualities).⁵⁸ Of

⁵⁵ “The influence of religious teachings, which stressed the abnegation of the self, and classical influences, which stressed ideals of putting the public good above all other considerations, shaped a mentality that was distrustful of self-interest.” KNIGHTS, Mark. *Trust and distrust*. *Op. cit.*, p. 11

⁵⁶ MACEDO, Roberto. *Brasil sede da monarquia. Brasil Reino* (1st part). Coleção História Administrativa, Brasília: Editora da UnB, 1983, p. 168.

⁵⁷ Coleção Leis do Império do Brasil (1813), p. 34. *COLEÇÃO Leis do Império do Brasil*. Portal da Câmara dos Deputados. Available at: <http://www2.camara.leg.br/atividade-legislativa/legislacao/publicacoes/doimpep>. Accessed: June 20, 2024.

⁵⁸ *Regimento para a nova forma de cobrança do direito senhorial dos quintos dos moradores das Minas Gerais, abolida a da Capitação que antes se praticava*. Apud. SOUSA, José Roberto Monteiro de Campos Coelho de. *Systema ou Collecção dos Regimentos Reais*. Lisbon: Oficina Francisco Borges de Sousa, 1783. p. 322. Available at: ICS (ul.pt)

the 89 individuals who tried to benefit from this regulation, 42 were included, although some also had to pay the royal dispensation for their “flaws” (notably “impureza de ofício”, for having been or being traders).⁵⁹ A considerable number were merchants, a group that, in the Americas, sought to transform their wealth into social capital. They were more successful in the process of obtaining a title of family member of the Holy Office, for which “pureza de ofício” was not required, and benefited from the opening given in the provision of financial offices for which, as stated, the future incumbent's means were evaluated.

The monarchy also legislated to promote access to paid and non-elective administrative offices for those who made the largest donation, as the monetary contribution was called, in auctions held for this purpose (initially in Lisbon and later in the American captaincies). Sales were established through the promulgation of the law of February 18, 1741, which granted intermediate appointments to be served in Portuguese America, for a period of three years. The content of the regulation required that before being provided, it was necessary to ascertain the buyer's abilities, but there was no evidence that this occurred. Likewise, all those who had been favoured by proposing a higher donation than the other competitors were authorized to appoint someone (*serventuário*) they were unable to serve. This means that the Crown itself encouraged the purchase of office appointments by those who were very probably not even interested in serving and could pass them on to third parties (through resale) who would not be evaluated by any monarchical institution.

There are many reasons for this openness, but economic necessity was certainly important, and there was a legal basis for legitimizing this procedure as the Crown could sell offices when it found itself in financial difficulties.⁶⁰ This transpired several times, particularly when the treasury was in difficulty in the American captaincies.⁶¹ Therefore, bids made in the auctions were called ‘donations’ because they were a

⁵⁹ To gain this royal favour, ideally prohibited to those who were not of pure blood and/or have “pureza de ofício,” it was common to request a royal dispensation if the flaws were not especially serious. Such a ‘favour’ was legally accepted as it was not a pardon, as the ‘flaws’ could never be erased. It was even public knowledge that the noble favour had been acquired through a monetary contribution. STUMPF, Roberta Giannubilo. *Os Cavaleiros do Ouro*. *Op. cit.*

⁶⁰ Lisbon, December 14, 1675. Consultation by the Overseas Council with Prince Regent Pedro regarding the sale of the position of *provedor* of the Royal Treasury in the captaincy of Pernambuco to raise funds to be used to aid the Kingdom of Angola AHU, Pernambuco, Cx. 11 Doc.1023. Available at: http://resgate.bn.br/docreader/DocReader.aspx?bib=015_PE&pagfis=7184. OLIVAL, Fernanda. Mercado de hábitos e serviços em Portugal (séculos XVII–XVIII). *Análise Social* 38, n. 168, 2003, p. 743-769. Accessed: June 20, 2024.

⁶¹ Many appointments in the Holy Office were sold for “relief” of India. Cf. FERNANDES, Alécio Nunes. *Corruption for whom?*, p. 133-134, this volume.

pecuniary service (a type of donation) offered by a subject who spent a sum for the service of a position and was thus contributing to the common good. Distributive justice was thus preserved. Virtuous subjects who performed useful services for the monarchy were paid. Royal favours were not sold; they were granted as a right. In the documentation, expressions that refer to this provision process as if it were a trade are rarely seen, except, of course, when its critics spoke out.

In any event, even before 1741, the Portuguese Crown took sporadic recourse to this strategy, with no need (or will) to legislate on the matter. The few positions involved in these transactions were mostly granted in property (for life and/or with semi-automatic heredity) and were located at a higher level in the hierarchy of the administration of the Portuguese Americas (mostly the Treasury) than those sold from 1741 on, and, therefore, were granted in exchange for much higher values.

Conclusion

It certainly seems contradictory that the same monarchy that demonstrated such prudence in the appointment of its officials – with attention paid to the quality of their lineage and religious reliability, or requirements concerning the activities carried out by the candidates – also granted offices for money, with no apparent concern over assessing whether future incumbents were capable of occupying those positions. The evidence that there is some paradox in the monarchy's stance is in the words of those who, in the 18th century, pointed out the problems of carrying out similar 'exchanges' of offices for donations.

Soon after sales started for intermediate positions of service in Portuguese America, on January 18, 1743, the *provedor* of the Royal Treasury of Rio de Janeiro, Francisco Cordovil Siqueira e Melo, informed the monarch via the Overseas Council that the recently created the post of bookkeeper at Casa da Vedoria, as he had no other income other than his salary of ten thousand reis per month,

was opened for tenders to pay a donation, there was one ignorant person who offered thirty thousand reis per year as a donation, and provision was given to him without prior information nor any examination, which seems to have been since he is an official who serves the *provedor* before him

The position of the Overseas Council in response to the *provedor* was peremptory. They made it understood that Cordovil Siqueira should suspend agents who were not

‘fit to carry out their duties’ and added that

it is the [Council's] obligation to represent to Your Majesty the great loss that Your Royal Treasury will fill by donating the officials of the Mint and others from your Royal Treasury, because in this there will be great embezzlements from which could take the amounts they have given for the offices.

Indeed, as stated earlier, temporary offices were granted with no inquiry about the buyers, who could then appoint *serventuários* to occupy positions that they themselves would not serve, and these gave

for the temporary offices more than they have in income, which is the custom of men of no wealth, taking money on credit (*tomando dinheiro à risco*) for donations, for rights, and for their transport. They are certain that everything will come out of the services of the offices with which they are endowed, which they cannot have without concealing major embezzlement, so that they can receive bribes from the contrabandists (*descaminhadores*)

In this essay, the topic of corruption, public offices and money was revisited in a specific context, that of the Portuguese monarchy, both like and different from its closest, neighbouring contexts. Some public offices were always sold (even after the Pombaline legislation⁶²), but always in smaller quantities and to a much lesser degree than in the Spanish and French monarchies. At the same time, officials and others have always been exposed as deviating from the straight and narrow and allowing themselves to be bribed and accepting monies. At the same time, as later in liberalism, wealth could be a criterion and a guarantee for the choice of officials, and it was never clear what could or could not be done and accepted when carrying out public duties. The discourse against corruption (designated thus or otherwise) was a recurring topic of vassals' complaints or disputes between them in the *Ancien Régime*. Here is not the right place to discuss how things changed with its successors.

⁶² AHU, *Registo de Consulta das Partes*, Códice 59, f.286.

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